

2019
Public Transit Title VI Program
City and County of Honolulu
Department of Transportation Services
Public Transit Division

Draft for Public Comment

2019 Public Transit Title VI Program

Introduction

The City and County of Honolulu Department of Transportation Services (DTS) through its Public Transit Division (PTD) is responsible for providing fixed-route (TheBus) and para-transit (TheHandi-Van) service for the island of Oahu. TheBus and TheHandi-Van are operated and maintained by Oahu Transit Services, Inc. (OTS), a private, not for profit management firm under contract with DTS.

TheBus operates 104 routes serving the major regions on the island of Oahu: Windward (Kahuku to Makapuu), Leeward (Makaha to Waipahu), Central Oahu (North Shore to Mililani) and the primary urban corridor (Pearl City to East Honolulu). The 104 routes are categorized into five modes of service operating at various times throughout the week: Rapid Bus (limited stop), Trunk, Circulator, Peak Hour Express, and Community Access.

Title VI (TVI), codified at 42 U.S.C §2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964 prohibiting discrimination against a broad range of protected classes, including race, color, and national origin in programs and activities receiving federal financial assistance. As a recipient of federal grant funds, DTS-PTD certifies to the Federal Transit Administration (FTA), upon execution of a master grant agreement and accompanying assurances and certifications, that public transit services are provided in compliance with Civil Rights legislation.

Recipients of FTA grants are required to prepare and submit a report every 3 years to document that public transit services are provided in a nondiscriminatory manner. The 2019 Public Transit TVI Program report is due to the FTA by June 1, 2019. The requirements for preparing this TVI Program report are outlined in Chapters 3 & 4, “FTA TVI Circular C 4702.1B (Circular)”. (Attachment 10)

Part I of this report addresses the Circular’s general requirements in Chapter 3 that are applicable to all FTA grantees. These requirements include: Program Contents, Public Notice, Complaint Procedures/Form, Investigations/Complaints/Lawsuits, Public Participation Plan/Process, Language Services for Limited English Proficient (LEP) Persons, Minority Representation on Planning/Advisory Boards, Subrecipient Assistance/Monitoring, Facility Site/Location Selection, and Approval by Governing Entity.

Part II of this report addresses the Circular’s Chapter 4 requirements that are applicable to fixed route transit providers who operate 50 or more fixed route vehicles in peak service and located in an urbanized area of 200k or more in population. The requirements include: Program Contents, System-Wide Service Standards/Policies, Demographic Data, Transit Service Monitoring, and Evaluation of Service/Fare Changes.

The transit service monitoring report documents TheBus service performance for all 104 routes against the system-wide service standards and policies to identify disparities between routes serving minority and non-minority populations. (Attachment 7)

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I. GENERAL REQUIREMENTS AND GUIDELINES FOR ALL FTA RECIPIENTS

Section 1: Requirement to Notify Beneficiaries of Protection Under Title VI

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

The Title VI (TVI) Notice to the Public is posted at the following locations.

- Department of Transportation Services, Public Transit Division, 3rd Floor Lobby.
- Oahu Transit Services: TheBus Customer Service Office, TheBus Pass Office.
- TheHandi-Van Eligibility Center.
- Car cards within fixed route public transit vehicles.
- Websites:
 - City & County of Honolulu Department of Transportation Services

<http://www.honolulu.gov/cms-dts-menu/site-dts-sitearticles/1883-thebus-non-discrimination-title-vi-policy.html>

- Oahu Transit Services: TheBus and TheHandi-Van

<http://www.thebus.org/AboutTheBus/TitleVI.asp>

<http://www.thebus.org/thehandivan/thehandivan.asp>

The TVI Notice is also mailed out in all TheHandi-Van Eligibility Center recertification and new applicant packages.

The TVI Notice is shown below.

Notifying the Public of Rights Under Title VI

The City and County of Honolulu

The City and County of Honolulu operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City and County of Honolulu.

For more information on the City and County of Honolulu's civil rights program, and the procedures to file a complaint, contact 808-768-8374; email thebusstop@honolulu.gov; or visit our administrative office at 650 South King Street, 3rd Floor, Honolulu, Hawaii 96813. For more information, visit <http://www.honolulu.gov/dts/aboutus/publictransit/>.

If information is needed in another language, call 808-768 8374.

- 如需此信息的其他语言版本，请致电808-768-8374。(中文)
- Ika e auhea epwe kawor awewen poraus non kapasen ew fonu, kokori 808-768-8374. (Kapasen Chuuk)
- No masapul ti impormasion iti sabali a lengguahe, awagan ti 808-768-8374. (Ilokano)
- 他の言語での情報が必要でしたら808-768-8374までお電話ください。(日本語)
- Kung kinakailangan ang impormasyon sa ibang wika, tumawag sa 808-768-8374. (Tagalog)



Notifying the Public of Rights Under Title VI

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- For more information on the City and County of Honolulu's civil rights program, and the procedures to file a complaint, contact (808) 768-8300; email handivan@honolulu.gov; or visit our administrative office at 650 South King Street, 3rd Floor, Honolulu, Hawaii 96813. For more information, visit <http://www.honolulu.gov/dts/aboutus/publictransit/>.
- If information is needed in another language, call (808) 768-8300.
 - 如需此信息的其他语言版本，请致电 (808) 768-8300。 (中文)
 - Ika e auhea epwe kawor awewen poraus non kapasen ew fonu, kokori (808) 768-8300. (Kapasen Chuuk)
 - No masapul ti impormasion iti sabali a lengguahe, awagan ti (808) 768-8300. (Ilokano)
 - 他の言語での情報が必要でしたら (808) 768-8300 までお電話ください。 (日本語)
 - Kung kinakailangan ang impormasyon sa ibang wika, tumawag sa (808) 768-8300. (Tagalog)

The TVI Car Card is shown below.

YOU HAVE RIGHTS

TheBus shall not discriminate based on race, color, national origin, gender, or disability and ensures transportation equity for all communities regardless of income level and social standing.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

MERON KANG KARAPATAN

Ang TheBus ay walang pinagkakaitan na sinuman base sa kanyang lahi, kulay, orihinal na pinagmulan, kasarian, o kakulangan at pinapasiguro ang karapatan sa lahat ng pamayanan kahit na mababa ang kita o anuman ang katayuan nito sa buhay.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

ADDA KARBENGAM

TI TheBus ket haan nga mangiduma babaen ti lahi, kolor, nasyonal nga kapoonan, wenu kinakurang ken ipatalged na ti pada pada nga serbisyo ti sakop ti komunidad ti siasinuman uray kadaguiti nababa ti sapol na ken anya man ti kinatao na.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

Questions/complaints:
Nu adda damagen
wen reklamo:

City & County of Honolulu
Department of Transportation Services
Frank F. Fasi Municipal Building
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813
(808) 768-8396

Hawaii Civil Rights Commission
Princess Keelikolani Building
830 Punchbowl Street, Room 411
Honolulu, Hawaii 96813
(808) 586-8636

U.S. Department of Transportation
Federal Transit Administration
Office of Civil Rights, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

For Title VI & Environmental Justice Information, go to: www.honolulu.gov/dts or www.thebus.org.

Paid for by the taxpayers of the City & County of Honolulu

貴方には権利があります

ザ・バスは人種、又は肌の色、出身地、性別、障害に基づいて差別をせず、所得水準と社会的地位に関係なく全ての地域社会に対し公平な交通手段を提供しています。

~引用 1964年第四公民権運動 1994年環境正義

您有權

TheBus 公司不得依據族裔、膚色、原國籍、性別、或殘障而歧視，同時要確定所有社區人士，無論收入水平及社會標準，均享有交通平等權

~參考 1964 民權法案第六章及 1994 年環境正義

당신의 권리

TheBus 회사는 인종 피부색 출신국가 성별 장애자에 따라 차별하지 않습니다. 동시 지역사회 모든 구성원 과 저소득 및 사회적 기준에 관계없이 동등한 트래픽 권리를 받습니다.

~참고 1964년 민권법 제6장 및 1994년 환경정의

Questions/complaints:
質問・苦情:
有問題/要投訴:
문제시/불평 소송:

City & County of Honolulu
Department of Transportation Services
Frank F. Fasi Municipal Building
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813
(808) 768-8396

Hawaii Civil Rights Commission
Princess Keelikolani Building
830 Punchbowl Street, Room 411
Honolulu, Hawaii 96813
(808) 586-8636

U.S. Department of Transportation
Federal Transit Administration
Office of Civil Rights, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

For Title VI & Environmental Justice Information, go to: www.honolulu.gov/dts or www.thebus.org.

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EWOR AM JIMWE

TheBus ejelok an nirbotak jekdron armij eo ej jen ia, color in enbwinin, lal eo an, eman ak kora, ak wor mojno ilo enbwinin ak lale bwe en wor jimwe im jokin wot juon ial nan aolep weto ko mekarta weto ta im armij in ia.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

MI WOR OM PWUUNG

EweBus esapw toongeni nifinifin aramas reen sokkun aramas, onuwen aramas, aramasen ekis, niemwan/niefefin, ika aramas mei ter inisiir, nge epwe wenechar aan angang ngeni meinisin ina mwo ika mi osupwang ika ese pwan wor itan non nonnomwun.

~Reference Title VI of the 1964 Civil Rights Act & Environmental Justice 1994

BẠN CÓ QUYỀN

TheBus sẽ không dựa vào chủng tộc, màu da, nguồn gốc quốc gia, giới tính, hoặc khuyết tật v.v. của hành khách mà có sự phân biệt đối xử, và đảm bảo giao thông vận chuyển công bằng cho tất cả các cộng đồng bất kể mức thu nhập và địa vị xã hội của họ.

~Tham khảo tiêu đề VI của Đạo luật Dân quyền năm 1964; Luật môi trường công lý năm 1994

Questions/complaints:

Câu hỏi/ khiếu nại:

City & County of Honolulu
Department of Transportation Services
Frank F. Fasi Municipal Building
650 South King Street, 3rd Floor
Honolulu, Hawaii 96813
(808) 768-8364

Hawaii Civil Rights Commission
Princess Keelikolani Building
830 Punchbowl Street, Room 411
Honolulu, Hawaii 96813
(808) 586-8636

U.S. Department of Transportation
Federal Transit Administration
Office of Civil Rights, Region IX
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

For Title VI & Environmental Justice Information, go to: www.honolulu.gov/dts or www.thebus.org.

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Section 2: Requirement to Develop Title VI Complaint Procedures and Complaint Form

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations.

In addition to developing complaint procedures, recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website.

The TVI Complaint Procedures and Form are on the following websites:

- City & County of Honolulu Department of Transportation Services (DTS)
<http://www.honolulu.gov/cms-dts-menu/site-dts-sitearticles/1883-thebus-non-discrimination-title-vi-policy.html>
- Oahu Transit Services (OTS): TheBus and TheHandi-Van
<http://www.thebus.org/AboutTheBus/TitleVI.asp>
<http://www.thebus.org/thehandivan/thehandivan.asp>

Complaint Forms (Attachment 1) are available at the following locations and in the languages identified in the Limited English Proficient (LEP) Plan (Attachment 3).

- Download from DTS and OTS websites listed above.
- Through mail or email by calling DTS at (808)768-8396, or emailing TheBusStop@honolulu.gov or handivan@honolulu.gov
- In-person at:
 - DTS (650 South King St., 3rd Floor)
 - OTS TheBus Customer Service Office (811 Middle St.)
 - OTS TheBus Pass Office (Kalihi Transit Ctr, Middle St. at Kamehameha Hwy.)

The Complaint Process displayed below has been extracted from the official DTS website.

Title VI Non-Discrimination Policy

The City & County of Honolulu, Department of Transportation Services (DTS), as a recipient of Federal funds, has certified and provided assurances that it, and Oahu Transit Services, Inc. (OTS), the non-profit corporation contracted by DTS to provide TheBus and TheHandi-Van services, will fully comply with Title VI of the Civil Rights Act of 1964. DTS, and OTS, are committed to ensuring that no person using public transit services is discriminated against on the basis of race, color, or national origin, particularly in the following service areas:

- Scheduling
- Quality of service
- Frequency of service
- Age and quality of vehicles assigned to routes
- Quality of stations serving different routes
- Location of routes

Title VI Notice

You Have Rights. TheBus and TheHandi-Van shall not discriminate based on race, color, or national origin, and ensures transportation equity for all communities regardless of income level.

- referencing Title VI and Environmental Justice

TheBus Title VI Notice Downloads:

- [English](#) (118KB PDF)
- [Chinese \(中文\)](#) (135KB PDF)
- [Japanese \(日本語\)](#) (202KB PDF)
- [Ilokano](#) (94KB PDF)
- [Tagalog](#) (94KB PDF)
- [Chuukese \(Kapasen Chuuk\)](#) (95KB PDF)

TheHandi-Van Title VI Notice Downloads:

- [English](#) (153KB PDF)
- [Chinese \(中文\)](#) (82KB PDF)
- [Japanese \(日本語\)](#) (149KB PDF)
- [Ilokano](#) (40KB PDF)
- [Tagalog](#) (40KB PDF)
- [Chuukese \(Kapasen Chuuk\)](#) (41KB PDF)

What is Title VI

Title VI of the Civil Rights Act of 1964 prohibits discrimination in programs and activities receiving Federal financial assistance on the basis of race, color, or national origin.

The City & County of Honolulu, Department of Transportation Services (DTS), and the non-profit corporation it has contracted to provide fixed route services, "TheBus," and paratransit services, "TheHandi-Van," are committed to ensuring that no person is discriminated against while using TheBus or TheHandi-Van as prohibited by Title VI of the Civil Rights Act of 1964. Any person using TheBus or TheHandi-Van who believes he or she is a victim of such discrimination may file a complaint with DTS.

Title VI protections have been extended via two Presidential Executive Orders to Environmental Justice, which also protects persons of low income, and Limited English Proficiency.

Who can complain

Anyone who believes that he or she has been discriminated against while using TheBus or TheHandi-Van may file a Title VI complaint with DTS.

How to file a Title VI discrimination complaint

If a person believes he or she has been discriminated against in using TheBus or TheHandi-Van, they may file a signed, written complaint within one hundred eighty (180) days of the date of alleged discrimination. Complaints should provide the following information:

- Complainant's name, address, and contact information (telephone number, email address, etc.)
- How, when, where, and why the complainant believes he or she was discriminated against
- Location, names, and contact information of any witnesses

File the complaint in writing with DTS, Public Transit Division at:

Fixed Route Operations
Public Transit Division
Department of Transportation Services
City & County of Honolulu
Frank. Fasi Municipal Building
650 South King Street, Third Floor
Honolulu, Hawaii 96813-3017

Email: TheBusStop@honolulu.gov
Phone: (808) 768-8374

Paratransit Operations
Public Transit Division
Department of Transportation Services
City & County of Honolulu
Frank. Fasi Municipal Building
650 South King Street, Third Floor
Honolulu, Hawaii 96813-3017

Email: handivan@honolulu.gov
Phone: (808) 768-8300

If the complainant is unable to write a complaint, DTS will provide assistance.

Printable Complaint Form Downloads:

- [English](#) (18KB PDF)
- [Chinese \(中文\)](#) (156KB PDF)
- [Japanese \(日本語\)](#) (144KB PDF)
- [Ilokano](#) (296KB PDF)
- [Tagalog](#) (95KB PDF)
- [Chuukese \(Kapasen Chuuk\)](#) (106KB PDF)

In addition to the Title VI complaint process at DTS, a complainant may also file a Title VI complaint with an external entity, such as:

- U.S. Department of Transportation
Federal Transit Administration
Office of Civil Rights, Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105-1839
- Other agency, Federal or state
- A court, Federal or state

If a complaint is filed with both DTS and an external entity, the external complaint will supersede the DTS complaint and DTS' complaint procedures will be suspended until the external entity produces its findings.

How DTS handles complaints

Complaints that allege discrimination while using TheBus or TheHandi-Van services, provided by DTS, through OTS, will be recorded in the Discrimination Complaint Log and immediately assigned a complaint number by DTS, Public Transit Division.

DTS will review the Title VI complaint and will provide appropriate assistance to complainants, including those who have limited English proficiency (LEP).

DTS will investigate a formal Title VI complaint within ten (10) working days of receiving the complaint. Based upon all of the information received, DTS will prepare a draft written response, subject to review by the City & County of Honolulu's Corporation Counsel.

DTS will contact the complainant in writing within fifteen (15) working days for additional information, if needed, to investigate the complaint. If the complainant fails to provide the requested information by a certain date, the complaint could be administratively closed.

Corporation Counsel will determine if the complaint may be administratively closed after the draft is written, or if a final written response is needed. If a final written response is needed, DTS will send the response to the complainant and advise the complainant of his or her right to file a complaint externally.

The complainant also will be advised of his or her right to appeal the response to Federal and state authorities as appropriate. DTS will diligently attempt to respond to a complaint within sixty (60) working days of its receipt by DTS, unless it was also filed with an outside agency, as noted above.

How DTS notifies a complainant of the outcome

DTS will send a final written response to the complainant and advise the complainant of his or her right to file a complaint externally. DTS will diligently attempt to respond to complaints within sixty (60) workdays of its receipt.

Section 3: Requirement to Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits

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

The table below lists the 2016, 2017, and 2018 Title VI complaints, investigations, and lawsuits filed against DTS-PTD and OTS.

Title VI Log: Investigations, Lawsuits, Complaints 2016 – 2018				
	Date	Grounds of Complaint	Status	Action(s) Taken
Investigations				
1. 2018-01	10/19/18	Race/Disability/Color	Invalid	Dismissed
Lawsuits				
1.	04/17/2016	Race	Invalid	Dismissed
2.	10/25/2017	Race	Invalid	Dismissed
Complaints				
1. M-003169K	05/02/2016	Race	Inconclusive	Dismissed
2. 2016-01	11/29/2016	Race	Inconclusive	Dismissed

Section 4: Promoting Inclusive Public Participation

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

Promoting inclusive public participation is accomplished through DTS-PTD's Public Participation Plan. (Attachment 2)

In an effort to receive feedback on the 2019 Public Transit TVI Program from the public and organizations involved with minority, low-income, and LEP populations, the following outreach measures will be taken:

- Honolulu City Council
 - Distribution to the 9 Councilmembers.
 - Presentation to the Council Transportation Committee.
 - Presentation to Councilmembers upon request.
- Neighborhood Boards
 - Distribution to the 33 Boards.
 - Presentation at Board meetings upon request.
- Committee for Accessible Transportation
 - Distribution and presentation to committee members.
- Electronic Information
 - The Program is posted to both the DTS and OTS TheBus & TheHandi-Van websites.
- Other Means/Methods
 - Coordination with other Agencies.
 - Screen reader format for persons with low vision upon request.
 - Mail or email upon request.

Section 5: Requirement to Provide Meaningful Access to Limited English Proficient Persons

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient (LEP). The recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it services.

DTS-PTD is committed to providing meaningful access to its services by Limited English Proficient (LEP) persons. The 2019 LEP Plan identifies appropriate language assistance measures needed to improve access to public transit services by LEP persons.

DTS-PTD utilizes contracted phone interpretation services (over 100 languages) and translates vital documents in the languages identified in the LEP Plan; translation in other languages may be provided to the maximum extent feasible and on a case-by-case basis.

A copy of DTS-PTD's 2019 LEP Plan can be found at Attachment 3.

Section 6: Minority Representation on Planning and Advisory Bodies

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.” Recipients that have transit-related, nonelected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

DTS is not involved in the selection of members for the following committees or boards.

The Honolulu City Council (Council) is DTS-PTD’s approving body and members are elected.

The Rate Commission and Committee for Accessible Transportation (CAT) are two DTS-PTD’s advisory committees that are comprised of non-elected members. The Honolulu Authority for Rapid Transit (HART) is a semi-autonomous City agency and subrecipient of DTS’ FTA grant funding.

The Rate Commission members are appointed by the Mayor and the Council. The CAT is comprised of representatives from the nine (9) agencies listed below.

Committee for Accessible Transportation Agencies:

- Access to Independence
- Adult Day Centers of Hawaii
- Aloha Independent Living Hawaii
- Catholic Charities Hawai’i
- Easter Seals Hawaii
- Hawaii Disability Rights Center
- Ho’opono Services for the Blind
- KOKUA Program: University of Hawaii Manoa
- Lanakila Pacific

The current HART Board of Directors consists of thirteen (13) non-elected, volunteer members. Ten (10) members are appointed by the Mayor and the Honolulu City Council, and three (3) are the State Department of Transportation Director, the City Department of Transportation Services Director, and the City Department of Planning and Permitting Director.

Section 7: Monitoring Subrecipients

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

In order to ensure subrecipients are in compliance with TVI requirements, subrecipients may develop their own TVI program or follow DTS' Public Transit TVI program. DTS-PTD will assist all subrecipients with Title VI compliance as necessary and appropriate.

Subrecipients who develop their own TVI program must submit it to DTS-PTD for compliance review every three years.

DTS-PTD monitors all subrecipients for TVI compliance on an annual basis through on-site visits, communication, and review of relevant records, documents, and website content. Subrecipients are notified of monitoring results within 30 days of the monitoring completion date. If a subrecipient is determined to be non-compliant, deficiencies must be corrected within 30, 60, or 90 days of the monitoring completion date. DTS-PTD will issue a notice that corrective actions have been satisfactorily completed within 30 days of the completion date.

A copy of DTS-PTD's TVI Oversight of Subrecipients, Lessees, and Third Party Contactors policies and procedures can be found at Attachment 4.

Section 8: Determination of Site or Location of Facilities

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. Facilities include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. Facilities do not include bus shelters and transit stations, power substations, etc. are evaluated during project development of the NEPA process.

DTS is currently conducting three planning studies to develop transit facilities on existing City owned properties. All three properties are located in non-minority and non-low income Census block group areas.

- Ala Moana Transit Plaza – new transportation facility that will facilitate transfers between bus and rail transit modes for public transit system passengers. It is envisioned as a multi-modal transit plaza with support facilities for bike-share operations and bus transit vehicles, including short-term parking, layovers, and electric charging stations.
- Kapolei Maintenance Facility and Transit Center – development of a new support facility for the public transit system, including new administration, maintenance and parking facilities to serve as the West Oahu base for the bus transit fleet.
- Royal Kunia Public Transit Facility – redevelopment of the existing Royal Kunia park-and-ride facility and transit center as a mixed-use facility including a light duty maintenance facility for the City and County of Honolulu's paratransit (TheHandi-Van) vehicles, public transit park-and-ride and transit center, and a multi-generational day care facility.

A copy of DTS-PTD's Determination of Site or Location of Facilities policies and procedures can be found at Attachment 5.

Section 9: Approval of the TVI Program by Governing Entity

The recipient must provide a copy of board meeting minutes, resolutions, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved by the Title VI Program. The approval must occur prior to submission to the FTA.

DTS will submit the 2019 Public Transit Title VI Program to the Honolulu City Council for approval through its Transportation Committee. Tentative meeting dates are:

- April 25, 2019 Transportation Committee Meeting
- May 8, 2019 Honolulu City Council

II. REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS

Section 10: Requirement to Set System-wide Service Standards

This requirement applies to all fixed route providers of public transportation service. Appendix C to 49 CFR part 21 provides in Section (3)(iii) that “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.”

System-wide Service Standards:

- Vehicle load for each mode
- Vehicle headway for each mode
- On-time performance for each mode
- Service availability

TheBus Service Modes:

- Rapid Bus (limited stop) Routes
- Trunk Routes
- Circulator Routes
- Peak Hour Express Routes
- Community Access

Vehicle Load

For most of the time, TheBus services operate with sufficient frequency to provide every passenger with a seat. However, during the heaviest travel times or locations, passengers will experience standing loads. During these periods, DTS strives to provide sufficient service so that passengers are reasonably comfortable.

The purpose of the vehicle load standard is to define the levels of crowding that are acceptable by mode and time period. DTS defines vehicle load factor as the ratio of passengers on board to the number of seats on a vehicle. There are a number of different types of vehicles in the TheBus fleet at any given time, and the fleet changes over time. Hence, the actual seating capacity and maximum number of passengers allowed by the comfort standards for each mode changes periodically.

The DTS will measure the passenger miles that experiences overcrowded conditions during each time period. The DTS standard is that no more than 10% of annual passenger miles shall exceed the vehicle load factor standard for overcrowding. DTS will evaluate routes that do not meet the 10% standard to address overcrowding.

Maximum vehicle load factors for all modes and periods are defined in the following table.

Comfortable Vehicle Load Factors						
Service Mode	Weekday					Weekend
	AM Peak (1st bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – 12pm)	Night Owl (12pm – last Bus)	All Day
Rapid Bus	1.4	1.2	1.4	1.2	1.2	1.2
Trunk	1.4	1.2	1.4	1.2	1.2	1.2
Circulator	1.4	1.2	1.4	1.2	1.2	1.2
Peak Hour Express	1.2	NA	1.2	NA	NA	1.2
*Community Access	1.4	1.2	1.4	1.2	1.2	1.2

*Currently, there is no Community Access service.

Vehicle Headway

Vehicle headway is defined as amount of time between two vehicles traveling in the same direction on the same route. Scheduling headway across service modes and time periods is affected by the following factors, including but not limited to: ridership, route length, traffic congestion/conditions, population density, demand generators, and budget constraints.

Vehicle Headway Standard (in minutes)						
Service Mode	Weekday					Weekend
	AM Peak (1 st bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – 12m)	Night Owl (12pm – last bus)	All Day
Rapid Bus	15	30	15	30	D	30-45
Trunk	20	30	20	45	D	30-60
Circulator	30	45	30	60	D	60
Peak Hour Express	D	NA	D	NA	NA	NA
*Community Access	D	D	D	D	D	D

*Currently, there is no Community Access service. D: As appropriate to meet demand

On-Time Performance

The average measure of runs completed as scheduled.

- On-time is measured as 2 minutes early to 5 minutes late of scheduled arrival and departure times.
- Early is greater than 2 minutes of the scheduled departure time.
- Late is greater than 5 minutes of the scheduled arrival time.

The Standard for all service modes is 80%.

Service Availability

A general measure of the distribution of routes within an agency's service area.

Standard:

Route availability within a ½ mile radius for 80% of the population.

Section 11: Requirement to Set System-wide Service Policies

Policies must include:

- ***Distribution of transit amenities for each mode***
- ***Vehicle assignment for each mode***

Distribution of Transit Amenities

Items of comfort, convenience, and safety, such as seating, shelter, trash receptacles, and lighting.

Policy:

- All amenities shall comply with ADA Accessibility Guidelines (ADAAG)
- Installation at stops along bus routes are typically based on number of passenger boardings, number of routes served, transfer point, headways, and space requirements.

Amenities	Stop Characteristics for Distribution
Shelter	Transfer points, two or more bus routes, headways >40 minutes, average to high proportion of passenger boardings in relation to route ridership
Bench	Transfer points, two or more bus routes, headways >30 minutes, average proportion of passenger boardings in relation to route ridership
Trash Receptacle	Transfer points, two or more bus routes, headways >15 minutes, medium to high proportion of passenger boardings in relation to route ridership and/or adjacent to trash receptacle use generator(s).
Provision of Information	As needed and appropriate

Vehicle Assignment

Process by which transit vehicles are assigned to routes. All buses are wheelchair accessible and equipped with bike racks. Low floor buses have ramps and high floor buses have lifts.

Policy:

Vehicles assignments are based on the operating characteristics of the route such as ridership, service mode, and roadway conditions (narrow, steep, tight turns). Typically, 60-foot buses are assigned to Rapid Bus, high ridership, or long-distance routes; 40-foot buses to trunk/circulator routes; and 30/35-foot buses to circulator/community access routes where ridership complements vehicle capacity and routes with streets that are narrow, steep, or have tight turns. High floor buses, while no longer manufactured and older in age, have a greater seating capacity than low floor buses and are equipped with a wheelchair lift instead of a ramp; and are assigned to routes with unimproved right-of-ways where lifts are more conducive, routes prone to ponding/flooding conditions, and routes where ridership is a little too high to be adequately accommodated by a low floor bus.

Section 12: Requirement to Collect and Report Demographic Data

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

Demographic data for Maps 1 – 4 is based on the Oahu Metropolitan Planning Organization Title VI/Environmental Justice Analysis Update Report (September 2016).

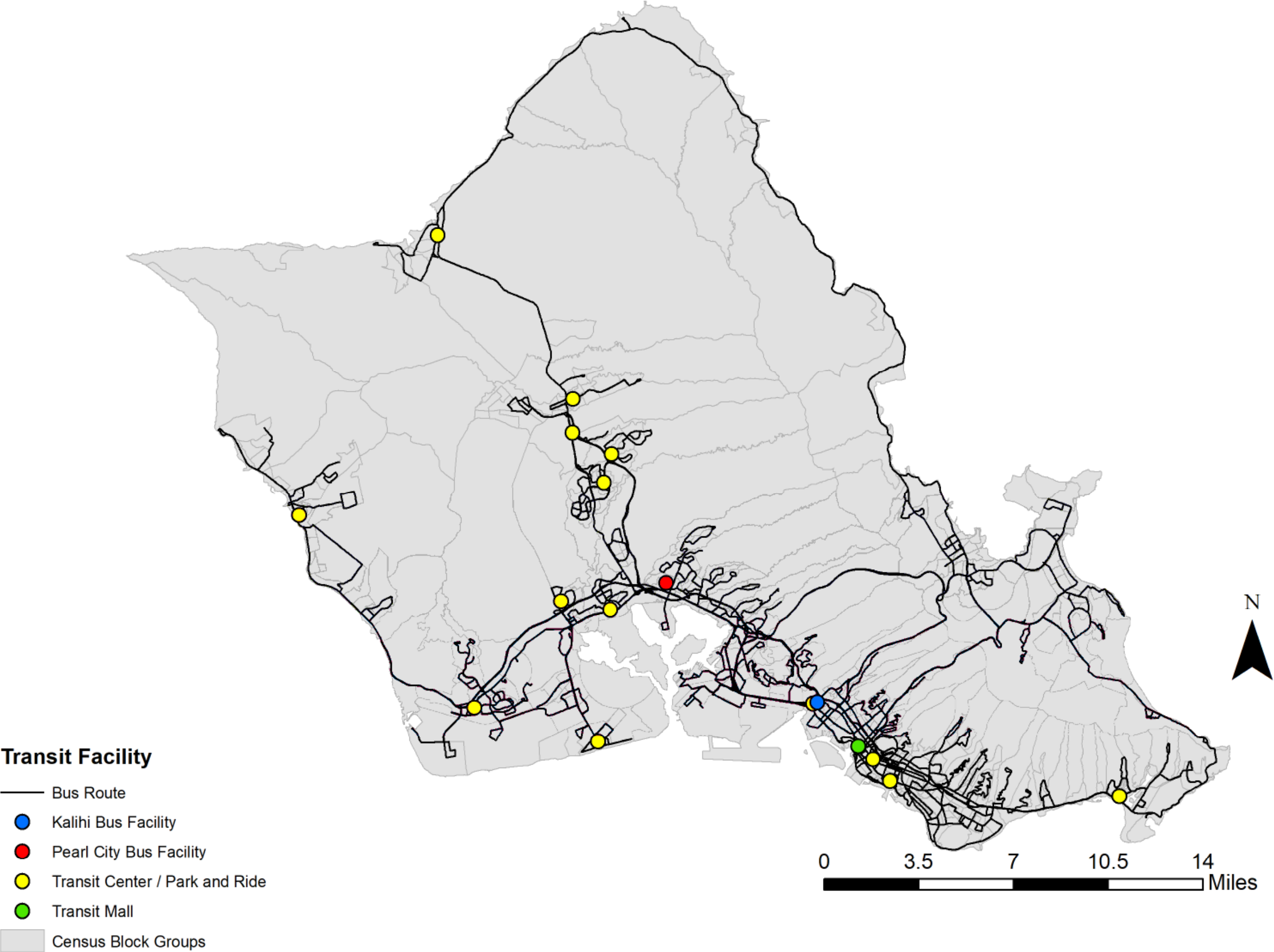
For the purpose of this report, these maps are reduced samples of the full large scale maps available at DTS-PTD and contain only the details that were visible at the reduced scale.

- Map 1 Base Service Area: Base map of the service area that overlays Census block groups, with bus facilities, transit centers, park-and-rides, and bus routes.
- Map 2 Title VI Areas: Demographic map that plots the bus routes shown in the base service area and shades those Census block groups 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.
- Map 3 Environmental Justice Areas: Demographic map that plots the bus routes shown in the base service area and shades those Census block groups 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.
- Map 4 Title VI & Environmental Justice Areas: Demographic map that plots the bus routes shown in the base service area and combines the Title VI and Environmental Justice areas shown in Maps 2 and 3. Shaded areas indicate minority, low income, and a combination of minority and low income Census block groups.

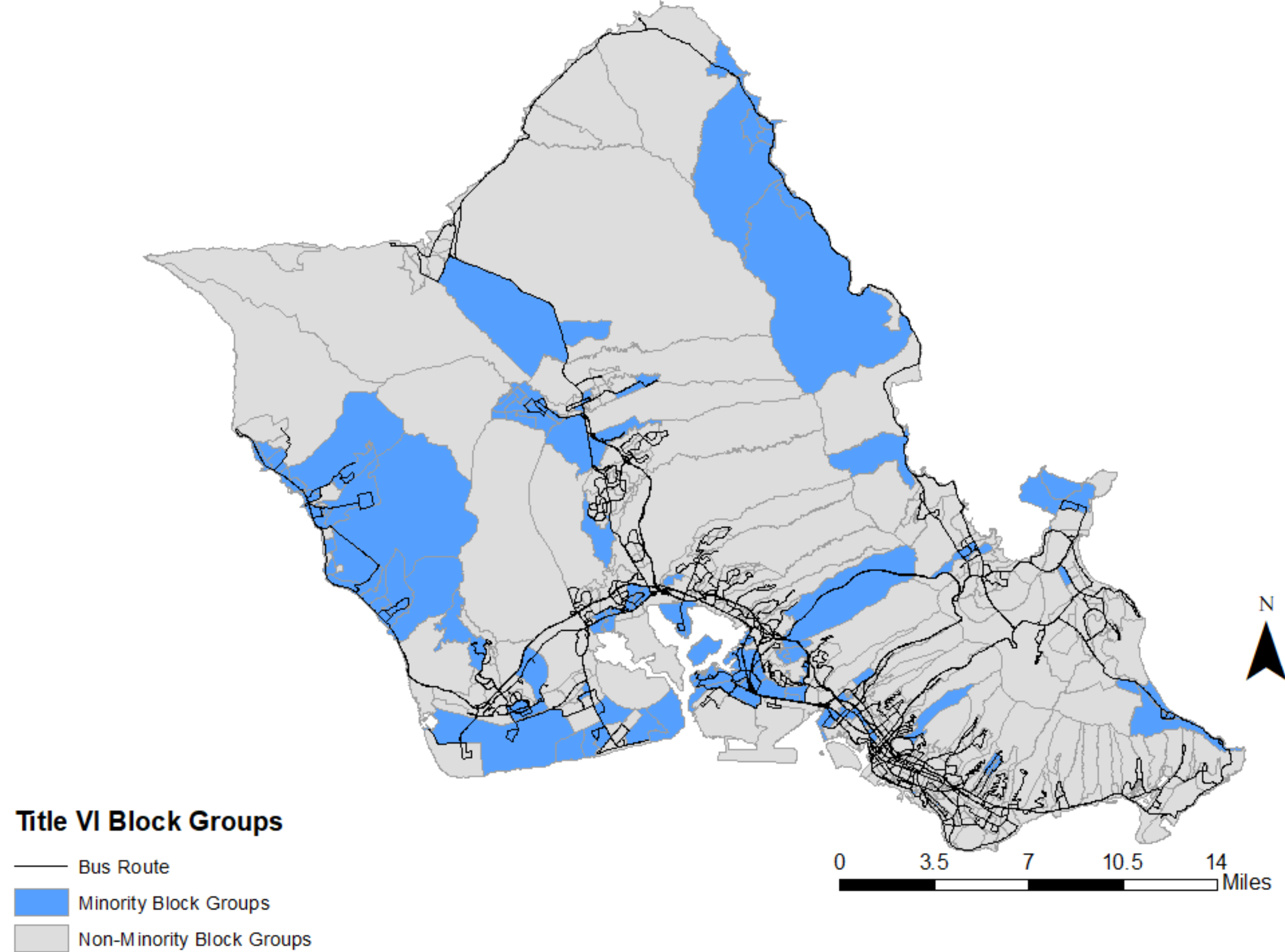
The following are also included:

- Link to individual route maps: <http://www.thebus.org/Route/Routes.asp>.
- Figure 1 showing the ethnic group breakdown of Honolulu based on the Oahu Metropolitan Planning Organization Title VI/Environmental Justice Analysis Update Report (September 2016).
- Figure 2 listing the 104 bus route service areas and the percentage of TVI/EJ populations in the service area.

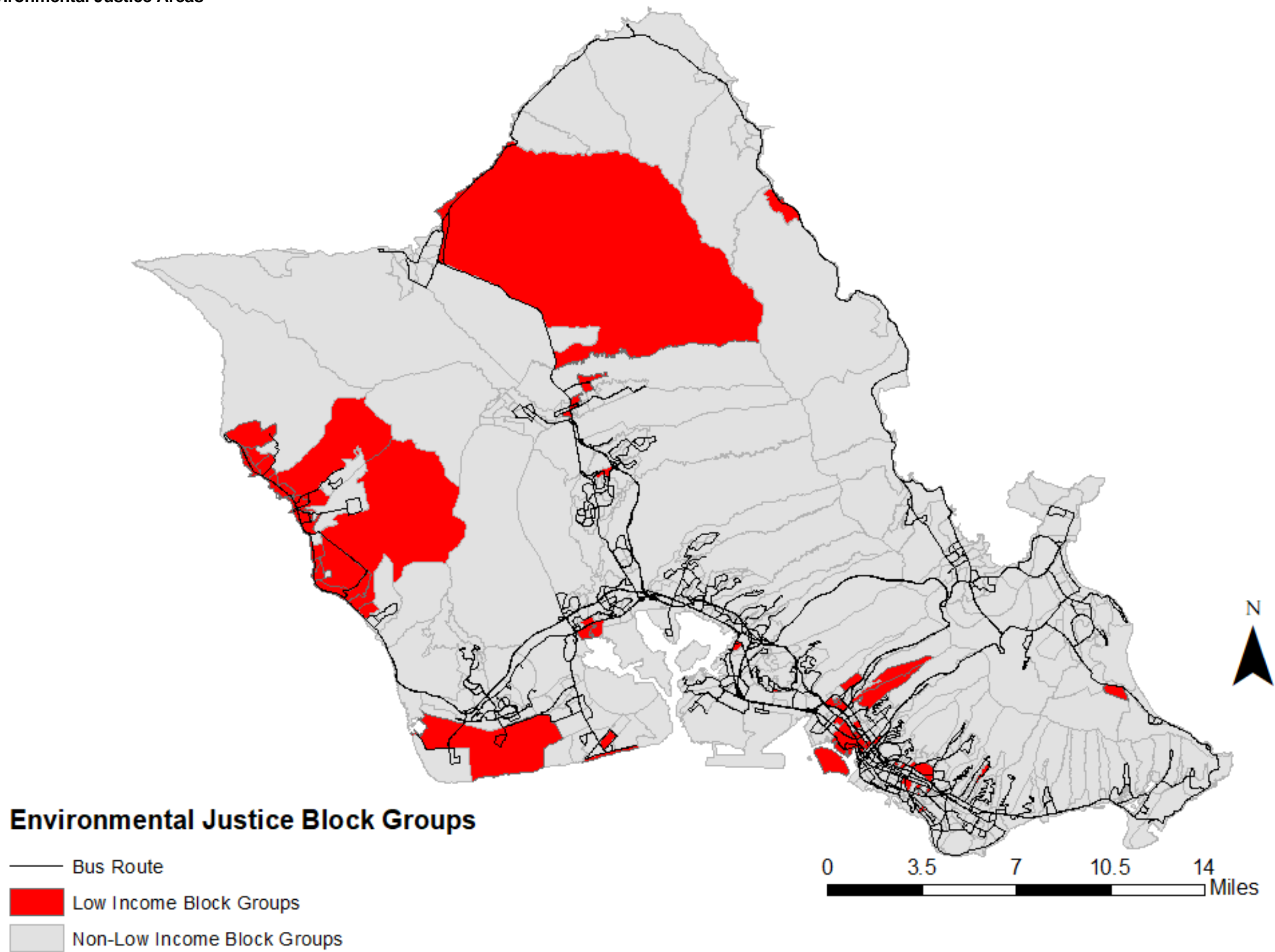
Map 1: Base Service Area



Map 2: Title VI Areas



Map 3: Environmental Justice Areas



Map 4: Title VI and Environmental Justice Areas

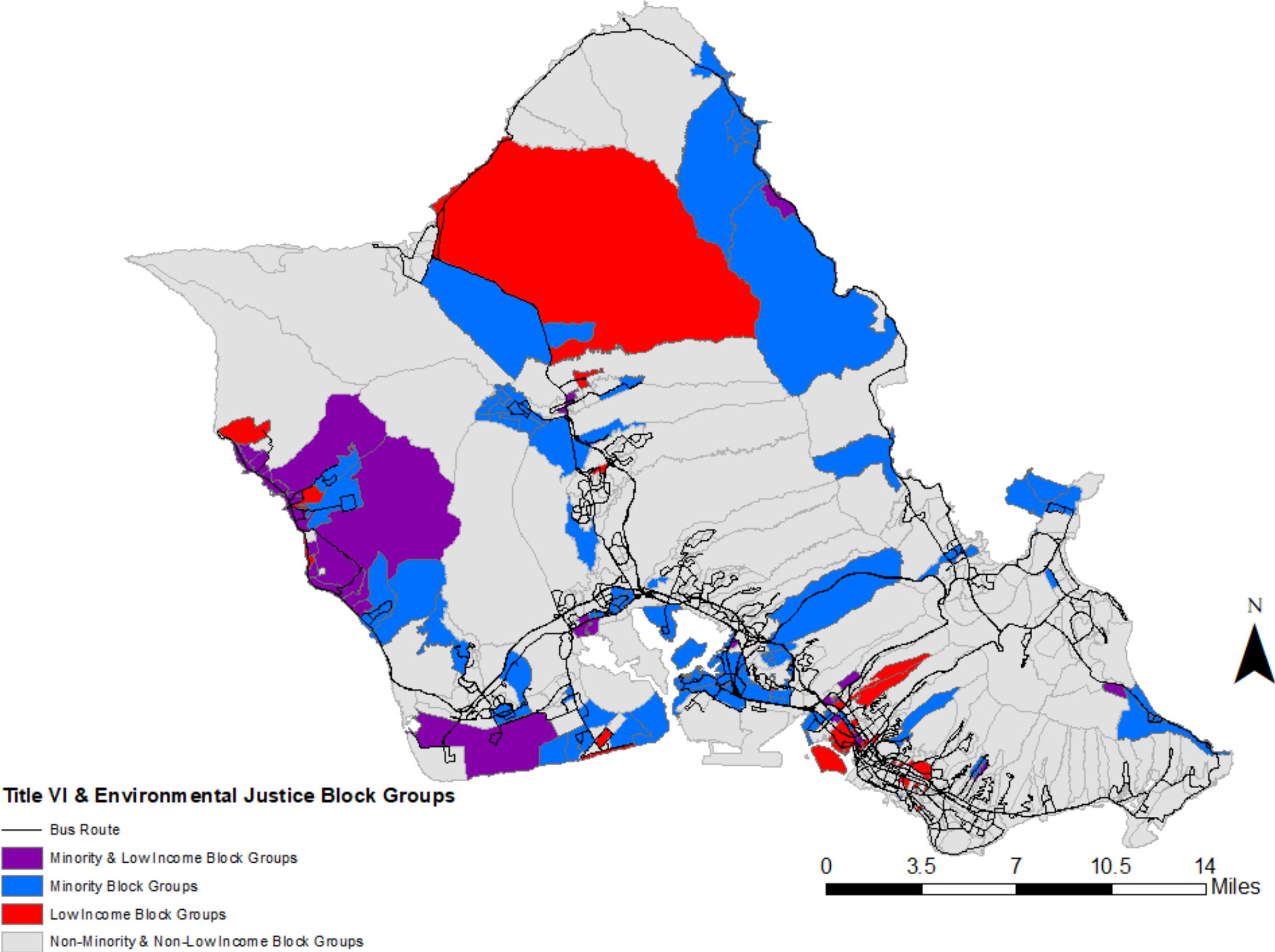
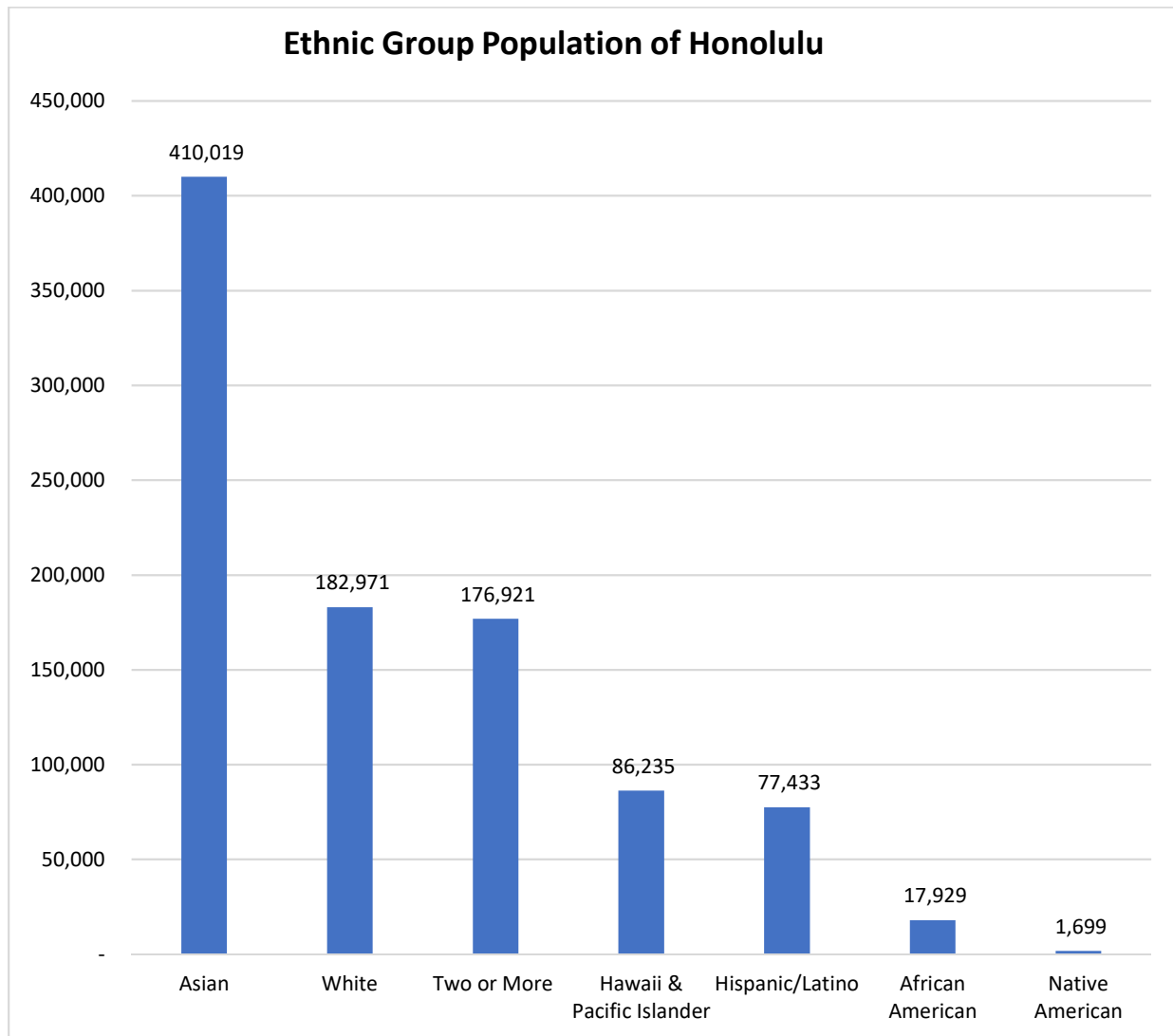


Figure 1
Ethnic Breakdown



(Source: The Oahu Metropolitan Planning Organization Title VI/Environmental Justice Analysis Update Report, September 2016)

As of 2016, Honolulu had a population of about 953,000. The ethnic breakdown, based on U.S. Census categories were:

- Asian: 410,019
- White: 182,971
- Two or More: 176,921
- Hawaii/Pacific Islander: 86,235
- Hispanic/Latino: 77,433
- African American: 17,929
- Native American: 1,699

Figure 2
Bus Route Summary: Proportion of TVI/EJ Served Populations
(Title VI/EJ Routes Shaded)

<u>Route (Service Area)</u>	<u>% TVI/EJ in Service Area</u>	<u>Route (Service Area)</u>	<u>% TVI/EJ in Service Area</u>	<u>Route (Service Area)</u>	<u>% TVI/EJ in Service Area</u>	<u>Route (Service Area)</u>	<u>% TVI/EJ in Service Area</u>
1	23	42	36	89	29	501	8
2	24	43	45	90	22	503	24
3	23	44	41	91	36	504	10
4	19	51	32	92	29	1L	19
5	21	52	29	93	56	2L	24
6	18	53	23	94	25	57A	15
7	45	54	21	96	29	80A	11
8	14	55	29	97	25	80B	17
9	30	56	19	98	29	84A	23
10	35	57	20	99	24	85A	27
11	23	65	19	101	32	88A	35
13	22	70	19	102	33	98A	21
14	5	71	0	103	28	9S	15
15	13	72	68	234	0	A	35
16	63	73	24	235	0	C	49
17	17	74	10	401	100	E	28
18	15	76	2	402	99	PH1	76
19	32	77	34	403	92	PH2	22
20	30	80	11	411	28	PH3	34
22	9	81	38	413	29	PH4	36
23	9	82	12	414	17	PH5	20
24	0	83	29	415	35	PH6	29
31	55	84	25	416	43	PH7	45
32	33	85	20	432	43	W1	35
40	48	87	12	433	29	W2	27
41	41	88	31	434	36	W3	30

(Source: The Oahu Metropolitan Planning Organization Title VI/Environmental Justice Analysis Update Report, September 2016)

Figure 2 above displays the bus routes and the proportion of the service area (within a ½ mile radius of a bus route) designated as TVI/EJ. Of 104 routes, 48 routes are identified as TVI/EJ. Routes were identified as TVI/EJ routes based on a ½ mile radius that the route served. 29% is used as the minimum level for designating routes as TVI/EJ because it is the mean percentage of all TVI/EJ populations within a ½ mile radius among the routes.

Route No.	Initial	KALIHI DIVISION (54) ROUTE NAME	Route No.	Initial	PEARL CITY DIVISION (50) ROUTE NAME
PH4	KKPH	Kaneohe-Kahaluu-Pearl Harbor Exp.	A	CXA	City Express! A
PH5	WWPH	Windward-Pearl Harbor Express	C	CXC	Country Express! C
PH6	HKPH	Hawaii Kai-Pearl Harbor Express	E	CXE	Country Express! E
W3	KSX	Kalihi via School Street Express	PH1	WCPH	Waianae Coast-Pearl Harbor Express
1	KK	Kaimuki-Kalihi	PH2	MTPH	Miliani Town Pearl-Harbor Express
1L	SHKL	School Street-Hawaii Kai Limited	PH3	WHPH	Wahiawa Heights-Pearl Harbor Exp.
2	WSM	Waikiki-School-Middle	PH7	EBPH	Ewa Beach-Pearl Harbor
2L	WSML	Waikiki-School-Middle Limited	W1	WFX	Waipahu via Farrington Express
3	KSL	Kaimuki-Salt Lake	W2	WPX	Waipahu via Paia Express
4	NP	Nuuanu-Punahou	40	HM	Honolulu-Makaha
5	AMM	Ala Moana-Manoa	41	KEB	Kapolei-Ewa Beach
6	PW	Pauoa-Woodlawn	42	EBW	Ewa Beach-Waikiki
7	KV	Kalihi Valley	44	WEB	Waipahu-Ewa Beach
8	WAM	Waikiki-Ala Moana	51	HW	Honolulu-Wahiawa
9	KPH	Kaimuki-Pearl Harbor	52	HMH	Honolulu-Miliani-Haleiwa
9s	PV	Palolo Valley	53	HPP	Honolulu-Pacific Palisades
10	KAH	Kalihi-Aiea Heights	55	HKH	Honolulu-Kaneohe-Haleiwa
11	MHA	Makalapa-Halawa-Aiea Heights	65	HK	Honolulu-Kahaluu
13	LWU	Liliha-Waikiki-University	71	PN	Pearridge-Newtown
14	SM	St. Louis-Maunaloa	72	SWW	Schofield-Wahiawa-Whitmore
15	MPH	Makiki-Pacific Heights	73	LCC	Leeward Community College
16	MV	Moanalua Valley	76	WH	Waialua-Haleiwa
17	MAM	Makiki-Ala Moana	81	WX	Waipahu Express
18	UAM	University-Ala Moana	83	WTX	Wahiawa Town Express
19	WAH	Waikiki-Airport-Hickam	84	MXN	Miliani Express-North
20	WP	Waikiki-Pearridge	84A	MXS	Miliani Express-South
22	BB	Beach Bus	88	KAX	Kahaluu-Ahuimanu Express
23	HKS	Hawaii Kai-Sea Life Park	88A	NSX	North Shore Express
24	KAH	Kapahulu-Aiea Haina	90	PCX	Pearl City Express
31	TM	Tripler-Mapunapuna	91	EBX	Ewa Beach Express
32	KP	Kalihi-Pearridge	92	MCX	Makakilo City Express
43	WHA	Waipahu-Honolulu-Alapai	93	WCXC	Waianae Coast Express-CBD
54	HPC	Honolulu-Pearl City	96	WGX	Waipio Gentry Express
56	HKK	Honolulu-Kailua-Kaneohe	99	WMWK	Wahiawa-Miliani-Waipahu-Kapolei
57	KWS	Kailua-Waimanalo-Sea Life Park	101	EGX	Ewa Gentry Express
57A	KEL	Kailua-Enchanted Lake	102	VKX	Villages of Kapolei Express
70	LM	Lanikai-Maunawili	401	WV	Waianae Valley
74	AHH	Aiea-Halawa Heights	402	LH	Lualualei Homestead
77	WK	Waimanalo-Kaneohe	403	NMW	Nanakuli-Mali-Waianae
80	HKPR	Hawaii Kai Park & Ride Express	411	MH	Makakilo Heights
80A	HKPU	Hawaii Kai Park & Ride Express-UH	413	CIP	Campbell Industrial Park
80B	UAX	Upper Aiea Haina Express	414	PMK	Palahia-Makakilo-Kapolei
82	HKPR	Hawaii Kai Park & Ride Express	415	KTCK	Kapolei Transit Center-Kalaheo
85	WWXK	Windward Express-Kaneohe	416	KC	Kapolei Circulator
85A	WWXH	Windward Express-Haiku	432	EWV	East-West Waipahu
87	WWXK	Windward Express-Kailua	433	WWSC	Waipahu-Waialea Shopping Center
89	WKK	Waimanalo-Kailua Express	434	WVP	Waipahu-Village Park
94	VKKX	Villages of Kapolei-Kaupea Express	501	MM	Miliani Mauka
97	VPX	Village Park Express	503	MLV	Miliani-Launani Valley
98	WMPR	Wahiawa-Miliani Park & Ride	504	MS	Miliani South
98A	MTC	Wahiawa-Miliani Transit Center			
103	PWX	Paia-Waialea Express			
234	KMWN	Kahala Mall-Waialea Nui			
235	KMWI	Kahala Mall-Waialea Iki			

Section 13: Demographic Ridership and Travel Patterns

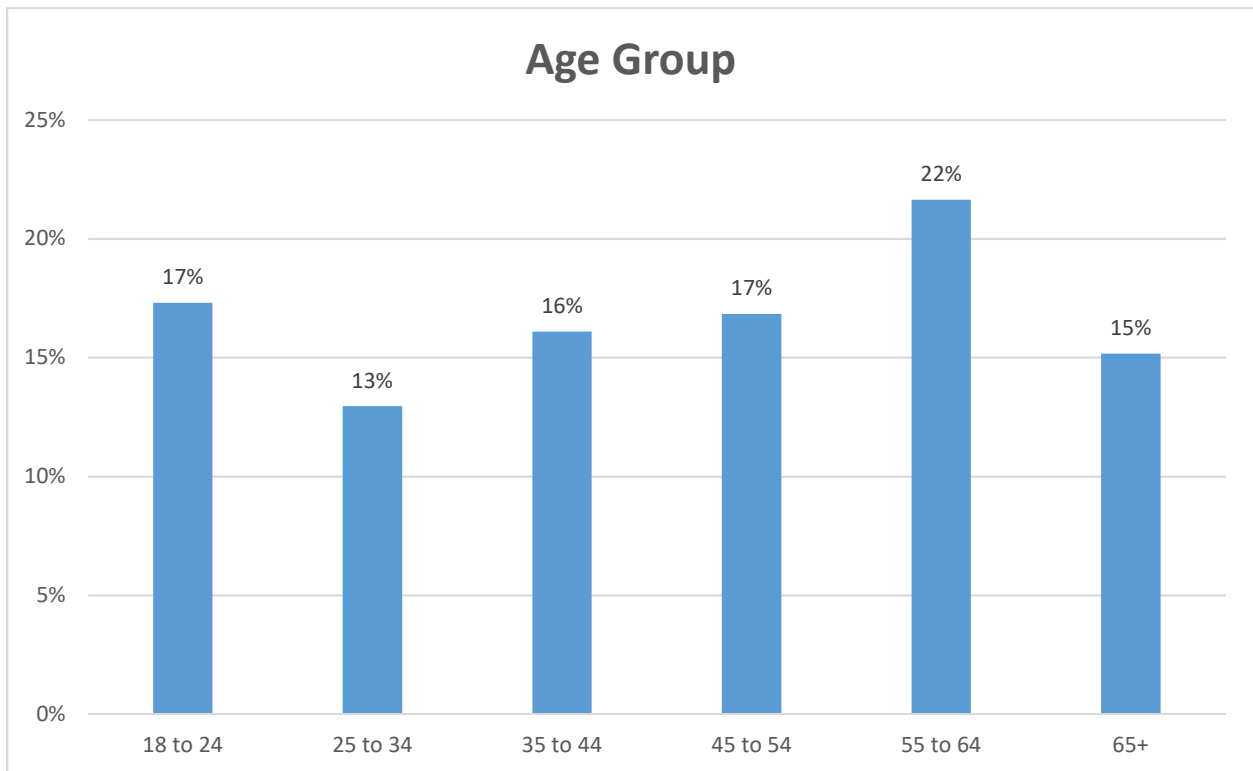
Fixed route providers shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority 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 in low-income users, in order to assist with fare equity analyses.

In 2018, DTS-PTD conducted a survey to identify ridership demographics and travel patterns.

Results can be seen in Figures 3 - 19.

- Figure 3: Age
- Figure 4: Gender
- Figure 5: Ethnicity
- Figure 6: Household Size
- Figure 7: Annual Household Income
- Figure 8: Employment Status
- Figure 9: Ability to Speak English
- Figure 10: Other Languages Spoken at Home
- Figure 11: Trip Payment
- Figure 12: Days per Week Riding TheBus
- Figure 13: Purpose of Trip
- Figure 14: Alternative Method of Travel
- Figure 15: Driver's License Status
- Figure 16: Location of Residence
- Figure 17: Trip Origination
- Figure 18: Trip Destination
- Figure 19: Resident Status

Figure 3: Age

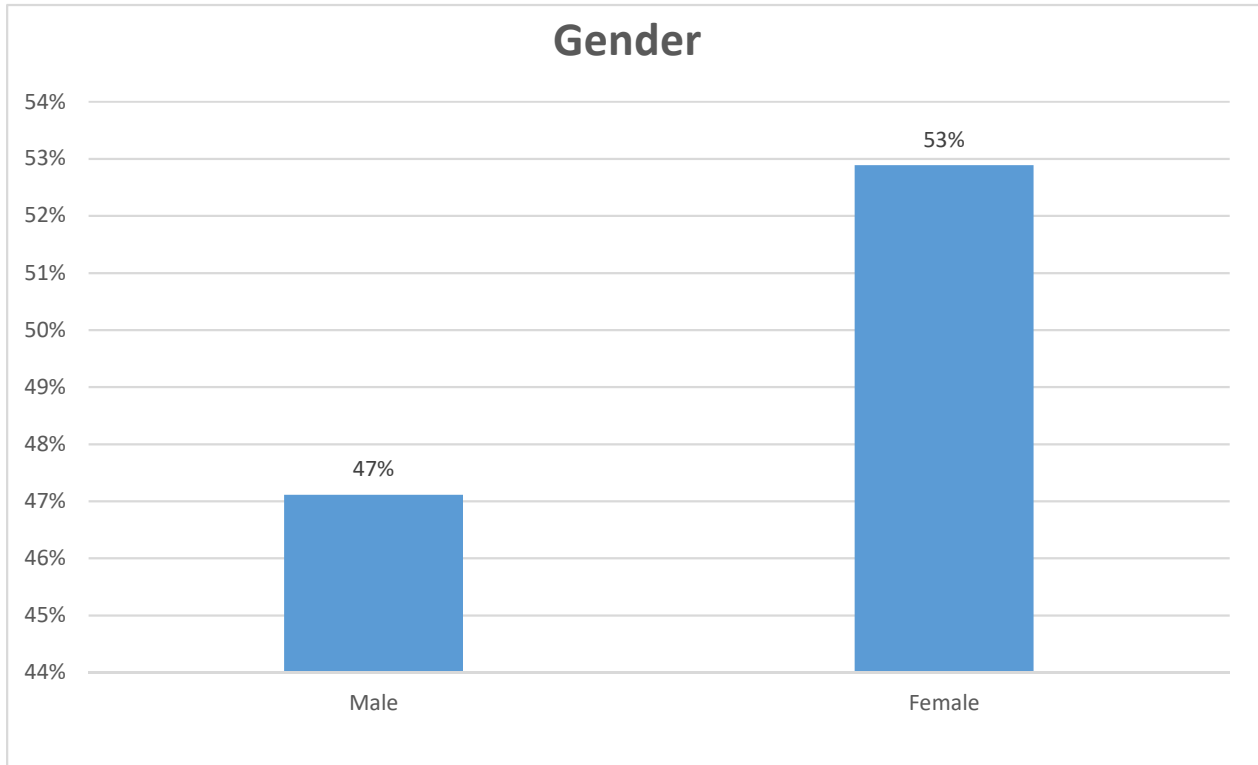


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)
(Adult usage only. SMS Research policy precludes the survey of Youth.)

Ridership shows a broad range of age groups that use the bus in Honolulu. The highest number of riders are in the 55 – 64 age range.

- 22%: 55 to 64 years old
- 17%: 18 to 24 years old
45 to 54 years old
- 16%: 35 to 44 years old
- 15%: 65 + years old
- 13%: 25 to 34 years old

Figure 4: Gender

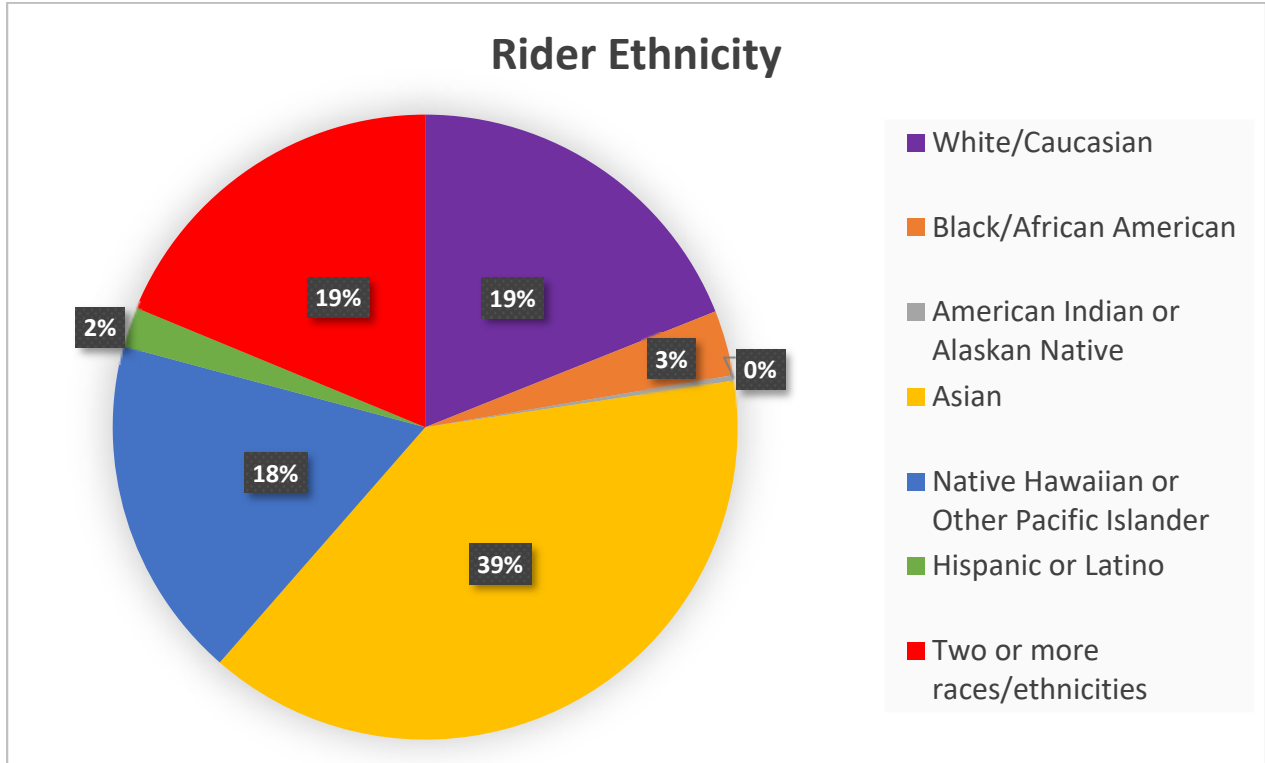


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS, December, 2018)

Ridership is comparable between genders, with 6% more females than males.

- Female: 53%
- Male: 47%

Figure 5: Ethnicity



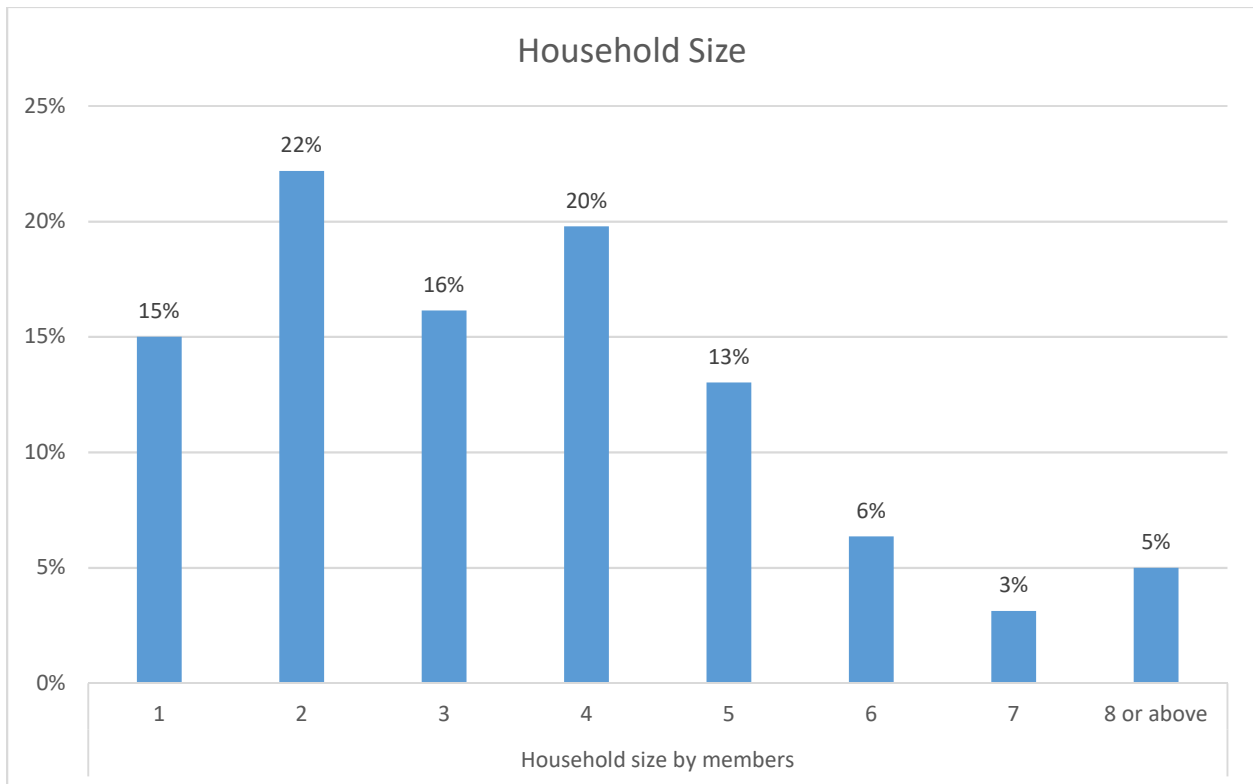
(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

*Individuals who self-identify as American Indian or Alaskan Native total 0.003%.

There is a diversity of ethnicities in Honolulu. Among ridership, the three predominant groups are Asians, Caucasians and those who have two or more ethnicities.

- 39%: Asian
- 19%: White/Caucasian
- Two or more races/ethnicities
- 18%: Native Hawaiian or Other Pacific Islander
- 3%: Black/African American
- 2%: Hispanic or Latino
- 0%: American Indian or Alaskan Native*

Figure 6: Household Size

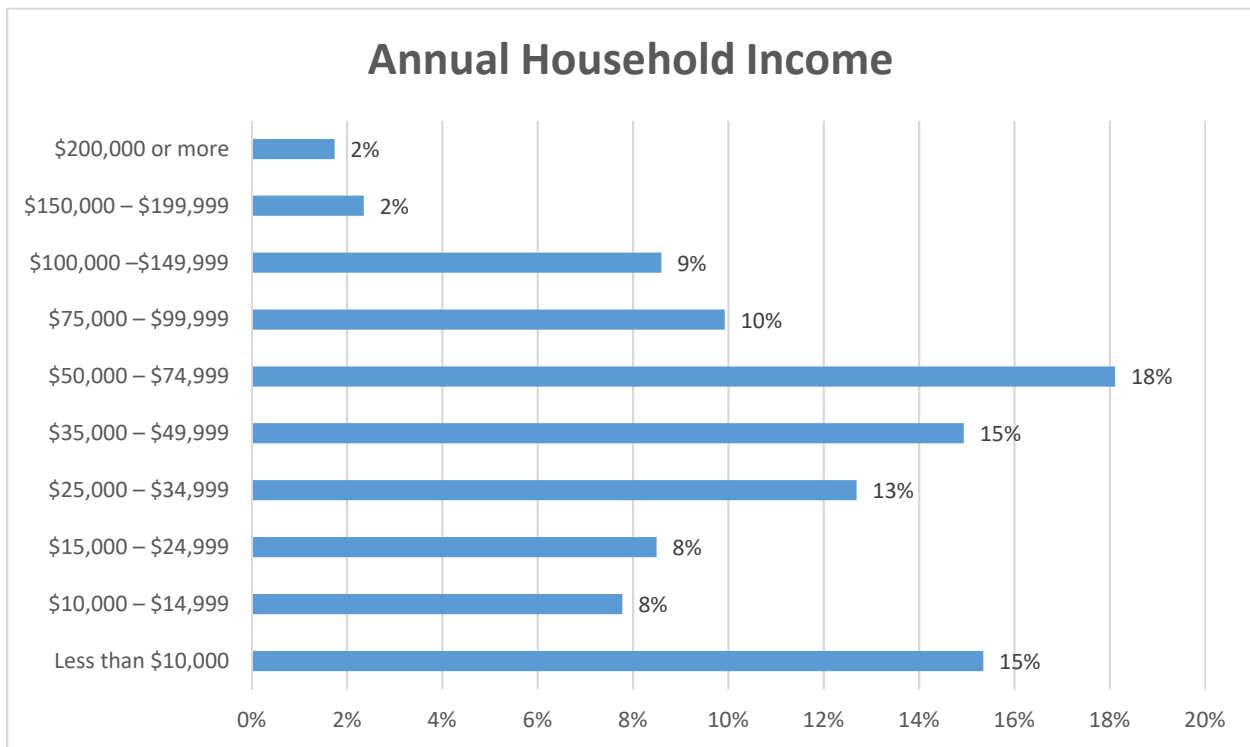


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

The household of the average bus rider is generally comprised of two to four members.

- 22%: 2 household members
- 20%: 4 household members
- 16%: 3 household members
- 14%: 1 household members
- 13%: 5 household members
- 6%: 6 household members
- 5%: 8 or more household members
- 3%: 7 household members

Figure 7: Annual Household Income

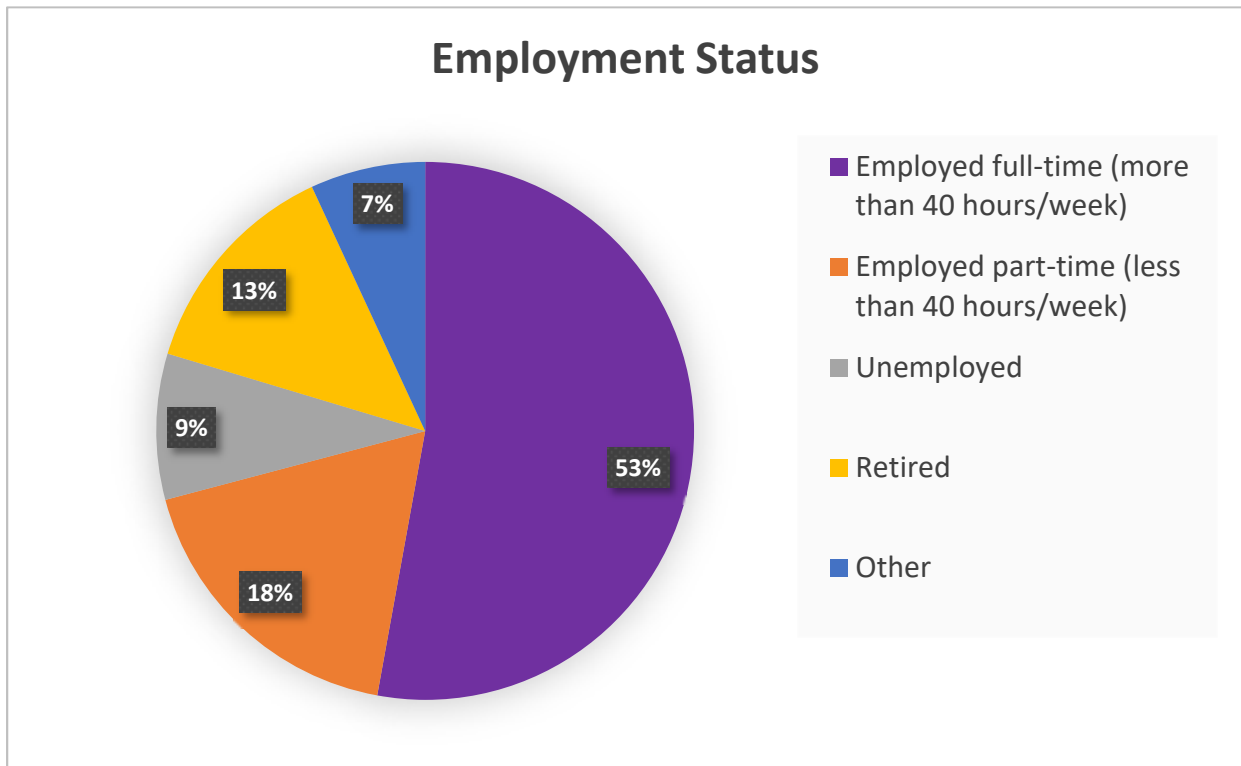


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

A majority of bus riders belong in the middle income group while the next highest group of riders belong in the lower income group.

- 18%: \$50,000 - \$74,999
- 15%: \$35,000 - \$49,999
- 15%: Less than \$10,000
- 13%: \$25,000 - \$34,999
- 10%: \$75,000 - \$99,999
- 9%: \$100,000 - \$149,999
- 8%: \$15,000 - \$24,999
- 8%: \$10,000 - \$14,999
- 2%: \$150,000 - \$199,999
- 2%: \$200,000 or more

Figure 8: Employment Status

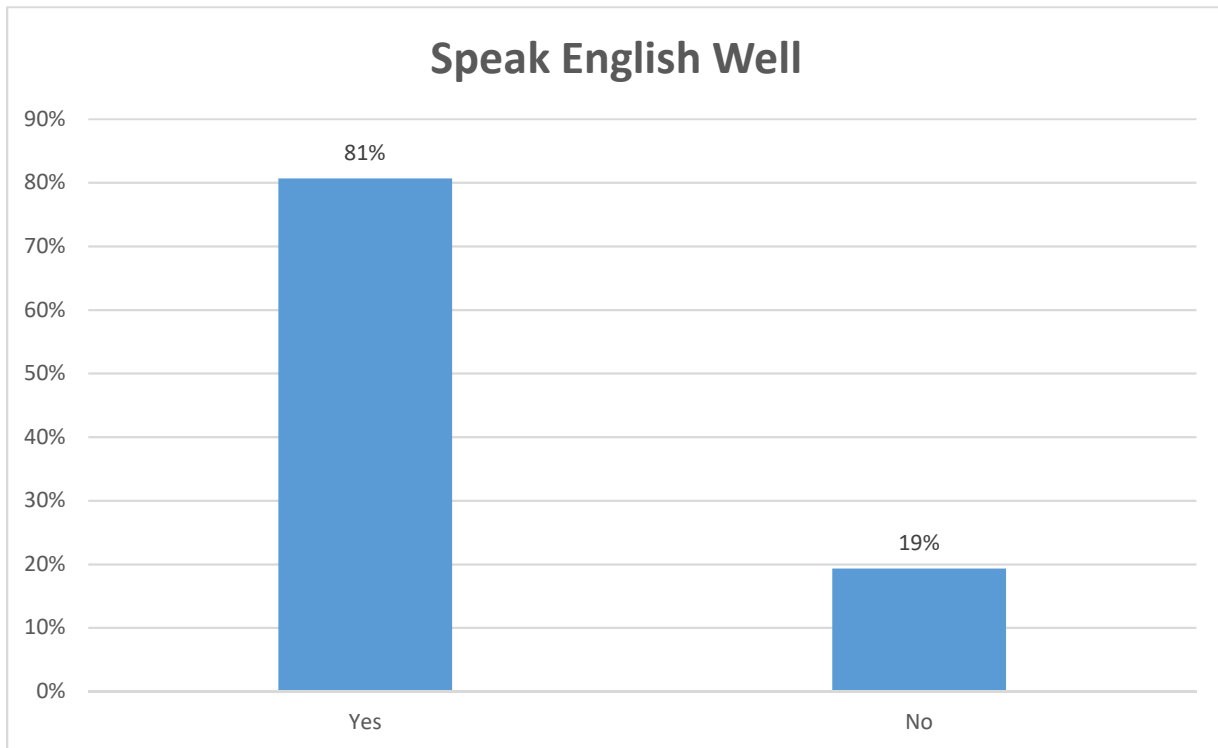


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

A majority of bus riders are full-time employees who depend on the bus as their main mode of transportation.

- 53%: Employed full-time (more than 40 hours/week)
- 18%: Employed part-time (less than 40 hours/week)
- 13%: Retired
- 9%: Unemployed
- 7%: Other

Figure 9: Ability to Speak English

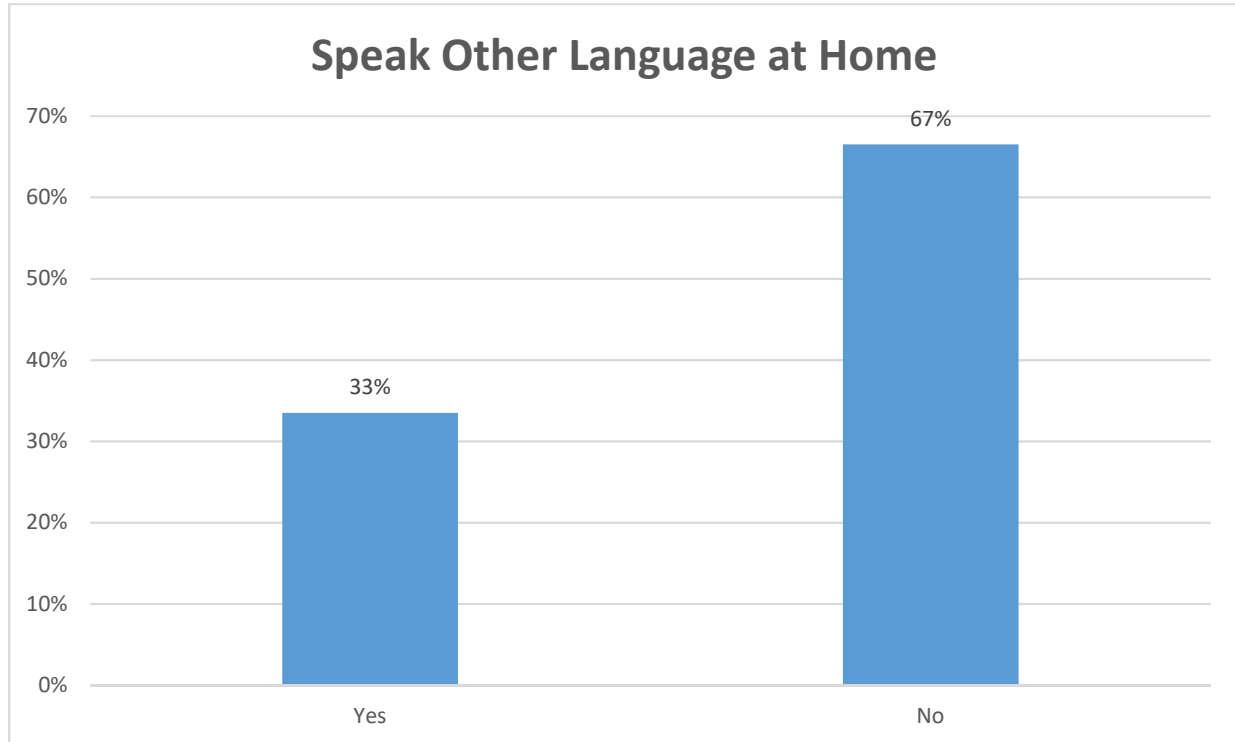


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

Most riders speak English well despite Hawaii's diverse ethnicities.

- Yes: 81%
- No: 19%

Figure 10: Other Languages Spoken at Home

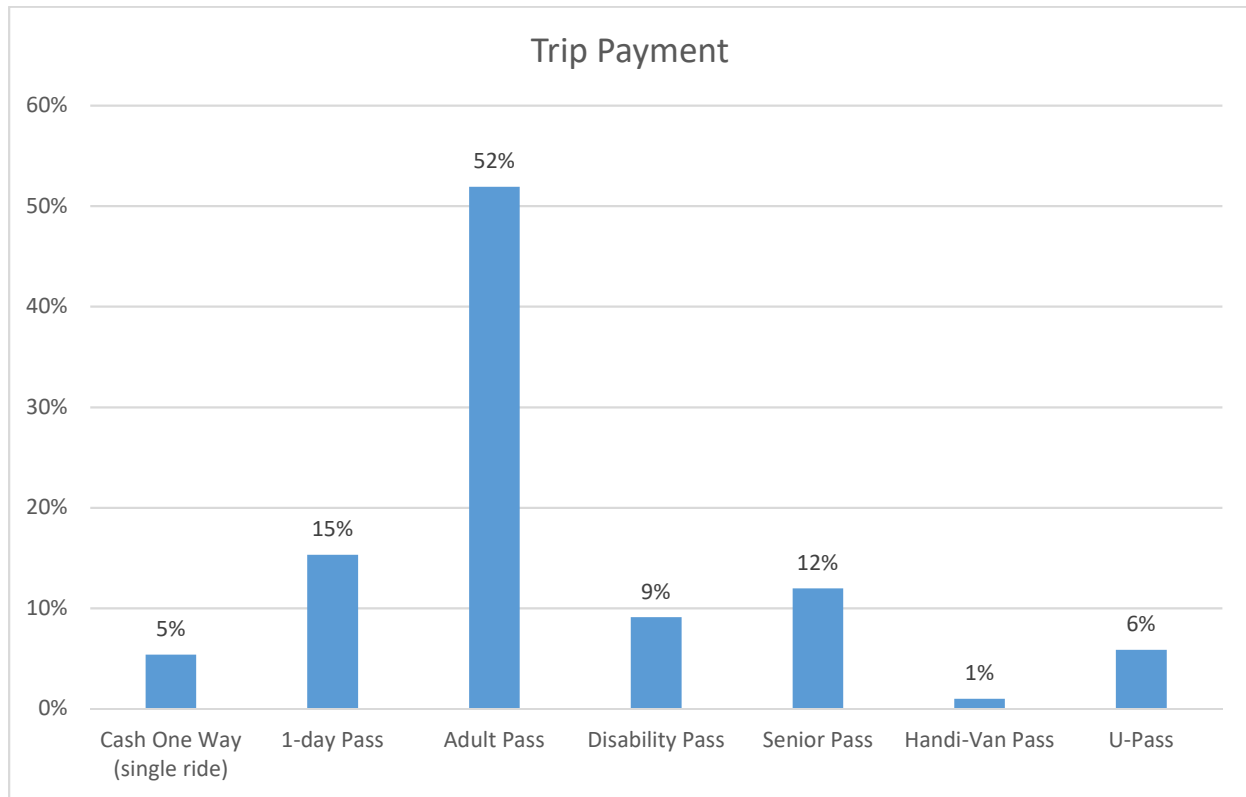


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

A third of the ridership self-identified as speaking a language other than English at home.

- No: 67%
- Yes: 33%

Figure 11: Trip Payment

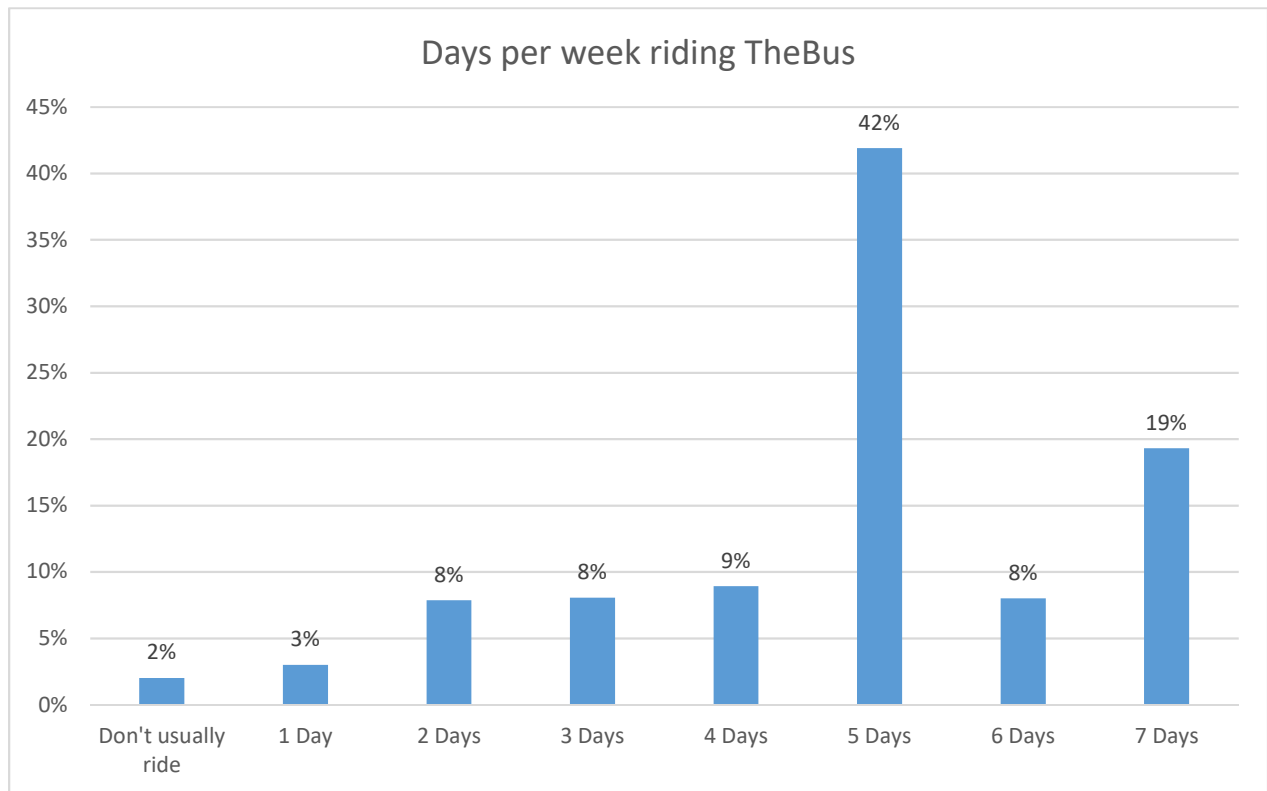


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

Approximately half of the ridership uses the Adult Monthly Bus Pass to ride the bus.

- 52%: Adult Monthly Pass
- 15%: 1-day Pass
- 12%: Senior Pass
- 9%: Disability Pass
- 6%: U Pass
- 5%: Cash One Way (single ride)
- 1%: Handi-Van Pass

Figure 12: Days per Week Riding TheBus

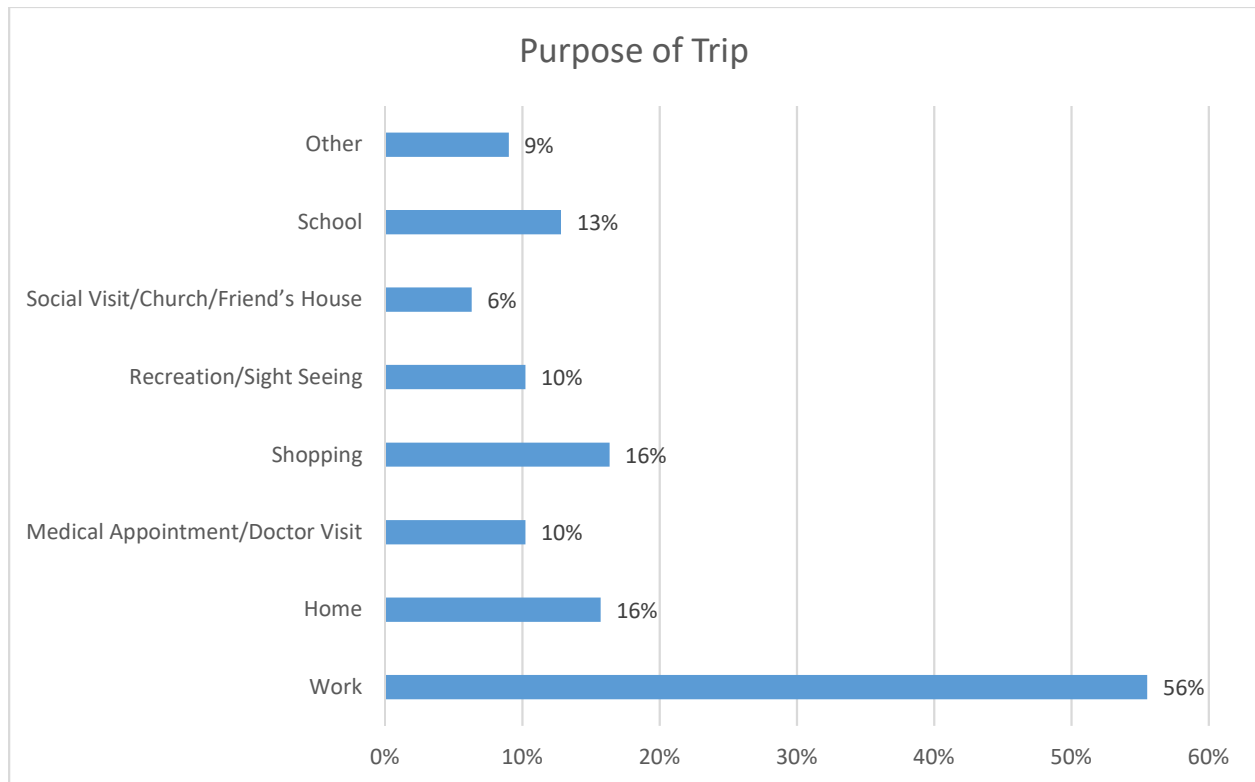


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

42% of riders ride the bus 5 times a week. This correlates to Figure 8 data that 53% of riders are full-time employees, Figure 11 data that 52% of riders use the Adult bus pass, and Figure 13 data that 56% of riders use the bus for work purposes.

- 42%: 5 Days
- 19%: 7 Days
- 9%: 6 Days
- 8%: 4 Days
- 8%: 3 Days
- 8%: 2 Days
- 3%: 1 Days

Figure 13: Purpose of Trip



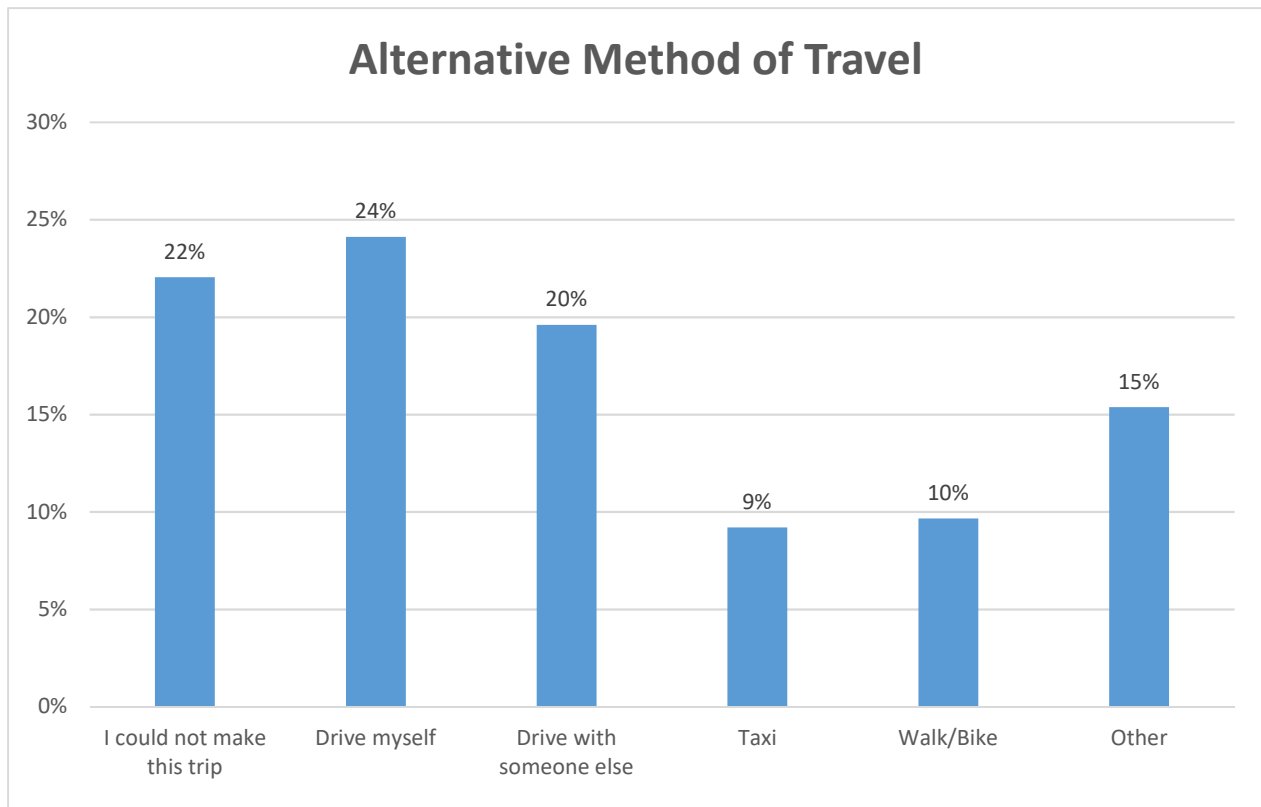
(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

*Total exceeds 100% because many riders utilize the bus for many purposes in a single trip.

A majority of bus riders utilize the bus for work purposes. Based on the previous charts, it appears that full-time employees use the bus five days a week as their main mode of transportation to and from work. Therefore, these full-time employee riders would purchase an Adult Monthly Bus Pass as an affordable means to travel.

- 56%: Work
- 16%: Shopping
Home
- 13%: School
- 10%: Recreation/Site Seeing
Medical Appointment/Doctor Visit
- 6%: Social Visit/Church/Friend's House
- 9%: Other

Figure 14: Alternative Method of Travel

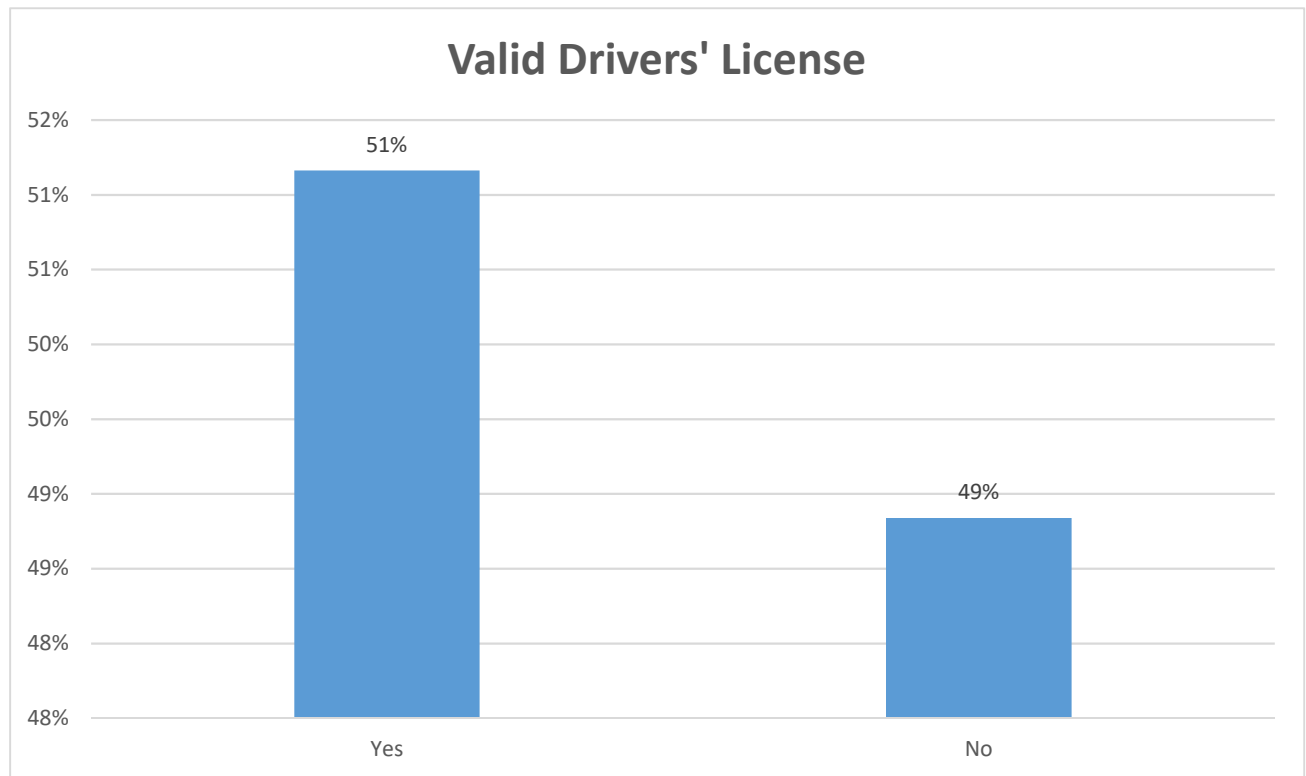


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

22% of riders rely solely on the bus for transportation and do not have other alternatives if bus service is not available.

- 24%: Drive myself
- 22%: I could not make this trip
- 20%: Drive with someone else
- 15%: Other
- 10%: Walk/Bike
- 9%: Taxi

Figure 15: Driver's License Status

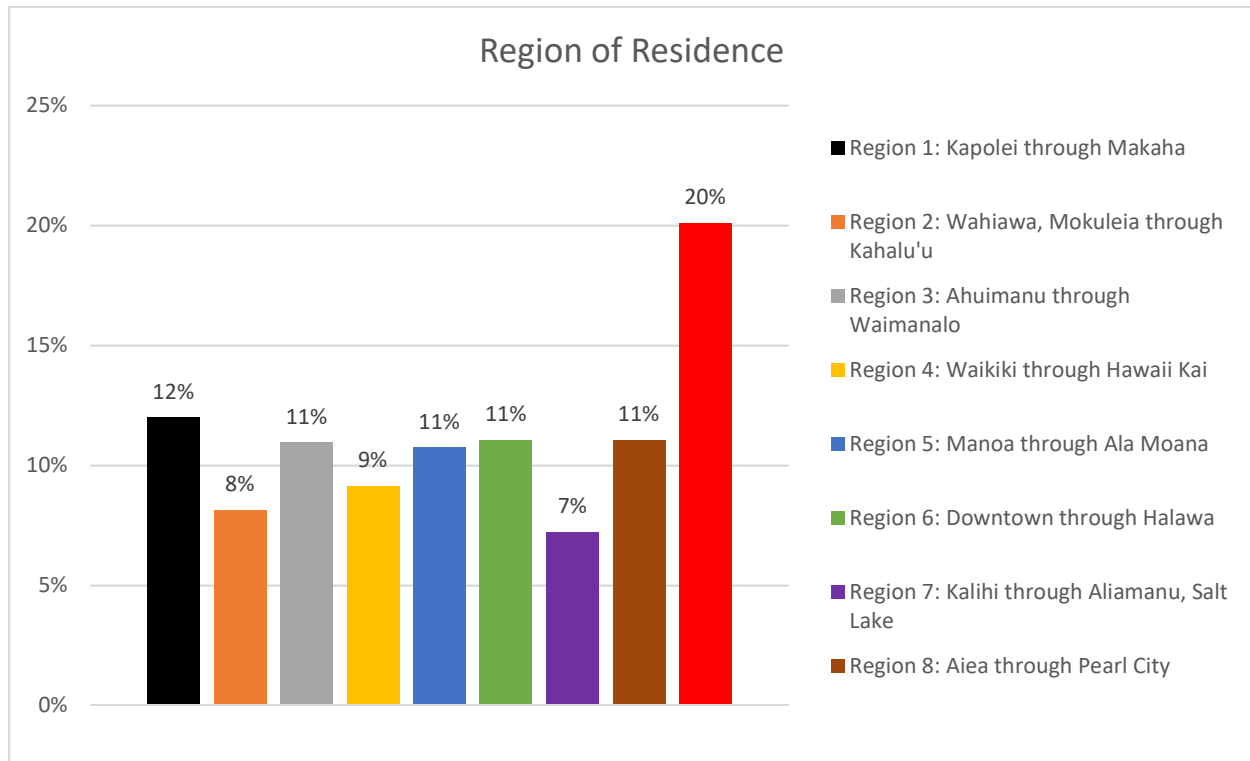


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

Approximately half of TheBus ridership possesses a valid driver's license.

- Driver's License: 51%
- No Driver's License: 49%

Figure 16: Location of Residence

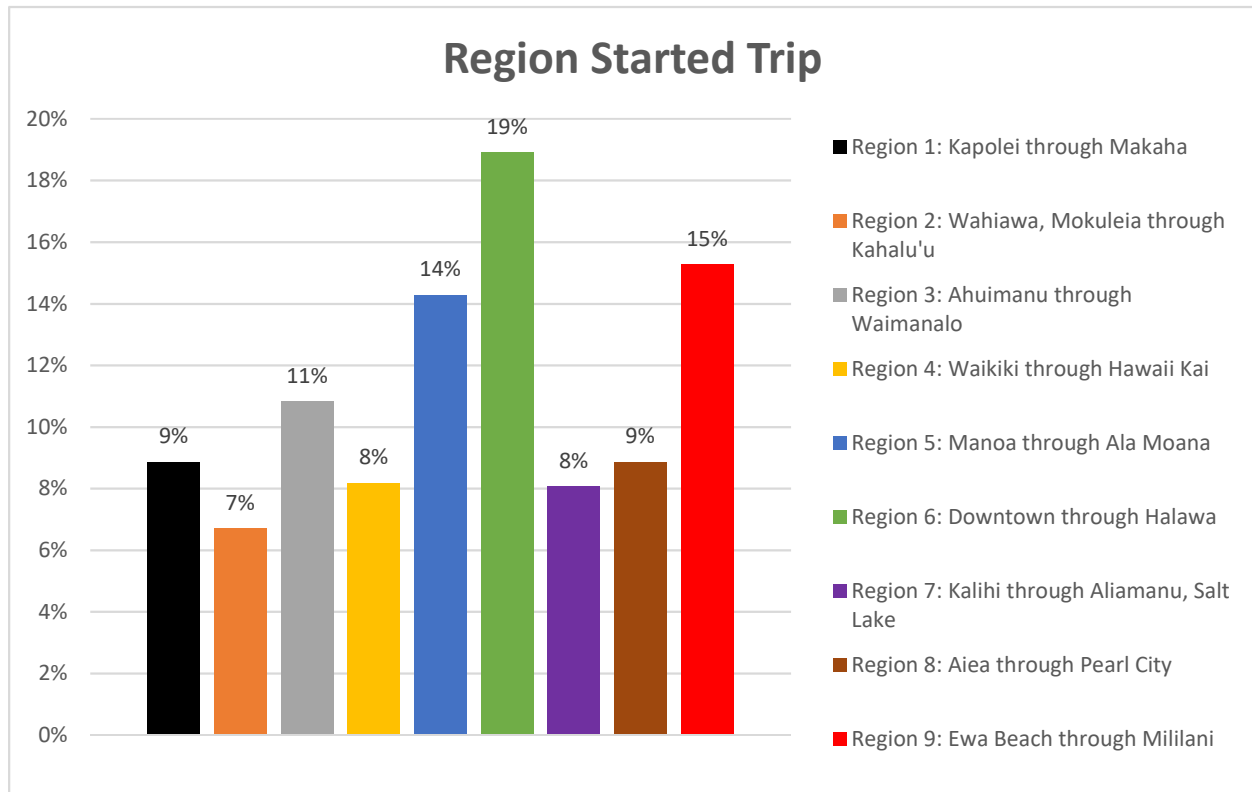


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

Majority of bus riders live in the Ewa Beach through Mililani area. The bus also services a fair amount riders from every region throughout Oahu.

- 20%: Region 9: Ewa Beach through Mililani
- 12%: Region 1: Kapolei through Makaha
- 11%: Region 3: Ahuimanu through Waimanalo
Region 5: Manoa through Ala Moana
Region 6: Downtown through Halawa
Region 8: Aiea through Pearl City
- 9%: Region 4: Waikiki through Hawaii Kai
- 8%: Region 2: Wahiawa, Mokuleia through Kahaluu
- 7%: Region 7: Kalihi through Aliamanu, Salt Lake

Figure 17: Trip Origination

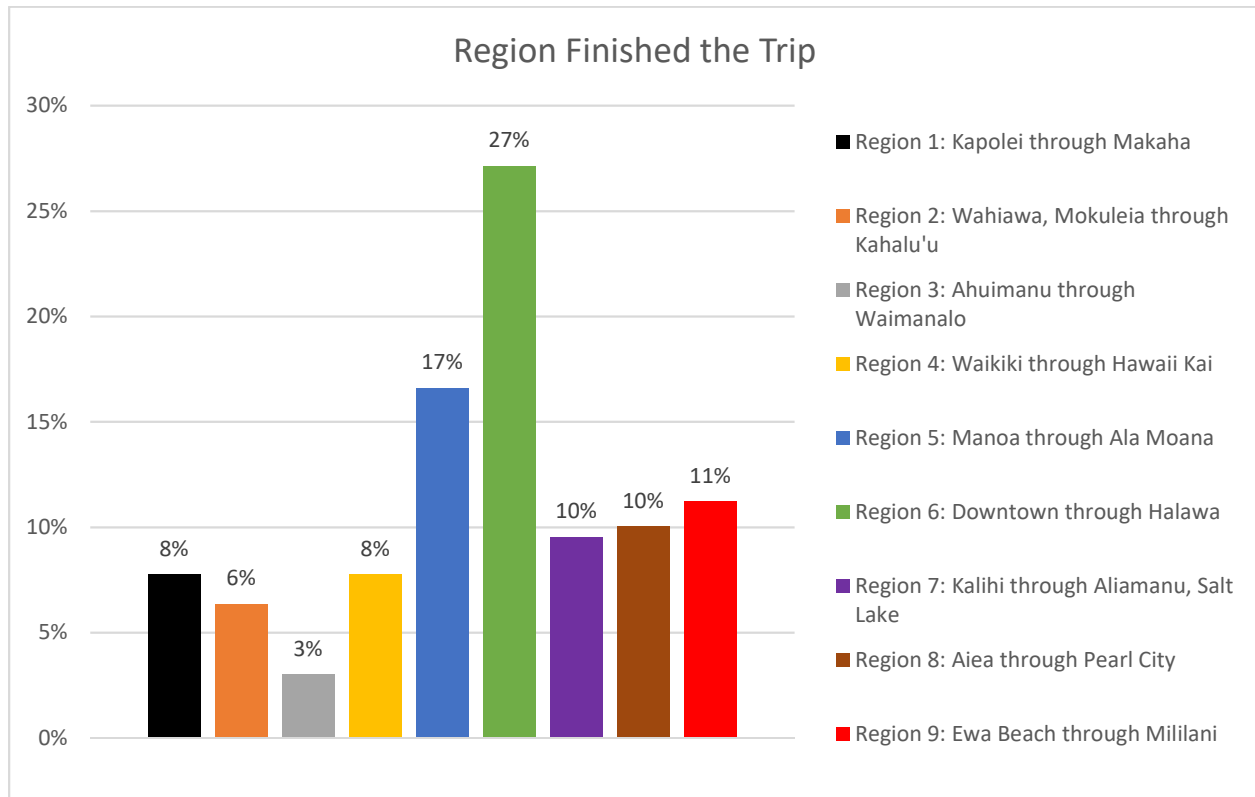


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

Most trips originate in the Downtown to Halawa region which did not correlate to the Ewa Beach to Mililani region where most rider's resided.

- 19%: Region 6: Downtown through Halawa
- 15%: Region 9: Ewa Beach through Mililani
- 14%: Region 5: Manoa through Ala Moana
- 11%: Region 3: Ahuimanu through Waimanalo
- 9%: Region 1: Kapolei through Makaha
Region 8: Aiea through Pearl City
- 8%: Region 4: Waikiki through Hawaii Kai
Region 7: Kalihi through Aliamanu, Salt Lake
- 7%: Region 2: Wahiawa, Mokuleia through Kahaluu

Figure 18: Trip Destination

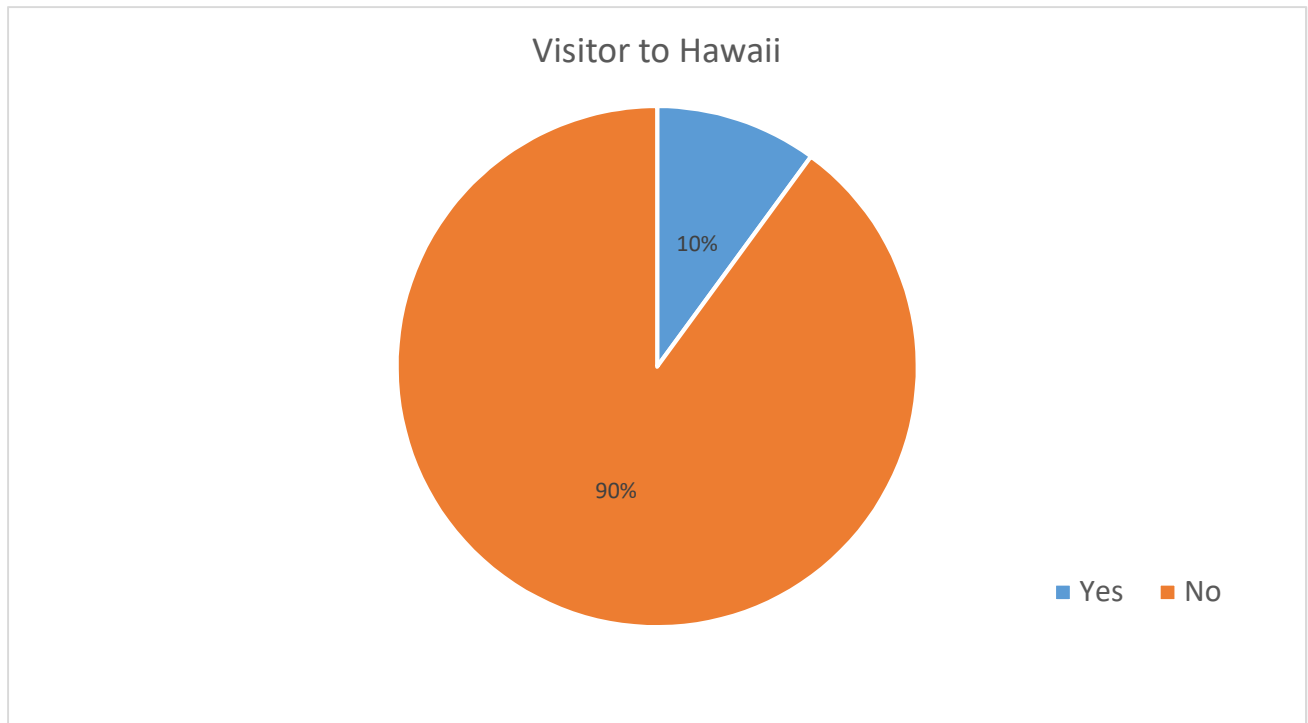


(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

The final destination for a majority of bus riders is the Primary Urban Core (Downtown to Halawa & Manoa to Ala Moana) where a majority of jobs are located. This corresponds with previous charts showing that most riders are employed full-time and use the bus to travel to and from work 5 days a week.

- 27%: Region 6: Downtown through Halawa
- 17%: Region 5: Manoa through Ala Moana
- 11%: Region 9: Ewa Beach through Mililani
- 10%: Region 7: Kalihi through Aliamanu, Salt Lake
Region 8: Aiea through Pearl City
- 8%: Region 1: Kapolei through Makaha
Region 4: Waikiki through Hawaii Kai
- 6%: Region 2: Wahiawa, Mokuleia through Kahaluu
- 3%: Region 3: Ahuimanu through Waimanalo

Figure 19: Resident Status



(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

The bus is mainly utilized by Hawaii residents with visitors comprising just 10% of ridership.

- Resident: 90%
- Visitor: 10%

Section 14: Requirement to Monitor Transit Service

In order to ensure compliance with DOT's Title VI regulations, FTA requires transit agencies to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e. vehicle load, vehicle assignment, transit amenities, etc.) no less than every three years. Agencies shall submit the results of the monitoring program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the Board's consideration, awareness, and approval of the monitoring results to the FTA every three years as part of the Title VI Program.

The System-wide Service Standards & Policies Monitoring Report was compiled using 2018 data. (Attachment 7)

Findings

The results of TheBus service performance for all 104 routes are summarized below and indicate that for the most part, public transit services are provided in comparable and nondiscriminatory manner to TVI/EJ and non TVI/EJ populations. While the results also confirm problems with on-time performance and headway, it is a system-wide issue for a majority of the routes and does not disproportionately affect TVI/EJ routes.

The discrepancies identified in this report are currently being addressed and require additional monitoring and further analysis to redistribute service and/or implement other mitigation measures that align with current budget constraints.

System-wide Service Standards:

- **Vehicle Load:** Generally, all but 6 routes met the 10% standard for the percentage of annual passenger miles exceeding the vehicle load factor standard. DTS will evaluate the 3 non-TVI/EJ and 3 TVI/EJ routes to address overcrowding.
- **Vehicle Headway:** Generally, most routes do not meet the vehicle headway standard for 2 or more periods. DTS will evaluate non-conforming scheduled headways and adjust accordingly to ensure that all routes are in general conformance to the vehicle headway standard.
- **On-time performance:** Generally, most routes do not meet the on-time performance standard. DTS will evaluate non-conforming routes with additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes. Such factors include various external causes such as: traffic congestion, traffic accidents, and road/lane closures attributable to construction projects/road resurfacing or rehabilitation/rail construction; and are difficult to mitigate.

- Service availability: The standard was met for TVI/EJ and non-TVI/EJ populations.

Service Policies:

- Transit amenities: Generally, all TVI/EJ routes have higher distribution percentages of amenities at bus stops.
- Vehicle assignment: Generally all TVI/EJ and non-TVI/EJ routes are assigned vehicles comparable in age with TVI/EJ route vehicles ranging between 2 – 3 years newer than the non-TVI/EJ route vehicles assigned for each mode.

Section 15: Requirement to Evaluate Service and Fare Changes

In order to ensure compliance with DOT's Title VI regulations, FTA requires transit agencies to develop written procedures to evaluate, prior to implementation, any and all service changes that exceed the transit provider's major service change threshold, as well as all fare changes, to determine whether those changes will have a discriminatory impact based on race, color, or national origin. The written procedures and results of service and/or fare equity analyses shall be included in the transit provider's Title VI Program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the Board's consideration, awareness, and approval of the analysis results to the FTA every three years as part of the Title VI Program.

DTS-PTD's Major Service and Fare Change Policy can be found at attachment 8.

DTS-PTD's service and fare equity analyses are contained in Attachment 9.

- Routes 72 & 98A
- 1 Day Pass
- 2018 Fare Increase
- Windward Express Routes
- HOLO Card

Attachment 1

Complaint Form



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

COMPLAINT FORM

Information/Instruction

The City and County of Honolulu, Department of Transportation Services, and Oahu Transit Services are committed to ensuring that no person is discriminated against while using TheBus or TheHandi-Van services as prohibited by **Title VI, Civil Rights Act, 1964**. "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Please provide the following information necessary in order to process your complaint. Assistance is available upon request, TheBus 768-8374 and TheHandi-Van 768-8300. Complete this form and mail or deliver to: City and County of Honolulu, Department of Transportation Services, Public Transit Division, 650 South King Street, 3rd Floor, Honolulu, HI 96813.

Section I		
Name:		
Address:		
Telephone (Home):	Telephone (Work):	
Electronic Mail Address:		
Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> Audio Tape
	<input type="checkbox"/> TDD	Other:
Section II		
Are you filing this complaint on your own behalf?	<input type="checkbox"/> Yes*	<input type="checkbox"/> No
*If you answered "yes" to this question, go to Section III.		
If not, please supply the name and relationship of the person for whom you are complaining:		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section III		
I believe the discrimination I experienced was based on (check all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
Date of Alleged Discrimination (Month, Day, Year): _____		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as		

names and contact information of any witnesses. If more space is needed, please use additional sheets.

Section IV

Have you previously filed a complaint with this agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---	------------------------------	-----------------------------

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? ☐ Yes ☐ No

If yes, check all that apply:

☐ Federal Agency: _____
☐ Federal Court: _____ ☐ State Agency: _____
☐ State Court: _____ ☐ Local Agency: _____

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

Name: _____

Title: _____

Telephone: _____

Agency: _____

Address: _____

Section VI

Name of agency complaint is against: _____

Contact person: _____

Title: _____

Telephone: _____

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

Signature and date required below

Signature

Date

Attachment 2

Public Participation Plan

PUBLIC TRANSIT DIVISION

CATEGORY: ADMINISTRATION	Index Code: 7-1.19 Page 1 of 6
SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT POLICIES, PROGRAMS, PROJECTS, SERVICE, and OPERATIONS	
REFERENCE: FEDERAL TRANSIT ADMINISTRATION CIRCULAR 4702.1B & 4703.1; EXECUTIVE ORDER 13166; AND DOT LEP POLICY GUIDANCE CONCERNING RECIPIENTS RESPONSIBILITIES TO LIMITED ENGLISH PROFICIENT (LEP) PERSONS	
<p>PURPOSE: To establish policies and procedures when planning and implementing changes in public transit policies, programs, projects, plans, services and operations (collectively referred to as “Changes”); and to identify methods for early, inclusive, and continuous public participation when informing the public of proposed plans or advising the public of implementation of proposed “Changes”.</p> <p>POLICIES: PTD shall:</p> <ul style="list-style-type: none">• Effectively engage all stakeholders, including but not limited to minority, low income, limited English proficient (LEP), and disabled populations, in public participation activities.• Ensure that public information and participation are provided as early as may be feasible and in a nondiscriminatory manner.• Promote full and fair participation in the public transit decision-making process for all potentially affected communities without regard to race, color or national origin.• Ensure meaningful access to public transit-related programs, plans, activities, and information by minority, low income, LEP, and disabled populations.• Evaluate and determine the most effective method(s) for informing and involving the public during the planning/decision-making process and implementation phase.• Public participation policies and engagement activities are applicable to all subrecipients, contractors, and lessees. <p>DEFINITIONS: For the purposes of this section:</p> <ol style="list-style-type: none">1. “Changes” include but are not limited to the following:<ul style="list-style-type: none">◦ Policies affecting service, operations, programs.◦ Service levels affecting headway, frequency, availability, coverage area, hours, miles, span of service, hours of operation.◦ Fare policy, pricing, and media.◦ Service additions, extensions, or removals whether temporary or not.◦ Establishing, relocating, or removing bus stops.◦ Programs, plans, or projects affecting communities or ridership.	

SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT POLICIES, PROGRAMS, PROJECTS, SERVICE, and OPERATIONS

2. PTD will evaluate and designate “Changes” as major or minor. Major changes will generally affect system-wide/regional populations and significantly impact service usage by the established ridership in a large service area, and includes major service changes defined in Standard Operating Procedure No. 7-1.13 “DTS Major Service & Fare Change Policy and Disparate Impact & Disproportionate Burden Policies”. Minor changes will generally affect operations or service over a smaller, specific area, community, or neighborhood, and have minimal impact to service usage by the established ridership.
3. Fixed Route ridership is defined as unlinked passenger trips and Paratransit ridership is defined as “active paratransit riders” who are currently eligible to use the City’s special transit service, TheHandi-Van, and who have taken at least two (2) one-way trips in the past two (2) years.
4. Suspended, altered, or special services instituted during emergency situations shall be exempt from these procedures.

PROCEDURES:**1. Public Information and Solicitation of Public Comment.**

During the planning phase, the public/ridership shall be informed of proposed major changes and their feedback and comments shall be solicited using the following method(s). The public comment period shall continue for sixty (60) days or more, as appropriate and feasible.

Neighborhood Boards

Neighborhood Boards, the City’s mechanism to ensure and involve public participation in the decision-making process of government that affects communities, will be notified of proposals affecting their neighborhoods.

- During the planning phase, information of proposed major changes will be transmitted to the Neighborhood Board Chair, fifteen (15) days or more, prior to the scheduled monthly meeting date and prior to the start of the public comment period, as appropriate and feasible.
- Presentations will be made upon request by the Neighborhood Board Chair.
- Information transmitted to the Neighborhood Board Chair will include the Mayor’s Neighborhood Board Representative.
- Brochures, flyers, pamphlets, or other handouts will be provided to the Mayor’s Neighborhood Board Representative for distribution at Neighborhood Board meetings.

**SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT
POLICIES, PROGRAMS, PROJECTS, SERVICE, and OPERATIONS**Public Information Meetings

Public information meetings are another method to inform the public and solicit comments for inclusive public participation of proposed major changes and includes presentations at two (2) to three (3) informational meetings located in different parts of the island during the planning phase, as appropriate and feasible.

- The ridership (fixed route or paratransit) and/or the public will be notified of the public information meeting, thirty (30) days or more, prior to the scheduled meeting date and start of the public comment period.
- Public information meetings may be scheduled for minor changes, as appropriate and feasible.

Public Hearing

During the planning phase, as appropriate and feasible, a public hearing may be convened when considering proposed major changes involving a large service area(s) or a comprehensive/complex issue(s). All public hearings shall be conducted in accordance with Hawaii Revised Statutes, Chapter 91, including:

- Publishing public notices in a publication of general circulation, thirty (30) days or more, prior to the public hearing and start of the public comment period, that describe the proposed major changes, and the time and place of the public hearing.
- Have copies of the published notice and minutes of the public hearing available for public inspection.

Community/Business Organizations

Upon request during the planning phase, PTD will make informational presentations regarding proposed major changes to affected community/business organizations, either separately or in conjunction with presentations at Neighborhood Boards or at public information meetings, as appropriate and feasible.

Community Events

Upon request during the planning phase, PTD will participate in existing community events and be present to provide informational material, answer questions, and solicit comments regarding proposed major changes. Informational materials may include fliers, brochures, and surveys containing maps, charts, illustrations, photographs, table-top displays, and other graphics, as appropriate and feasible.

**SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT
POLICIES, PROGRAMS, PROJECTS, SERVICE, and OPERATIONS**Public Transit Ridership (fixed route or paratransit)

During the planning phase:

- Information to inform and solicit feedback for proposed major changes from the affected ridership will be posted at transit facilities, bus stops, on-board transit vehicles, and on DTS/OTS websites, as appropriate and feasible, prior to the start of the public comment period.
- For in-person communication to inform and solicit feedback for proposed major changes from the affected ridership, PTD will distribute informational material/surveys at transit facilities, major bus stops, and on-board transit vehicles, as appropriate and feasible, prior to the start of the public comment period.
- This section may apply to proposed minor changes, as appropriate and feasible.

Surveys

Surveys will be conducted during the planning phase for proposed major changes and may be conducted for proposed minor changes. Survey methods include but are not limited to:

- Survey Monkey conducted online.
- Printed or verbal survey conducted in-person or distributed at transit facilities, bus stops, and on-board transit vehicles.
- Printed survey distributed at meetings and through the mail.
- All surveys will include a designated survey phone line.

2. Advance Notification for Implementation of Changes.

Advance notification for implementation of major changes proposed in the planning phase and other changes to service or operations that impact the established ridership and its habits/usage of public transit includes, but is not limited to the following methods, with a goal of as much advance notice as practical.

The content of all notices will include relevant information, such as description of changes, dates, maps, other graphics, and contact information for public comment and inquiry (phone number and email/office address).

Neighborhood Boards

Notice will be provided to affected Neighborhood Boards, fifteen (15) days or more, prior to the implementation date and the scheduled monthly meeting, as appropriate and feasible.

SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT POLICIES, PROGRAMS, PROJECTS, SERVICE, and OPERATIONS

- Presentations will be made upon request by the Neighborhood Board Chair.
- Information transmitted to the Neighborhood Board Chair will include the Mayor's Neighborhood Board Representative.
- Rider alerts or other handouts will be provided to the Mayor's Neighborhood Board Representative for distribution at Neighborhood Board meetings.

City Council

Notice will be provided to Councilmembers representing the affected City Council District, fifteen (15) days or more, prior to the implementation date, as appropriate and feasible.

Posted Notices, Car Cards

Notices will be posted at relevant locations; such as transit facilities, bus stops, on-board transit vehicles; fifteen (15) days or more, prior to the implementation date, as appropriate and feasible.

Fliers, Pamphlets, Brochures

Notices will be distributed, fifteen (15) days or more, prior to the implementation date, as appropriate and feasible.

- Distribution on-board transit vehicles.
- Distribution at transit facilities, bus stops.
- Mailings to ridership, residents, businesses, organizations, agencies.

Website Notice

Notices will be posted on the OTS and DTS websites, fifteen (15) days or more, prior to the implementation date, as appropriate and feasible.

Press Release

For media release to the public via newspaper, radio, and television; one (1) day or more, prior to the implementation date, as appropriate and feasible.

Purchased Advertising

Notice will be published in a publication of general circulation and/or publications targeted to specific areas, organizations, or groups, seven (7) days or more, prior to the implementation date, as appropriate and feasible.

3. Engaging Minority, Low-income, LEP, and Disabled Populations.

Staff shall engage and consider the needs and input of minority, low income, LEP, and disabled populations (MLLD) by providing opportunities for meaningful participation, regardless of race, color or national origin,

SUBJECT: PUBLIC PARTICIPATION FOR CHANGES IN PUBLIC TRANSIT
POLICIES, PROGRAMS, PROJECTS, SERVICE, and OPERATIONS

disabilities, or language barriers. Practices will include, but not limited to the following:

- Provide reasonable or special accommodations based on the need, as appropriate and feasible, for example, interpreters or screen reader format for persons with low vision.
- Conduct meetings at varied times of day and locations that are convenient and accessible to encourage participation.
- Train staff to be alert to and anticipate the needs of LEP participants at meetings and workshops.
- Make available different meeting sizes and formats upon request.
- Network/coordinate with community-based organizations, social service agencies, and other community groups to specifically reach out to MLLD members and distribute information.
- Have vital documents translated in identified languages and available on request.
- Include information on meeting notices on how to request special assistance.

4. Record of Public Participation for Proposed Changes

Documentation of public participation and a record of solicited comments, include but are not limited to the following:

- Correspondence (i.e. letters, email)
- Meeting agendas and minutes (i.e. Neighborhood Board, Community Association)
- Public Hearing meeting minutes
- Telephone call log
- Memos for the file (Walk-in, telephone)

ADOPTED:

WES FRYSZTACKI

Date _____

Amendment 2

Date _____

Attachment 3

2019 Limited English Proficient Plan (LEP Plan)

**City and County of Honolulu
Department of Transportation Services
Public Transit Division**

**2019
Limited English Proficient Plan
(LEP Plan)**

Contents

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I. Introduction

The Department of Transportation Services (DTS) of the City and County of Honolulu and its contracted operator of public transit services, O'ahu Transit Services, Inc. (OTS) are committed to providing meaningful access to all patrons and users of Honolulu's public transit system who are Limited English Proficient (LEP).

The 2019 LEP Plan (Plan) was developed in accordance with the Federal Transit Administration (FTA) Circular FTA C 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients dated October 1, 2012 (Circular). The Plan identifies the prevalent languages of LEP persons likely to be public transit users and specifies the types of language assistance services that DTS provides. DTS and OTS are committed to providing language assistance services for all LEP transit users to the maximum extent feasible.

II. Definition of a Limited English Proficient Person

The Circular defines an LEP person as a person for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all. Hawaii Revised Statute Section 321-C-2 defines LEP person as "an individual who, on account of national origin, does not speak English as the person's primary language and who self identifies as having a limited ability to read, write, speak, or understand the English language".

III. Elements of the LEP Plan

This section contains the essential elements prescribed under the Circular. DTS, OTS, and subrecipients who do not develop their own plans are responsible for implementing this LEP plan.

a. Four Factor Analysis (FFA) Results

Using the 2018 TheBus Fare and Demographic Ridership Survey (Survey), the FFA identified the proportion of LEP persons who self-identified as not speaking English well. The on-board survey was conducted on all 104 bus routes during November/December 2018 and focused on rider demographics, travel patterns, ability to speak English well, and fare usage. A copy of the Survey can be found at: <http://www.honolulu.gov/cms-dts-menu/site-dts-sitearticles/908-dite-dts-ptd-cat/32230-language-assistance.html>.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

The Survey was used to identify LEP individuals that use DTS-PTD public transit services. According to the data, 10% do not speak English well. See Table 1 below:

Table 1: Survey Question: How well do you speak English?	
Speak English well	90%
Does not speak English well	10%
Total	100%

Of the people who do not speak English well, the four (4) languages most frequently spoken are: (see Table 2 below)

- Filipino/Tagalog/Ilocano (53.4%)
- Japanese (14%)
- Micronesian/Chuukese (12%)
- Chinese/Mandarin (5.4%)

Table 2: Languages Spoken by LEP Survey Riders		Table 3: Public Transit LEP Ridership		
Language	LEP Total %	6,630 x 5% = 332	66,296 x 10% = 6,630 LEP Ridership	
		Safe Harbor	LEP Total	LEP Total %
Language	%		6,630	100%
***Chinese	4.0%		265	4.0%
**Chuukese	9.0%		596	9.0%
German	4.0%		265	4.0%
*Filipino	40.0%		2,652	40.0%
Hawaiian	3.0%		199	3.0%
Japanese	14.0%		928	14.0%
Korean	1.4%		93	1.4%
Kosraean	1.4%		93	1.4%
*Mandarin	1.4%		93	1.4%
Mexican	4.0%		265	4.0%
**Micronesian	3.0%		199	3.0%
Chavacano	1.4%		93	1.4%
*Ilocano	6.0%		398	6.0%
*Ilocano/Tagalog	1.4%		93	1.4%
*Tagalog	6.0%		398	6.0%
Total	100.0%		6,630	100.0%
***Chinese+Mandarin= 358 or 5.4% **Chuukese+Micronesian= 795 or 12% *Filipino+Ilocano+Tagalog=3,541 or 53.4% Japanese= 928 or 14%				

Factor 2: The frequency with which LEP persons come into contact with the program.

According to the 2017 National Transit Database, Honolulu's annual public transit ridership was 65.3M unlinked trips (passenger boardings) or approximately 179,000 daily unlinked trips. Based on the Survey's 2.7 daily average of unlinked trips per rider, daily ridership is 66,296 people and 10% or 6,630 riders do not speak English well. See Table 3 above.

Applying the percentages in Factor 1 to the 6,630 LEP persons, the prevalent languages of the people who do not speak English well are:

- Filipino/Tagalog/Ilocano (3,541 or ≈ 53.4%)
- Japanese (928 or ≈ 14%)

- Micronesian/Chuukese (795 or $\approx 12\%$)
- Chinese/Mandarin (358 or $\approx 5.4\%$)

Under the Safe Harbor Provision, LEP obligations include languages that constitute 5% or 1,000 persons, whichever is less of the people (6,630) who may use or have contact with public transit services and who do not speak English well. The 5% threshold is 332 persons.

Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.

Public transportation is a vital service for many people who are unable to drive for various reasons and those who do not have access to personal vehicles. They depend on the public transit system to take them to where they need to go for work, school, shopping, medical, recreation, and visiting friends and families. Therefore, providing language assistance for LEP public transit users is an important service to ensure they are able to understand how to use the public transit system to their advantage and benefit.

According to the Survey's data for LEP persons:

- 18% are totally dependent upon TheBus and would not be able to make their trip(s) if TheBus did not operate.
- 71% do not have a driver's license.
- 52% make less than \$25K annually.
- 92% of the ridership base are Non-Caucasian.

Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

DTS-PTD's annual operating budget includes funding for:

- Phone interpretation services: Professional phone interpretation services
- Translation services: Professional translation services
- Printing: Vital documents in identified languages
- Signage: In identified languages as applicable and necessary
- Advertisement: Notices in identified language publications as applicable and necessary
- Consultants: Professional services contracted as applicable and necessary to meet LEP requirements
- Other available resources:
 - Phone interpretation services: In-house staff, other government & non-profit agencies.
 - Partnering with other State, County, and non-profit agencies to provide transit information to the LEP community (i.e. State Office of Language Access, Citizen Corps language cards).

- Translation services: In-house staff, other government & non-profit agencies.

b. Description of Language Assistance Services

• Types of Language Services Available

Bus Information, Bus Customer Service, and Bus Pass Offices; Handi-Van Reservations; and Handi-Van Eligibility Center all utilize an interpreter service vendor to provide services to non-English speaking customers. These include Pacific Interpreters (primary) and Corporate Translation Services (CTS) Language Links (secondary).

• How Staff Can Obtain These Services

All service staff members have access to the interpreter vendor telephone numbers and codes.

• Responding to LEP Callers

1. Ascertain if the caller has any English comprehension to use simplified English.
2. If unable to use simplified English, ascertain the country of origin and/or language dialect to utilize in-house interpreter resources.
3. If unable to identify language or no in-house resource, call the interpreter vendor to provide language assistance via three-way conversation, LEP caller, staff member, and interpreter.

• Responding to Written Communication from LEP Persons

1. Identify language and ascertain if there are in-house staff for that language. OTS currently has Ilocano, Tagalog, Japanese, and Chinese, written and spoken language proficient employees.
2. If no in-house staff, use translation vendor.

• Responding to In-Person Contact with LEP Persons

1. Identify language with language poster or cards.
2. Call interpreter vendor to provide language assistance via two-way conversation if no in-house resource.

• Ensuring Competency of Interpreters and Translation

1. Vendors are selected from the State of Hawaii Price and Vendor List Contracts. There is a screening and credentialing process for interpreter vendors.

2. OTS in-house staff is experienced with years of service.
3. Other agency resources are the Consulates and State Office of Language Access.

- **Documents Considered Essential for Translation**

DTS considers the following vital documents essential for translation.

TheBus documents include:

- Notifying the Public of Rights Under Title VI notice
- Non-Discrimination Complaint Form
- “You Have Rights” car card referencing Title VI and Environmental Justice
- Lost and Found Notification
- Annual Bus Pass Application
- Senior Citizen Bus Pass Application
- Senior Citizen Annual Bus Pass Renewal Application
- Person with a Disability Bus Pass Application
- Request for Refund/Exchange/Adjustment
- Bus Pass Subsidy Program Application

TheHandi-Van documents include:

- Notifying the Public of Rights Under Title VI notice
- Non-Discrimination Complaint Form
- Rider’s Guide
- Eligibility Information Brochure

All documents are translated in languages identified in the FFA and are available in hard copy, electronic format, or can be requested via email (thebustop@honolulu.gov), telephone (768-8374), or in person at DTS or TheBus Pass/Customer Service Offices.

- **Subrecipient Monitoring**

DTS staff monitors its subrecipients on an annual basis to ensure compliance with FTA LEP requirements through on-site visits and desk reviews of requested documents and records.

c. Providing Notice to LEP Persons of Assistance

DTS and OTS communicate with LEP populations by posting notices/signs, online information, and outreach documents in languages identified in the FFA;

and networking with community-based organizations and social service agencies.

TheHandi-Van Eligibility Center communicates with LEP populations by posting signs in its office and through outreach documents.

d. Monitoring and Updating the Plan

Monitoring and updating the Plan will be conducted during the 3-year interval preceding the Title VI Program submission year to FTA in accordance with the FTA Circular. DTS will review and assess Plan applicability, availability of resources (staff, partner agencies, funding), LEP population needs, complaint logs, the most current data (i.e. Census/American Community Survey/State Databook), and relevant surveys/studies to complete Plan updates.

e. Description of How the Recipient Trains the Employees to Provide Language Assistance


DTS and OTS incorporate an LEP video presentation into operators' periodic training for correct handling of LEP riders and their safety. All other relevant employees are also required to view the LEP training video on an annual basis to ensure they possess the knowledge and skills required to provide timely and reasonable language assistance to the LEP population. Training information includes: DTS LEP Plan, local demographic LEP population data, Hawaii Language Access Law background, printed LEP population vital documents/materials, and handling requests in foreign languages.

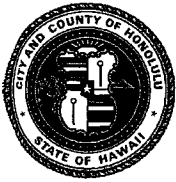
TheHandi-Van Eligibility Center provides both initial and annual refresher training for all relevant employees that is focused on customer service and to ensure they possess the knowledge and skills required to provide timely and reasonable language assistance to the LEP population.

Attachment 4

Title VI Oversight of Subrecipients, Lessees, and
Third Party Contactors Policies and Procedures

PUBLIC TRANSIT DIVISION	INDEX CODE: 7-1.10
CATEGORY: Administration	PAGE 1 of 2
SUBJECT: Title VI Oversight of Subrecipients, Lessees, and Third Party Contractors	
<p>REFERENCES: 49 CFR Part 21 Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964; FTA C 4702.1B, Title VI Requirements & Guidelines for Federal Transit Administration (FTA) Recipients (or current version); Comprehensive Review Guide for Triennial and State Management Reviews (current FY).</p>	
<p><u>PURPOSE:</u> To establish oversight and monitoring procedures to ensure that subrecipients, lessees, and contractors (collectively referred to as “subrecipients”) are complying with the U.S. Department of Transportation Title VI (TVI) regulations as referenced above.</p> <p>As the primary recipient of FTA financial assistance, the Department of Transportation Services (DTS) Public Transit Division (PTD) must monitor their subrecipients for compliance with TVI regulations. Subrecipients have the option to develop their own TVI Program or adopt the DTS-PTD TVI Program. If a subrecipient is not in compliance with TVI requirements, then DTS-PTD is also not in compliance.</p> <p>All subrecipients must include the needs of minorities, low-income, and limited-English proficient (LEP) populations in planning activities; and assure that minorities, low-income, and LEP populations are not being denied the benefits of or excluded from participation in their programs.</p> <p>DTS-PTD shall have the sole responsibility for determining if subrecipients are in compliance with TVI regulations and requirements, including TVI oversight of subrecipients’ contractors by subrecipients, if applicable.</p> <p><u>PROCEDURES:</u> In order to ensure the primary recipient and subrecipient are in compliance with TVI regulations and requirements, DTS-PTD shall adhere to the following procedures.</p> <ol style="list-style-type: none"> 1. <u>Title VI Program Submission.</u> Subrecipients that develop their own TVI program must submit it to DTS-PTD for compliance review. <ul style="list-style-type: none"> • New subrecipients shall submit their TVI Program for review within 90 days of the effective date of their subrecipient contract. • Existing subrecipients shall submit TVI Programs for review every three years by September 30th. • DTS-PTD will complete the compliance review and notify the subrecipient of the results within 90 days of the TVI Program submission date. • Deficiencies are addressed in Section 4. Corrective Actions. 2. <u>Provide Assistance to Subrecipients.</u> DTS-PTD will assist all subrecipients with TVI compliance as necessary and appropriate, including TVI program contents, general reporting requirements, and other information/data related to the minority, low-income, and LEP populations that participate in the recipient’s programs and activities. 3. <u>Subrecipient Monitoring and Oversight.</u> DTS-PTD will monitor all subrecipients for TVI compliance. Monitoring and oversight activities include but are not limited to: on-site visits, review of relevant records/documents/data/website, interviews, phone/email communication. <ul style="list-style-type: none"> • DTS-PTD will monitor subrecipients on an Annual basis. 	

PUBLIC TRANSIT DIVISION	INDEX CODE: 7-1.10
CATEGORY: Administration	PAGE 2 of 2
SUBJECT: Title VI Oversight of Subrecipients, Lessees, and Third Party Contractors	
REFERENCES: 49 CFR Part 21 Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964; FTA C 4702.1B, Title VI Requirements & Guidelines for Federal Transit Administration (FTA) Recipients (or current version); Comprehensive Review Guide for Triennial and State Management Reviews (current FY).	
<ul style="list-style-type: none">• Oversight of TVI general requirements will be conducted using Public Transit Title VI Program Compliance Oversight Monitoring Form-Section 1 General Requirements (12/1/18 or current version).• Oversight of TVI fixed route service requirements will be conducted using Public Transit Title VI Program Compliance Oversight Monitoring Form-Section 2 Fixed Route Service Requirements (12/1/18 or current version).• DTS-PTD will notify the subrecipient of the results within 30 days of the monitoring completion date.• Deficiencies are addressed in Section 4. Corrective Actions. <p>4. <u>Corrective Actions</u>. Effective compliance with TVI regulations and requirements requires DTS-PTD to take prompt action to achieve voluntary compliance by its subrecipients in all instances in which deficiencies are found. If a subrecipient is determined to be non-compliant:</p> <ul style="list-style-type: none">• DTS-PTD will offer assistance as necessary to correct the deficiencies.• Deficiencies shall be corrected within 30, 60, or 90 days (depending on the corrective action) of the notification date of deficiencies.• DTS-PTD will issue a notice that corrective actions have been satisfactorily completed within 30 days of the completion date.	
<p>ADOPTED:</p> <p> WES FRYSZTACKI, Director</p> <p>Date: <u>1.10.2019</u></p> <p>Amendment <u>1</u></p>	



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

**Public Transit Title VI Program Compliance
Oversight Monitoring Form (12/01/18)**

Applicability: As a direct and primary recipient of Federal Transit Administration (FTA) funds, the Department of Transportation Services (DTS) is responsible for ensuring that entities receiving FTA financial assistance through DTS comply with FTA's Title VI (TVI) regulations and requirements. *References: FTA Circular 4702.1B, Comprehensive Review Guide for Triennial Reviews (current FY).*

Requirement: DTS must monitor their subrecipients/contractors for compliance with TVI regulations and requirements. *Reference: DTS Standard Operating Procedure 7-1.10 FTA Title VI Program Oversight.*

Monitoring Date: _____ Last Monitoring Date: _____

Agency: _____ Address: _____

POC: _____ Phone: _____ Email: _____

Conducted by: _____

DTS Public Transit Title VI Program Section 1: General Requirements

I. Title VI Program

- ☐ Compliant
- ☐ Agency follows DTS Public Transit TVI Program.
 - ☐ Agency TVI Program.
 - ☐ Agency's TVI Program has been approved by DTS.
 - ☐ A copy of the most current TVI Program is available on the agency website.
- ☐ Not Compliant
- Corrective Actions:

II. Title VI Notice to the Public

- ☐ Compliant
- ☐ Locations where the notice is posted:
 - ☐ Reception area ☐ Transit vehicles ☐ Transit facilities
 - ☐ Meeting rooms ☐ Other: _____
- ☐ Not Compliant
- Corrective Actions:

III. Title VI Complaint Procedures (*Instructions on how to file a Title VI complaint*)

☐ Compliant

☐ Procedures to request additional information on the recipient's TVI obligations.

☐ Procedures to file a TVI discrimination complaint against the recipient.

☐ Available on the agency website.

☐ Translated into languages identified in the most current Language Assistance Plan (LAP).

☐ Not Compliant

Corrective Actions:

IV. Title VI Complaint Form

☐ Compliant

☐ Available on the agency website.

☐ Translated into languages identified in the most current LAP.

☐ Not Compliant

Corrective Actions:

V. List of transit-related Title VI investigations, complaints, and lawsuits

☐ Compliant

☐ Procedures for investigating and tracking TVI complaints filed against agency.

☐ Reports complaints and investigations on an annual basis.

☐ Reports lawsuits immediately upon occurrence.

☐ Not Compliant

Corrective Actions:

VI. Public Participation Plan (PPP)

☐ Compliant

☐ Agency follows DTS Public Transit PPP.

☐ Agency PPP.

☐ Agency's PPP has been approved by DTS.

☐ PPP efforts made since the last monitoring date _____.

☐ List of upcoming activities subject to PPP since last monitoring date.

☐ PPP is available on the agency's website.

☐ Not Compliant

Corrective Actions:

VII. Language Assistance Plan (LAP)

- ☐ Compliant
- ☐ Agency follows DTS Public Transit LAP.
 - ☐ Agency LAP.
 - ☐ Agency's LAP has been approved by DTS.
 - ☐ Four Factor Analysis.
 - ☐ Monitored and last updated on _____.
 - ☐ Language assistance services.
 - ☐ Limited English Proficient (LEP) persons notification of language assistance.
 - ☐ Vital documents translated.
 - ☐ Oral interpretation services available.
 - ☐ Employees trained to provide timely and reasonable language assistance.
 - ☐ LAP is available on the agency's website.
- ☐ Not Compliant
- Corrective Actions:

VIII. Monitoring of entities receiving FTA financial assistance through DTS (TVI requirements flow down to all third party contractors and their contracts at every tier.)

- ☐ Compliant
- ☐ Agency list of third party contracts with/without flow down of FTA funds since last monitoring date _____.
 - ☐ Third party contractors receiving flow down of FTA funds from Agency.
 - ☐ Agency documentation of TVI monitoring and contractor compliance with TVI requirements and regulations.
- ☐ Not Compliant
- Corrective Actions:

IX. Transit Facility Equity Analysis

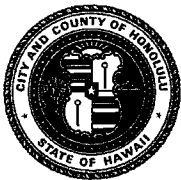
- ☐ Compliant
- ☐ Agency constructed or plans to construct a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., since the last Public Transit TVI Program submission to FTA on _____.
 - ☐ Equity analysis approved by DTS.
 - ☐ Equity analysis not applicable. Reason _____.
- ☐ Not Compliant
- Corrective Actions:

☐ NA

X. Board Approval and Board Minority Representation

- ☐ Compliant
- ☐ Agency Board approval.
 - ☐ Table depicting racial breakdown of non-elected Board members.
- ☐ Not Compliant
- Corrective Actions:

☐ NA



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**Public Transit Title VI Program Compliance
Oversight Monitoring Form (12/01/18)**

Applicability: As a direct and primary recipient of Federal Transit Administration (FTA) funds, the Department of Transportation Services (DTS) is responsible for ensuring that entities receiving FTA financial assistance through DTS comply with FTA's Title VI (TVI) regulations and requirements. *Reference: Comprehensive Review Guide for Triennial Reviews (current FY).*

Requirement: DTS must monitor their subrecipients/contractors for compliance with TVI regulations and requirements. *References: FTA Circular 4702.1B; DTS Standard Operating Procedure 7-1.10 FTA Title VI Program Oversight.*

Monitoring Date: _____ Last Monitoring Date: _____

Agency: _____ Address: _____

POC: _____ Phone: _____ Email: _____

Conducted by: _____

DTS Public Transit Title VI Program Section 2: Fixed Route Service Requirements

I. System-wide Service Standards for Each Mode

☐ Compliant

☐ Vehicle load.

☐ Vehicle headway.

☐ On-time performance.

☐ Service availability.

☐ Not Compliant

Corrective Actions:

II. System-wide Service Policies

☐ Compliant

☐ Transit amenities.

☐ Vehicle assignment.

☐ Not Compliant

Corrective Actions:

III. Demographic and Service Profile

- ☐ Compliant
 - ☐ Base service area.
 - ☐ Title VI areas.
 - ☐ Environmental Justice areas.
 - ☐ Title VI and Environmental Justice areas.
- ☐ Not Compliant

Corrective Actions:

IV. Demographic Ridership and Travel Patterns

- ☐ Compliant
- ☐ Not Compliant

Corrective Actions:

V. Service and Fare Changes

- ☐ Compliant
 - ☐ Public engagement process.
- ☐ Not Compliant

Corrective Actions:

VI. Monitoring Program and Report

- ☐ Compliant
- ☐ Not Compliant

Corrective Actions:

Attachment 5

Determination of Site or Location of Facilities Policy and Procedures

PUBLIC TRANSIT DIVISION

CATEGORY: FACILITIES AND EQUIPMENT	Index Code: 7-5.13 Page 1 of 2
SUBJECT: Determination of Site or Location of Facilities	
REFERENCE: FTA C 4702.1B, Title VI Requirements & Guidelines for Federal Transit Administration (FTA) Recipients (or current version); Comprehensive Review Guide for Triennial and State Management Reviews (current FY)	
<p>PURPOSE: To establish procedures for selecting sites for constructing bus or handi-van facilities.</p> <p>PROCEDURES:</p> <ol style="list-style-type: none">1. Facilities included in this SOP include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities, nor does it include transit stations, power substations, etc.2. Site evaluation will be based on the following criteria:<ol style="list-style-type: none">a. Level of need.b. Impact to surrounding properties.c. Accessibility to bus and handi-van routes.d. Impact to existing infrastructure.e. Environmental impact.f. Terrain constraints.g. Traffic impact.h. Size of property to accommodate the project requirements.i. Adequacy of existing utilities (i.e. sewer, water, drainage, fire protection, electricity, etc.).j. Flood zone impact.k. Obtain the necessary approvals for facility construction.l. DTS Director’s approval.m. Conform to the objectives of FTA’s Title VI Program, as set forth in FTA Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients.” The determination of site or location of facilities shall conform to Title 49 CFR Section 21.9(b)(3).3. When evaluating locations of facilities:<ol style="list-style-type: none">a. Give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result.b. Analysis should be done at the Census tract or block group, where appropriate, to ensure that proper perspective is given to localized	

impacts.	
CATEGORY: FACILITIES AND EQUIPMENT	Index Code: 7-5.13 Page 2 of 2
<p>c. If it is determined that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the project may only be located 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. It must be shown how both elements are met. In order to make this showing, 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.</p> <p>d. Conduct outreach to persons potentially impacted by the siting of facilities.</p> <p>e. A site determination or location of facilities Title VI analysis shall be completed prior to selection of the preferred site.</p>	

ADOPTED:

WES FRYSZTACKI

Date _____

Amendment _____

Date _____

Attachment 6

Honolulu City Council Approval

City Council approval will be included in the final draft submitted to FTA. Tentative meeting dates are:

- April 25, 2019 City Council Transportation Committee
- May 8, 2019 Honolulu City Council

Attachment 7

Monitoring Report System-wide Service Standards & Policies

Monitoring Report
System-wide Service Standards & Policies

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Vehicle Headway	
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Service Availability	
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Transit Amenities	
Vehicle Assignment	

Overview

Federal Transit Administration (FTA) C 4702.1B Circular (Circular) Chapter 4 requires all transit providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area of 200,000 or more in population to include information about service standards and policies for each specific fixed route mode of service provided to ensure service design and operational practices do not result in discrimination on the basis of race/color/national origin (TVI), or low-income status (EJ). In accordance with the Circular guidelines, system-wide service standards address vehicle load, headway, on-time performance, service availability; and system-wide service policies include transit amenities and vehicle assignment.

Routes were identified as TVI/EJ routes based on the 2010 Census block groups identified in the “Oahu Metropolitan Planning Organization’s Title VI/Environmental Justice Analysis Update Report, September 2016” that the route served. Census block groups were identified as TVI/EJ if the minority and/or low-income percentage in that Census block group was greater than the mean percentage (29%) of minority and/or low-income for the system (within a ½ mile radius of a bus route). Routes that exceed the mean TVI/EJ population among all routes are designated as TVI/EJ routes. The mean is based on the total TVI/EJ percentage within a ½ mile radius of all routes divided by the total number of routes (104). See Figure 1.

The service standards section reports the performance of TheBus service for all 104 routes to identify disparate areas that adversely affect TVI/EJ routes more than non-TVI/EJ routes and therefore, require further analysis/monitoring for mitigation purposes. The service policies section reports the physical inventory taken of transit amenities and the current vehicle assignment roster. 2018 data was evaluated for this report.

Findings

The results of TheBus service performance for all 104 routes are summarized below. While identified disparities are currently being addressed, overall, TheBus service is provided in a non-discriminatory manner.

System-wide Service Standards:

- **Vehicle Load:** Generally, all but 6 routes met the 10% standard for the percentage of annual passenger miles exceeding the vehicle load factor standard. DTS will evaluate the 3 non-TVI/EJ and 3 TVI/EJ routes to address overcrowding.
- **Vehicle Headway:** Generally, most routes do not meet the vehicle headway standard for 2 or more periods. DTS will evaluate non-conforming scheduled headways and adjust accordingly to ensure that all routes are in general conformance to the vehicle headway standard.
- **On-time performance:** Generally, most routes do not meet the on-time performance standard. DTS will evaluate non-conforming routes with additional analysis/monitoring to identify factors affecting on-time performance for mitigation

purposes. Such factors include various external causes such as: traffic congestion, traffic accidents, and road/lane closures attributable to construction projects/road resurfacing or rehabilitation/rail construction; and are difficult to mitigate.

- Service availability: The standard was met for TVI/EJ and non-TVI/EJ populations.

Service Policies:

- Transit amenities: Generally, all TVI/EJ routes have higher distribution percentages of amenities at bus stops.
- Vehicle assignment: Generally all TVI/EJ and non-TVI/EJ routes are assigned vehicles comparable in age with TVI/EJ route vehicles ranging between 2 – 3 years newer than the non-TVI/EJ route vehicles assigned for each mode.

Figure 1
Bus Route Summary: Proportion of TVI/EJ Served Populations
(Title VI/EJ Routes Shaded)

<u>Route (Service Area)</u>	<u>% TVI/EJ in Service Area</u>	<u>Route (Service Area)</u>	<u>% TVI/EJ in Service Area</u>	<u>Route (Service Area)</u>	<u>% TVI/EJ in Service Area</u>	<u>Route (Service Area)</u>	<u>% TVI/EJ in Service Area</u>
1	23	42	36	89	29	501	8
2	24	43	45	90	22	503	24
3	23	44	41	91	36	504	10
4	19	51	32	92	29	1L	19
5	21	52	29	93	56	2L	24
6	18	53	23	94	25	57A	15
7	45	54	21	96	29	80A	11
8	14	55	29	97	25	80B	17
9	30	56	19	98	29	84A	23
10	35	57	20	99	24	85A	27
11	23	65	19	101	32	88A	35
13	22	70	19	102	33	98A	21
14	5	71	0	103	28	9S	15
15	13	72	68	234	0	A	35
16	63	73	24	235	0	C	49
17	17	74	10	401	100	E	28
18	15	76	2	402	99	PH1	76
19	32	77	34	403	92	PH2	22
20	30	80	11	411	28	PH3	34
22	9	81	38	413	29	PH4	36
23	9	82	12	414	17	PH5	20
24	0	83	29	415	35	PH6	29
31	55	84	25	416	43	PH7	45
32	33	85	20	432	43	W1	35
40	48	87	12	433	29	W2	27
41	41	88	31	434	36	W3	30

(Source: The Oahu Metropolitan Planning Organization Title VI/Environmental Justice Analysis Update Report, September 2016)

Figure 1 above displays the bus routes and the proportion of the service area (within a ½ mile radius of a bus route) designated as TVI/EJ. Of 104 routes, 48 routes are identified as TVI/EJ. Routes were identified as TVI/EJ routes based on a ½ mile radius that the route served. 29% is used as the minimum level for designating routes as TVI/EJ because it is the mean percentage of all TVI/EJ populations within a ½ mile radius among the routes.

Figure 2 below identifies the route names.

Figure 2

TheBus **ROSTER OF BUS ROUTES** **Effective 03/04/18**

Route No.	Initial	KALIHI DIVISION (54) ROUTE NAME	Route No.	Initial	PEARL CITY DIVISION (50) ROUTE NAME
PH4	KKPH	Kaneohe-Kahaluu-Pearl Harbor Exp.	A	CXA	City Express! A
PH5	WWPH	Windward-Pearl Harbor Express	C	CXC	Country Express! C
PH6	HKPH	Hawaii Kai-Pearl Harbor Express	E	CXE	Country Express! E
W3	KSX	Kalihi via School Street Express	PH1	WCPH	Waianae Coast-Pearl Harbor Express
1	KK	Kaimuki-Kalihi	PH2	MTPH	Miliani Town Pearl-Harbor Express
1L	SHKL	School Street-Hawaii Kai Limited	PH3	WHPH	Wahiawa Heights-Pearl Harbor Exp.
2	WSM	Waikiki-School-Middle	PH7	EBPH	Ewa Beach-Pearl Harbor
2L	WSML	Waikiki-School-Middle Limited	W1	WFX	Waipahu via Farrington Express
3	KSL	Kaimuki-Salt Lake	W2	WPX	Waipahu via Paiwa Express
4	NP	Nuuanu-Punahou	40	HM	Honolulu-Makaha
5	AMM	Ala Moana-Moana	41	KEB	Kapolei-Ewa Beach
6	PW	Pauoa-Woodlawn	42	EBW	Ewa Beach-Waikiki
7	KV	Kalihi Valley	44	WEB	Waipahu-Ewa Beach
8	WAM	Waikiki-Ala Moana	51	HW	Honolulu-Wahiawa
9	KPH	Kaimuki-Pearl Harbor	52	HMH	Honolulu-Miliani-Haleiwa
9s	PV	Paloalo Valley	53	HPP	Honolulu-Pacific Palisades
10	KAH	Kalihi-Aiea Heights	55	HKH	Honolulu-Kaneohe-Haleiwa
11	MHA	Makalapa-Halawa-Aiea Heights	65	HK	Honolulu-Kahaluu
13	LWU	Liliha-Waikiki-University	71	PN	Pearridge-Hewtown
14	SM	St. Louis-Maunalani	72	SWW	Schofield-Wahiawa-Whitmore
15	MPH	Makiki-Pacific Heights	73	LCC	Leeward Community College
16	MV	Moanalua Valley	76	WH	Waihua-Haleiwa
17	MAM	Makiki-Ala Moana	81	WX	Waipahu Express
18	UAM	University-Ala Moana	83	WTX	Wahiawa Town Express
19	WAH	Waikiki-Airport-Hickam	84	MXN	Miliani Express-North
20	WP	Waikiki-Pearridge	84A	MXS	Miliani Express-South
22	BB	Beach Bus	88	KAX	Kahaluu-Ahuimanu Express
23	HKS	Hawaii Kai-Sea Life Park	88A	NSX	North Shore Express
24	KAH	Kapahulu-Aiea Haina	90	PCX	Pearl City Express
31	TM	Tripler-Mapunapuna	91	EBX	Ewa Beach Express
32	KP	Kalihi-Pearridge	92	MCX	Makakilo City Express
43	WHA	Waipahu-Honolulu-Alapai	93	WCXC	Waianae Coast Express-CBD
54	HPC	Honolulu-Pearl City	96	WGX	Waipio Gentry Express
56	HKK	Honolulu-Kailua-Kaneohe	99	WMWK	Wahiawa-Miliani-Waipahu-Kapolei
57	KWS	Kailua-Waimanalo-Sea Life Park	101	EGX	Ewa Gentry Express
57A	KEL	Kailua-Enchanted Lake	102	VKX	Villages of Kapolei Express
70	LM	Lanikai-Maunawili	401	WV	Waianae Valley
74	AHH	Aiea-Halawa Heights	402	LH	Lualualei Homestead
77	WK	Waimanalo-Kaneohe	403	NMW	Nanakuli-Mali-Waianae
80	HKPR	Hawaii Kai Park & Ride Express	411	MH	Makakilo Heights
80A	HKPU	Hawaii Kai Park & Ride Express-UH	413	CIP	Campbell Industrial Park
80B	UAX	Upper Aiea Haina Express	414	PMK	Palahia-Makakilo-Kapolei
82	HKPR	Hawaii Kai Park & Ride Express	415	KTCK	Kapolei Transit Center-Kalaheo
85	WWXK	Windward Express-Kaneohe	416	KC	Kapolei Circulator
85A	WWXH	Windward Express-Haikua	432	EWX	East-West Waipahu
87	WWXK	Windward Express-Kailua	433	WWSC	Waipahu-Waikele Shopping Center
89	WKX	Waimanalo-Kailua Express	434	WVP	Waipahu-Village Park
94	VKKX	Villages of Kapolei-Kaupea Express	501	MM	Miliani Mauka
97	VPX	Village Park Express	503	MLV	Miliani-Launani Valley
98	WMPR	Wahiawa-Miliani Park & Ride	504	MS	Miliani South
98A	MTC	Wahiawa-Miliani Transit Center			
103	PWX	Paiwa-Waikele Express			
234	KMWN	Kahala Mall-Waikele Nui			
235	KMWI	Kahala Mall-Waikele Iki			

Route Description and Time Schedules

All 104 Individual route maps and time schedules can be viewed by visiting the OTS website: <http://www.thebus.org/route/routes.asp>.

Hard copies of maps and schedules are available at all Satellite City Halls, DTS, and TheBus Pass Office or mailed on request by calling (808) 768-8396 or emailing thebustop@honolulu.gov.

Service Standards

A. Vehicle Loads

For most of the time, TheBus routes operate with sufficient frequency to provide every passenger with a seat. However, during the heaviest travel times or locations, passengers will experience standing loads. During these periods, DTS strives to provide sufficient service so that people are reasonably comfortable.

The purpose of the vehicle load standard is to define the comfort levels of crowding that are acceptable by mode and time period. DTS defines vehicle load factor as the ratio of passengers on board to the number of seats on a vehicle. There are a number of different types of vehicles in the TheBus fleet at any given time, and the fleet changes over time. Hence, the actual seating capacity and maximum number of passengers allowed by the comfort standards for each mode changes periodically.

For every route, DTS measures passenger miles that experience overcrowded conditions during each time period. The DTS standard is that no more than 10% of annual passenger miles shall exceed the vehicle load factor standard for overcrowding. DTS will evaluate routes that do not meet the 10% standard to address overcrowding.

Maximum vehicle load factors for all modes and periods are defined in the following table.

Vehicle Load Factor Standard						
Service Mode	Weekday					Weekend
	AM Peak (1st bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – 12pm)	Night Owl (12pm – last Bus)	All Day
Rapid Bus	1.4	1.2	1.4	1.2	1.2	1.2
Trunk	1.4	1.2	1.4	1.2	1.2	1.2
Circulator	1.4	1.2	1.4	1.2	1.2	1.2
Peak Hour Express	1.2	NA	1.2	NA	NA	1.2
*Community Access	1.4	1.2	1.4	1.2	1.2	1.2

*Currently, there is no Community Access service.

TheBus fleet is comprised of vehicles differing in size and models. Routes are assigned vehicles in accordance with the Vehicle Assignment Policy. The maximum load standards for vehicle sizes with models that vary in seated capacity have been averaged to account for the difference:

Vehicle Size	No. of Models	No of Seats	Avg No. of Seats	1.2 Max Capacity	1.4 Max Capacity
30 feet	3	23-29	26	32	36
35 feet	2	35	35	42	49
40 feet high floor (LF)	13	36-40	38	46	53
40 feet low floor (HF)	5	45	45	54	63
60 feet	10	57-58	58	70	81

The following vehicle load tables show the total percentage of annual passenger miles that experienced overcrowded conditions and exceeded the vehicle load factor standard per route per service mode according to the vehicle assigned to each trip. TVI/EJ routes are highlighted in red.

Rapid Bus					
Standard	Percent of annual passenger miles that exceeded the maximum vehicle load factor standard				
	1.4	1.2	1.4	1.2	1.2
Route	AM Peak (1 st bus-9am)	Base (9am-2pm)	PM Peak (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
A	1%	1%	1%	0%	0%
C	0%	2%	1%	0%	0%
E	1%	2%	2%	0%	2%

There are three (3) Rapid Bus routes: two TVI/EJ, and one non-TVI/EJ route. All Rapid Bus routes met the 10% standard for the percentage of annual passenger miles exceeding the vehicle load factor standard.

Trunk					
Standard	Percent of annual passenger miles that exceeded the maximum vehicle load factor standard				
	1.4	1.2	1.4	1.2	1.2
Route	AM Peak (1 st bus-9am)	Base (9am-2pm)	PM Peak (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
1	2%	3%	2%	1%	1%
1L	1%	3%	1%		
2	3%	7%	4%	2%	6%
2L	2%		1%		
3	2%	6%	6%	2%	3%
4	1%	0%	1%	0%	0%
6	0%	0%	0%	0%	0%
9	1%	2%	2%	0%	0%
11	1%	0%	6%	3%	0%
13	3%	8%	6%	2%	8%
19	3%	4%	6%	3%	5%
20	3%	17%	6%	0%	20%
22	3%	28%	10%		9%
23	1%	5%	2%	1%	5%
40	0%	4%	1%	1%	2%
42	1%	5%	1%	1%	4%
43	1%	1%	2%		
51	1%	1%	2%	0%	1%
52	1%	2%	1%	1%	3%
53	0%	0%	0%	0%	0%
54	0%	0%	1%	0%	1%
55	1%	3%	1%	0%	1%
56	0%	0%	2%	0%	1%
57	1%	4%	4%	1%	5%
57A	0%	2%	0%		2%
65	0%	3%	0%	0%	0%

Trunk – There are 26 routes: 9 TVI/EJ routes; 17 non-TVI/EJ routes. All trunk routes met the 10% standard for the percentage of annual passenger miles exceeding the vehicle load factor standard, except TVI/EJ Route 20 and non-TVI/EJ Route 22.

- Route 20 provides Waikiki/Airport/Pearlridge service: Base (17%) and weekend (20%) periods did not meet the 10% standard.
- Route 22 provides Waikiki/Hanauma Bay/Sea Life Park service: Base period (28%) did not meet the 10% standard.

DTS will evaluate Routes 20 & 22 to address overcrowding during these periods.

Circulator					
Standard	Percent of annual passenger miles that exceeded the maximum vehicle load factor standard				
	1.4	1.2	1.4	1.2	1.2
Route	AM Peak (1 st bus-9am)	Base (9am-2pm)	PM Peak (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
5	0%	0%	0%	0%	0%
7	2%	2%	2%	0%	0%
8	0%	1%	2%	2%	1%
9S	0%	0%	0%	0%	0%
10	0%	0%	0%	0%	0%
14	0%	0%	0%	0%	0%
15	0%	0%	1%	0%	0%
16	0%		0%		
17	0%	0%	0%	0%	0%
18	0%	0%	0%	0%	2%
24	0%	0%	4%	4%	0%
31	0%	0%	0%	0%	0%
32	0%	0%	0%	0%	0%
41	0%	0%	0%	0%	0%
44	0%	0%	0%	0%	0%
70	0%	0%	0%	0%	0%
71	0%		0%		
72	0%	0%	0%	0%	0%
73	0%	0%	0%		
74	0%		0%		
76	0%	0%	0%	0%	0%
77	0%	1%	0%		
234	0%		0%		
235	0%		0%		
401	0%	0%	0%	0%	0%
402	0%	0%	0%	0%	0%
403	0%	0%	0%	0%	0%
411	0%	0%	0%	0%	0%
413	0%		0%		
414	0%	0%	0%	0%	0%
415	0%		0%	0%	
416	0%	0%	0%	0%	0%
432	0%	0%	0%	0%	0%
433	0%	0%	0%	0%	0%
434	0%	0%	1%	0%	0%
501	4%	0%	3%	0%	0%
503	0%	3%	0%	0%	0%
504	0%	0%	0%	0%	0%

Circulator – There are 38 routes: 18 TVI/EJ routes; 20 non-TVI/EJ routes. All circulator routes met the 10% standard for the percentage of annual passenger miles exceeding the vehicle load factor standard.

Peak Express					
Standard	Percent of annual passenger miles that exceeded the maximum vehicle load factor standard				
	1.2	NA	1.2	NA	1.2
Route	AM Peak (1 st bus-9am)	Base (9am- 2pm)	PM Peak (2pm-6pm)	Night (6pm-last bus)	Weekend (all day)
80	0%		0%		
80A	3%		2%		
80B	0%				
81	5%		3%		
82	3%		3%		
83	1%		0%		
84	0%		0%		
84A	1%		0%		
85	0%		1%		
85A	3%		1%		
87	0%		0%		
88	0%		0%		
88A	0%		0%		
89	3%		1%		
90	3%		1%		
91	1%		4%		
92	0%		0%		
93	1%		0%		
94	0%		3%		
96	0%		0%		
97	5%		2%		
98	1%		0%		
98A	0%		5%		
99	4%		0%		
101	4%		5%		
102	0%		0%		
103	0%		11%		
PH1	1%		0%		
PH2	0%		0%		
PH3	0%		0%		
PH4	0%		4%		
PH5	0%		3%		
PH6	2%		0%		
PH7	0%		0%		
W1	11%		26%		26%
W2	4%		0%		37%
W3	20%		29%		16%

Peak Express – There are 37 routes: 19 TVI/EJ routes; 18 non-TV/EJ routes. All routes met the 10% standard for the percentage of annual passenger miles exceeding the vehicle load factor standard, except TVI/EJ Routes W1 & W3, and non-TV/EJ Routes W2 & 103.

- Route W1 provides Waipahu/Waikiki service: All periods (11% AM, 26% PM & Weekend) did not meet the 10% standard.
- Route W3 provides Kalihi/Waikiki service: All periods (20% AM, 29% PM, 16% Weekend) did not meet the 10% standard.
- Route W2 provides Waipahu/Waikiki service: Weekend period (37%) did not meet the 10% standard.
- Route 103 provides Waialeale/Downtown service: PM period (11%) did not meet the 10% standard.

DTS will evaluate Routes W1, W2, W3, and 103 to address overcrowding during these periods.

B. Vehicle Headways

Vehicle headway is defined as amount of time between two vehicles traveling in the same direction on the same route. Scheduling headway across service modes and time periods is affected by the following factors, including but not limited to: ridership, route length, traffic congestion/conditions, population density, demand generators, and budget constraints. Such factors may affect scheduled headway by up to 10 minutes, an acceptable duration to remain in conformance with the vehicle headway standard.

Vehicle Headway Standard (in minutes)						
Service Mode	Weekday					Weekend
	AM Peak (1 st bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – 10m)	Night Owl (12pm – last bus)	All Day
Rapid Bus	15	30	15	30	D	30-45
Trunk	20	30	20	45	D	30-60
Circulator	30	45	30	60	D	60
Peak Hour Express	D	NA	D	NA	NA	NA
*Community Access	D	D	D	D	D	D

*Currently, there is no Community Access service. D: As appropriate to meet demand

Vehicle headways and standards for bus routes are detailed in the following tables according to periods (AM peak, mid-day base, PM peak, nights, and weekends). If there is only a single trip, there is no headway. TVI/EJ routes are highlighted in red.

Rapid Bus					
Standard (minutes)	15	30	15	30	30-45
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
A	17	18	18	32	23
C	30	35	38	52	30
E	33	37	38	42	61

Rapid Bus – There are 3 routes: 2 TVI/EJ; 1 non-TVI/EJ routes. DTS will evaluate non-conforming scheduled headways and adjust accordingly to ensure that all routes are in general conformance to the vehicle headway standard.

Trunk					
Standard (minutes)	20	30	20	45	30-60
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
1	12	17	15	34	16
1L	45	37	44		
2	15	13	13	30	18
2L	7		10		
3	12	20	17	33	26
4	16	20	14	32	30
6	21	24	25	35	31
9	19	52	27	51	41
11	48	59	47	65	69
13	18	17	18	33	19
19	35	46	38	34	41
20	47	47	50	Single trip	52
22	52	57	37		38
23	34	40	45	45	63
40	34	41	33	29	36
42	33	38	46	44	33
43	43	33	36		
51	20	25	27	53	31
52	30	37	34	46	41
53	26	40	28	47	56
54	24	32	21	45	35
55	32	48	42	52	45
56	36	55	44	59	53
57	21	41	27	50	59
57A	27	59	59		55
65	42	52	46	53	57

Trunk – There are 26 routes: 9 TVI/EJ routes; 17 non-TVI/EJ routes. DTS will evaluate non-conforming scheduled headways and adjust accordingly to ensure that all routes are in general conformance to the vehicle headway standard.

Circulator					
Standard (minutes)	30	45	30	60	60
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
5	29	49	54	42	51
7	19	42	17	41	45
8	18	9	12	15	12
9S	28	27	27	27	29
10	35	43	34	54	61
14	22	30	25	23	28
15	28	45	22	52	57
16	26		32		
17	29	36	21	30	33
18	49	56	58	51	65
24	48	52	48	47	65
31	27	48	31	42	48
32	33	57	33	54	59
41	32	39	34	37	71
44	54	58	76	63	65
70	64	74	50	34	71
71	35		37		
72	61	67	73	77	79
73	25	31	26		
74	42		42		
76	35	36	35	29	39
77	76	82	79		
234	26		35		
235	26		40		
401	54	55	49	47	57
402	51	55	48	46	57
403	54	55	53	51	58
411	28	28	18	39	43
413	27		29		
414	50	51	49	45	56
415	24		21	Single trip	
416	52	52	51	47	57
432	15	17	16	21	19
433	29	29	28	40	42
434	38	38	35	39	44

Circulator continued					
Standard (minutes)	30	45	30	60	60
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
501	37	43	41	38	55
503	43	50	52	27	55
504	41	40	39	37	47

Circulator – There are 38 routes: 18 TVI/EJ routes; 20 non-TVI/EJ routes. DTS will evaluate non-conforming scheduled headways and adjust accordingly to ensure that all routes are in general conformance to the vehicle headway standard.

Peak Express					
Standard (minutes)	Demand	NA	Demand	NA	NA
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
80	14		16		
80A	31		29		
80B	29				
81	10		12		
82	20		26		
83	11		13		
84	19		21		
84A	21		19		
85	17		30		
85A	34		35		
87	17		23		
88	21		22		
88A	23		39		
89	23		25		
90	25		22		
91	13		15		
92	17		25		
93	13		15		
94	23		36		
96	19		25		
97	14		19		
98	20		25		
98A	25		39		
99	37		30		
101	14		15		
102	19		25		
103	18		23		
PH1	Single trip		Single trip		
PH2	Single trip		Single trip		
PH3	Single trip		Single trip		
PH4	Single trip		Single trip		
PH5	Single trip		Single trip		
PH6	Single trip		Single trip		
PH7	Single trip		Single trip		
W1	13		25		33

Peak Express Continued					
Standard (minutes)	Demand	NA	Demand	NA	
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
W2	15		26		37
W3	18		22		36

Peak Express – There are 37 routes: 19 TVI/EJ routes; 18 non-TV/EJ routes. There is no numerical standard for Peak Express vehicle headway; instead headway is scheduled to meet demand. The average headway for TVI/EJ routes is 17 minutes and 23 minutes for non-TV/EJ routes.

B. On-Time Performance

The average measure of runs completed as scheduled.

- On-time is measured as 2 minutes early to 5 minutes late of scheduled arrival and departure times.
- Early is greater than 2 minutes of the scheduled departure time.
- Late is greater than 5 minutes of the scheduled arrival time.

The Standard for all service modes is 80%.

On-time performance for bus routes are detailed in the following tables according to service modes and periods (AM peak, mid-day base, PM peak, evening, and weekends). TVI/EJ routes are highlighted in red.

Rapid Bus					
Standard	80%	80%	80%	80%	80%
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
A	68%	73%	62%	69%	58%
C	77%	70%	51%	54%	60%
E	83%	81%	53%	79%	65%

Rapid Bus – There are 3 routes: 2 TVI/EJ; 1 non-TV/EJ routes. DTS will evaluate non-conforming routes with additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Trunk					
Standard (minutes)	80%	80%	80%	80%	80%
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
1	84%	80%	78%	77%	79%
1L	61%	69%	63%		
2	76%	68%	61%	71%	62%
2L	88%		86%		
3	69%	65%	59%	71%	55%
4	78%	79%	69%	64%	80%
6	76%	73%	61%	52%	63%
9	59%	55%	51%	67%	47%
11	67%	70%	63%	70%	76%
13	68%	63%	56%	54%	61%
19	70%	59%	59%	70%	59%
20	56%	56%	62%	73%	57%
22	86%	46%	55%		44%
23	65%	54%	50%	54%	43%
40	65%	59%	55%	58%	49%
42	52%	53%	51%	63%	55%
43	77%	84%	81%		
51	58%	57%	41%	81%	52%
52	80%	76%	64%	78%	71%
53	86%	67%	44%	62%	88%
54	83%	78%	69%	80%	72%
55	71%	58%	53%	57%	56%
56	71%	66%	61%	63%	64%
57	65%	56%	47%	61%	45%
57A	79%	69%	69%		44%
65	74%	77%	66%	80%	88%

Trunk – There are 26 routes: 9 TVI/EJ routes; 17 non-TVI/EJ routes. DTS will evaluate non-conforming routes with additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Circulator					
Standard (minutes)	80%	80%	80%	80%	80%
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
5	87%	86%	75%	88%	86%
7	68%	77%	71%	78%	75%
8	98%	77%	76%	84%	65%
9S	95%	91%	87%	89%	92%
10	82%	82%	76%	53%	73%
14	65%	65%	65%	65%	65%
15	80%	82%	68%	78%	84%
16	90%		88%		
17	83%	82%	75%	86%	81%
18	72%	68%	35%	60%	55%
24	82%	67%	46%	58%	54%
31	82%	89%	86%	93%	92%
32	74%	74%	61%	66%	77%
41	60%	68%	64%	71%	39%
44	73%	70%	57%	54%	80%
70	79%	64%	45%	71%	65%
71	84%		49%		
72	81%	77%	58%	67%	77%
73	66%	68%	51%		
74	90%		71%		
76	97%	89%	76%	93%	92%
77	72%	75%	67%		
234	83%		69%		
235	89%		71%		
401	84%	93%	65%	73%	91%
402	61%	61%	61%	61%	61%
403	77%	70%	28%	34%	62%
411	91%	93%	82%	69%	81%
413	40%		80%		
414	81%	84%	78%	81%	86%
415	100%		92%	94%	
416	66%	69%	54%	68%	82%
432	79%	81%	68%	74%	84%
433	84%	87%	52%	87%	70%
434	77%	82%	80%	84%	65%

Circulator continued					
Standard (minutes)	80%	80%	80%	80%	80%
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
501	80%	70%	84%	89%	86%
503	87%	83%	73%	89%	89%
504	87%	89%	82%	80%	75%

Circulator – There are 38 routes: 18 TVI/EJ routes; 20 non-TVI/EJ routes. DTS will evaluate non-conforming routes with additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

Peak Express					
Standard (minutes)	80%	80%	80%	80%	80%
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
80	91%		89%		
80A	89%		93%		
80B	89%				
81	80%		92%		
82	88%		92%		
83	95%		87%		
84	97%		80%		
84A	83%		89%		
85	93%		78%		
85A	88%		82%		
87	93%		77%		
88	90%		90%		
88A	85%		86%		
89	91%		81%		
90	93%		72%		
91	86%		84%		
92	90%		77%		
93	87%		86%		
94	81%		78%		
96	91%		84%		
97	89%		80%		
98	90%		84%		
98A	85%		78%		
99	80%		91%		
101	95%		76%		
102	87%		87%		
103	100%		77%		
PH1	84%		83%		
PH2	88%		79%		
PH3	77%		84%		
PH4	95%		85%		
PH5	83%		79%		
PH6	67%		79%		
PH7	89%		82%		
W1	81%		85%		50%

Peak Express Continued					
Standard (minutes)	80%	80%	80%	80%	80%
Route	AM Peak (1 st Bus – 9am)	Base (9am – 2pm)	PM Peak (2pm – 6pm)	Night (6pm – last Bus)	Weekend All Day
W2	98%		88%		72%
W3	98%		93%		79%

Peak Express – There are 37 routes: 19 TVI/EJ routes; 18 non-TV/EJ routes. DTS will evaluate non-conforming routes with additional analysis/monitoring to identify factors affecting on-time performance for mitigation purposes.

C. Service Availability

A general measure of the distribution of routes within an agency's service area.

Standard:

Route availability within a ½ mile radius for 80% of the population.

Service availability for bus routes are detailed in the following table.

Service Availability (within a ½ mile radius of a bus route)						
Category	Over ½ mile	Within ½ mile	Total	Over ½ mile	Within ½ mile	Total
Non-TV/EJ	64,480	599,406	663,886	10%	90%	100%
TVI/EJ	46,149	243,172	289,321	16%	84%	100%
Total	110,629	842,578	953,207	12%	88%	100%

Source: 2010 Census Data

84% of TVI/EJ and 90% of non-TV/EJ residents are within the ½ mile radius of a bus route. Overall 88% of all residents are within the ½ mile radius of a bus route.

Service Policies

A. Transit Amenities

Items of comfort, convenience, and safety (seating, shelter, trash receptacles, lighting).

Policy:

- All amenities shall comply with ADA Accessibility Guidelines (ADAAG)
- Installation at stops along bus routes are based on number of passenger boardings, number of routes served, transfer point, headways, and space requirements.

Amenities	Stop Characteristics for Distribution
Shelter	Transfer points, two or more bus routes, headways >40 minutes, average to high proportion of passenger boardings in relation to route ridership
Bench	Transfer points, two or more bus routes, headways >30 minutes, average proportion of passenger boardings in relation to route ridership
Trash Receptacle	Transfer points, two or more bus routes, headways >15 minutes, medium to high proportion of passenger boardings in relation to route ridership and/or adjacent to trash receptacle use generator(s)
Provision of Information	As needed and appropriate

Trash receptacles, shelters, benches, and lighting were tallied for each stop along a single route. Transit amenity distribution averages for TVI/EJ and non-TVI/EJ routes for each mode are detailed in the following tables. Physical conditions and route characteristics of the service area may be a factor in determining the quantity of amenities along each route. TVI/EJ routes are highlighted in red.

Rapid Bus						
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Shelter Lighting (%)	Street Lighting (%)
A	67	94%	81%	100%	6%	91%
C	103	66%	64%	87%	1%	90%
E	60	95%	70%	100%	8%	83%

Rapid Bus – There are 3 routes: 2 TVI/EJ; 1 non-TVI/EJ routes. On average, TVI/EJ routes have more shelters and street lighting and non-TVI/EJ routes have more trash receptacles and shelter lighting shown below:

- TVI/EJ: trash receptacles (80%), shelters (72%), benches (100%), shelter lighting (3%), and street lighting (90%).
- Non-TVI/EJ: trash receptacles (95%), shelters (70%), benches (100%), shelter lighting (8%), and street lighting (83%).

Trunk						
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Shelter Lighting (%)	Street Lighting (%)
1	221	55%	43%	83%	2%	95%
1L	206	46%	46%	74%	1%	97%
2	123	85%	65%	100%	5%	92%
2L	81	84%	84%	100%	4%	94%
3	121	69%	61%	90%	3%	89%
4	131	55%	55%	89%	1%	93%
6	130	45%	45%	85%	3%	92%
9	170	69%	65%	95%	3%	89%
11	119	27%	30%	66%	2%	90%
13	141	74%	62%	100%	3%	91%
19	149	68%	62%	84%	1%	84%
20	140	71%	68%	96%	1%	88%
22	131	39%	24%	79%	1%	89%
23	149	44%	35%	84%	3%	91%
40	308	53%	55%	75%	2%	87%
42	202	79%	75%	100%	2%	92%
43	108	56%	51%	94%	2%	96%
51	208	69%	65%	86%	5%	94%
52	108	81%	81%	100%	8%	95%
53	106	55%	58%	92%	3%	97%
54	151	31%	44%	70%	1%	95%
55	405	35%	34%	64%	1%	81%
56	201	42%	43%	72%	1%	93%
57	167	39%	41%	65%	2%	73%
57A	98	53%	59%	77%	3%	82%
65	103	60%	66%	80%	3%	93%

Trunk – There are 26 routes: 9 TVI/EJ routes; 17 non-TVI/EJ routes. On average, TVI/EJ routes have more trash receptacles, shelters, benches, and shelter lighting and non-TVI/EJ routes have more street lighting as shown below:

- TVI/EJ: trash receptacles (65%), shelters (62%), benches (89%), shelter lighting (3%), and street lighting (90%).
- Non-TVI/EJ: trash receptacles (53%), shelters (49%), benches (84%), shelter lighting (2%), and street lighting (91%).

Circulator						
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Shelter Lighting (%)	Street Lighting (%)
5	61	31%	30%	61%	3%	90%
7	88	38%	28%	69%	1%	83%
8	36	94%	81%	100%	8%	86%
9S	31	32%	32%	84%	0%	90%
10	123	16%	12%	32%	0%	93%
14	172	24%	22%	50%	0%	95%
15	104	7%	11%	32%	1%	91%
16	26	23%	19%	31%	4%	65%
17	26	46%	50%	85%	4%	96%
18	54	65%	51%	91%	2%	93%
24	87	10%	38%	83%	1%	93%
31	52	38%	42%	65%	4%	79%
32	94	23%	20%	51%	1%	80%
41	62	39%	31%	77%	0%	73%
44	122	21%	25%	49%	0%	89%
70	96	20%	18%	31%	1%	72%
71	69	10%	10%	16%	1%	96%
72	58	47%	41%	81%	9%	100%
73	37	24%	35%	62%	5%	92%
74	54	9%	11%	46%	0%	93%
76	42	36%	40%	71%	2%	98%
77	97	43%	37%	60%	0%	77%
234	31	23%	19	29	0	100%
235	26	31%	23	50	0	100%
401	57	18%	21%	35%	0%	89%
402	40	10%	8%	40%	0%	78%
403	84	12%	15%	26%	0%	74%
411	52	25%	21%	69%	0%	98%
413	20	25%	15%	30%	0%	85%
414	32	19%	22%	59%	0%	100%
415	8	50%	50%	63%	0%	75%
416	25	24%	20%	28%	0%	68%
432	65	38%	35%	82%	2%	100%
433	52	48%	58%	69%	2%	100%
434	32	50%	66%	84%	3%	100%
501	34	21%	24%	26%	3%	100%
503	45	22%	22%	27%	2%	98%
504	40	5%	13%	18%	3%	100%

Circulator – There are 38 routes: 18 TVI/EJ routes; 20 non-TVI/EJ routes. On average, TVI/EJ routes have more trash receptacles and shelters and non-TVI/EJ routes have more benches, and lighting as shown below:

- TVI/EJ: trash receptacles (31%), shelters (31%), benches (54%), shelter lighting (1%), and street lighting (75%).
- Non-TVI/EJ: trash receptacles (29%), shelters (28%), benches (55%), shelter lighting (2%), and street lighting (94%).

Peak Express						
Route	No. of Stops	Trash Receptacle (%)	Shelters (%)	Benches (%)	Shelter Lighting (%)	Street Lighting (%)
80	109	38%	22%	61%	3%	97%
80A	143	27%	15%	52%	1%	98%
80B	35	49%	37%	74%	3%	94%
81	81	47%	47%	89%	2%	98%
82	63	35%	33%	73%	5%	95%
83	139	54%	52%	78%	6%	96%
84	70	49%	55%	63%	4%	94%
84A	69	52%	62%	70%	6%	94%
85	112	46%	46%	71%	2%	91%
85A	44	78%	67%	96%	4%	93%
87	85	52%	52%	76%	2%	82%
88	49	45%	45%	80%	4%	96%
88A	443	41%	41%	71%	3%	81%
89	75	39%	39%	69%	3%	67%
90	69	41%	54%	81%	3%	97%
91	55	84%	76%	100%	4%	89%
92	53	42%	43%	89%	4%	93%
93	151	45%	48%	64%	1%	82%
94	35	37%	29%	60%	3%	97%
96	36	64%	67%	83%	6%	94%
97	32	72%	66%	77%	9%	93%
98	46	65%	70%	87%	4%	93%
98A	79	89%	85%	100%	5%	94%
99	91	60%	65%	77%	9%	93%
101	59	51%	51%	78%	3%	97%
102	38	63%	61%	95%	5%	95%
103	30	80%	83%	97%	7%	93%
PH1	70	49%	49%	63%	0%	84%
PH2	76	18%	26%	28%	0%	88%
PH3	99	57%	46%	64%	5%	95%
PH4	64	31%	31%	3%	0%	92%
PH5	71	32%	41%	59%	1%	87%
PH6	126	35%	21%	57%	1%	95%
PH7	50	66%	58%	88%	0%	82%
W1	69	75%	70%	100%	1%	94%
W2	41	44%	34%	83%	0%	100%
W3	40	83%	53%	98%	5%	93%

Peak Express – There are 37 routes: 19 TVI/EJ routes; 18 non-TV/EJ routes. On average, non-TV/EJ routes have more trash receptacles, shelters, benches, and lighting as shown below:

- TVI/EJ: trash receptacles (50%), shelters (48%), benches (75%), shelter lighting (3%), and street lighting (86%).
- Non-TV/EJ: trash receptacles (54%), shelters (51%), benches (78%), shelter lighting (4%), and street lighting (99%).

B. Vehicle Assignment

Process by which transit vehicles are assigned to routes. All buses are wheelchair accessible and equipped with bike racks.

Policy:

Vehicles assignments are based on the operating characteristics of the routes such as ridership, mode of service, and roadway conditions (narrow, steep, tight turns). Typically, 60-foot buses are assigned to Rapid Bus, high ridership, or long-distance routes; 40-foot buses to trunk and circulator routes; and 30/35-foot buses to circulator/community access routes, routes with narrow or steep streets/tight turns, and routes with less ridership.

High floor buses are no longer manufactured and while older in age are equipped with lifts and have greater seating capacity than newer low floor buses; and are generally assigned to routes with the following characteristics:

- High ridership routes with segments that are unable to accommodate 60-foot buses.
- Unimproved right-of-ways where lifts are more conducive.
- Areas prone to ponding or flooding conditions.
- Long distance routes where the number of standees on low floor buses would have seats on a high floor bus and overall ridership is insufficient for a 60-foot.

A comparison of average vehicle age by vehicle assignments for TVI/EJ and non-TV/EJ routes for each mode are detailed in the following tables. TVI/EJ routes are highlighted in red.

Rapid Bus				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
A	60	60	Low	11
C	60	51	Low	11
E	60	30	Low	11

Rapid Bus – There are 3 routes: 2 TVI/EJ; 1 non-TV/EJ routes. All routes have an average age of 11 years. 60-foot vehicles are assigned to Rapid Bus routes because they have high ridership, connect outlying suburban areas to the primary urban core, and operate on heavily traveled corridors frequently throughout the day.

Trunk				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
1	60	53	Low	9
1L	60	28	Low	9
2	60	77	Low	9
2L	60	20	Low	9
3	40	55	High/Low	14
4	40	38	High/Low	9
6	40	30	High/Low	14
9	40	38	High/Low	14
11	40	16	High/Low	9
13	40	54	High/Low	14
19	40	41	Low	8
20	40	19	Low	9
22	40	10	Low	11
23	40	6	Low	11
40	40	70	High	16
42	60	45	Low	11
43	40	26	High/Low	14
51	40	44	High/Low	7
52	40	36	High/Low	7
53	40	21	Low	5
54	40	29	Low	11
55	40	61	Low	5
56	40	32	Low	11
57	40	41	Low	11
57A	40	5	Low	11
65	40	18	High/Low	5

Trunk – There are 26 routes: 9 TVI/EJ routes; 17 non-TVI/EJ routes. TVI/EJ routes have an average age of 9 years and non-TVI/EJ routes have an average age of 10 years.

40-foot vehicles are typically assigned to Trunk routes, with the exception of routes 1, 1L, 2, 2L, and 42 which operate long distances along heavily traveled corridors, have high ridership, and are assigned 60-foot vehicles.

Routes with characteristics better suited for high floor buses are assigned such vehicles. (i.e. Routes 13 & 40 are long distance, high ridership routes but have segments that are unable to accommodate a 60-foot vehicle).

Circulator				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
5	40	5	Low	11
7	40	17	High/Low	14
8	40	29	High/Low	9
9S	40	4	High	11
10	30	10	High	17
14	35	9	Low	8
15	30	8	High	17
16	35	3	Low	8
17	40	7	High/Low	12
18	40	4	Low	8
24	40	6	Low	8
31	40	6	Low	8
32	35	13	Low	8
41	40	14	Low	6
44	40	11	High/Low	7
70	30	4	High	17
71	30	3	Low	10
72	35	4	Low	8
73	40	5	Low	5
74	30	3	High	17
76	35	5	Low	8
77	40	4	Low	11
234	30/35	3	High/Low	8
235	30/35	2	High/Low	8
401	40	8	Low	5
402	40	8	Low	5
403	40	8	Low	5
411	35/40	9	Low	5
413	35/40	3	Low	5
414	30	8	Low	10
415	30/40	3	Low	5
416	30	8	Low	10
432	40	8	Low	5
433	40	5	Low	5
434	40	4	Low	5
501	35	4	Low	8
503	30	4	High	17
504	35	4	Low	8

Circulator – There are 38 routes: 18 TVI/EJ routes; 20 non-TVI/EJ routes. TVI/EJ routes have an average age of 7 years and non-TVI/EJ routes have an average age of 10 years.

30, 35, and 40-foot vehicles are generally assigned to Circulator routes which travel through neighborhoods. Assignments are based on route characteristics such as ridership, roadway conditions, and distance.

Routes with characteristics better suited for high floor buses are assigned such vehicles. (i.e. Route 7 is a high ridership route with unimproved right-of-ways.)

Peak Express				
Route	Vehicle Size (ft)	No of Vehicles	Floor Height	Avg Age (Years)
80	40	12	High/Low	12
80A	40	6	High/Low	13
80B	40	1	Low	5
81	40/60	23	Low	13
82	40	17	Low	14
83	40	9	Low	5
84	40	9	Low	5
84A	40	11	High	16
85	40	8	Low	11
85A	5	40	High	14
87	40	7	Low	9
88	40	7	Low	5
88A	40	5	High	14
89	40	5	High	14
90	40	4	Low	5
91	40/60	22	High/Low	13
92	40	7	Low	5
93	40	31	High	16
94	40	2	High	21
96	40	5	Low	5
97	40	9	High	14
98	40	9	High	14
98A	40	6	High	14
99	40	3	Low	5
101	40/60	12	High/Low	13
102	40	8	Low	5
103	40	5	Low	11
PH1	40	2	Low	6
PH2	40	2	Low	6
PH3	40	2	Low	6
PH4	40	2	Low	11
PH5	40	2	Low	11
PH6	40	2	Low	9
PH7	40	2	Low	6
W1	40	9	High	11
W2	40	7	Low	6
W3	40	5	Low	11

Peak Express – There are 37 routes: 19 TVI/EJ routes; 18 non-TV/EJ routes. TVI/EJ routes have an average age of 9 years and non-TV/EJ routes have an average age of 11 years.

40-foot vehicles are generally assigned to Peak Express routes, with the exception of routes 81, 91, and 101 which are also assigned 60-foot vehicles due to higher ridership than other Peak Express routes.

Routes with characteristics better suited for high floor buses are assigned such vehicles. (i.e. Route 88A serves the Northshore and Windward Coastline with unimproved right-of-ways and prone to flooding; Route 93 has high ridership but a segment of the route is unable to accommodate a 60-foot vehicle.)

Attachment 8

Major Service and Fare Change Policy and
Disparate Impact & Disproportionate Burden Policies

PUBLIC TRANSIT DIVISION

CATEGORY: ADMINISTRATION	Index Code: 7-1.13 Page 1 of 5
SUBJECT: DTS MAJOR SERVICE & FARE CHANGE POLICY AND DISPARATE IMPACT & DISPROPORTIONATE BURDEN POLICIES	
REFERENCE: CIRCULAR FTA C4702.1B TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION (FTA) RECIPIENTS, FTA MASTER AGREEMENT (CERTIFICATIONS & ASSURANCES)	
<p>PURPOSE: To establish policies and procedures to evaluate all major service and fare changes as required under the FTA Title VI (TVI) Circular 4702.1B and any subsequent revisions thereto. In order to comply with FTA requirements, DTS-PTD is required to develop and adopt Major Service Change, Fare Change, Disparate Impact, and Disproportionate Burden Policies and Procedures to evaluate the impact on minority and low-income populations.</p> <p>POLICIES: The DTS-PTD shall conduct service and fare equity analyses during the planning process to determine whether the adverse effects of major planned changes will have a disparate impact on minority populations on the basis of race, color, or national origin and/or a disproportionate burden on low-income populations. Adverse effects of major changes are measured by the change between existing and proposed service/fare levels that would be deemed significant, including but not limited to new service, reductions in trips/service hours, increases in fares/headways, and elimination of routes/route segments/bus stops.</p> <p>1. <u>Major Service Change Policy</u> All “major” service changes will require a Service Equity Analysis for Title VI purposes during the planning process prior to implementation. Service change proposals that do not meet the criteria for “major” will be subject to an appropriate level of public review and comment. The combined effect of two or more service changes affecting the same route or community within a twelve month period or over four successive quarters and exceeds the disparate impact/disproportionate burden thresholds established in Item Nos. 3 and 4 below will be subject to a service equity analysis.</p> <p>The following are considered “major” service changes:</p> <ul style="list-style-type: none">• Establishing new routes when the population within a ½ mile radius of the proposed route exceeds 25% of the service area population (Census blocks).• Changing service levels (ie: trips, service hours/miles, span of service, headways) for existing routes when ridership of the affected route exceeds 10% of system-wide ridership.	

**SUBJECT: DTS MAJOR SERVICE & FARE CHANGE POLICY AND
DISPARATE IMPACT & DISPROPORTIONATE BURDEN POLICIES**

- Eliminating route(s) when the affected ridership is greater than ten (10) passengers and the percentage of affected ridership exceeds 10% of system-wide ridership. (No major service change will be considered if similar alternate service is available on another existing route.)
- Eliminating route segments when the affected ridership of the eliminated segment exceeds 10% of the route's total ridership.
- Temporary service addition or change lasting longer than twelve months.

The following service changes are not considered "major" and do not require Service Equity Analyses.

- Special event service;
- Routing changes due to construction or other road closures; and
- Special service operated during emergencies.

2. Fare Change Policy

All fare changes (increase, decrease), except the following, will require a Fare Equity Analysis for Title VI purposes during the planning process and prior to implementation.

- Special event, such as instances when fare-free has been declared for all passengers.
- Temporary fare reductions that are mitigating measures for other actions, such as construction activities closing a segment of a rail system for a period of time, requiring passengers to alter their travel patterns. A reduced fare for these passengers is a mitigating measure.
- Promotional fare reductions lasting less than six (6) months.

3. Disparate Impact Policy

As defined by FTA:

"Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient's policy or practice lacks substantial legitimate justification and where there exists one or more alternatives that would service the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

The policy shall establish a threshold for determining when adverse effects of fare/service changes are borne disproportionately by minority populations. The disparate impact defines statistically significant disparity and may be presented as a statistical percentage of impacts

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<p>borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission.”</p> <p>DTS-PTD determines disparate impact when adverse effects of major service and/or fare changes disproportionately affects minority populations based on race, color, or national origin more than non-minority populations.</p> <p>A “disparate impact” occurs when the threshold for determining adverse effects of planned changes on minority populations exceeds a 10% difference between the proportion of the total minority and non-minority population or ridership and the proportion of the affected minority and non-minority population or ridership.</p> <p>4. <u>Disproportionate Burden Policy</u> As defined by FTA in Circular 4702.1B: “Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate where practicable.</p> <p>The policy shall establish a threshold for determining when adverse effects of service or fare changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission.”</p> <p>DTS-PTD determines disproportionate burden when adverse effects of major service and/or fare changes disproportionately affects low-income populations more than non-low-income populations.</p> <p>A “disproportionate burden” occurs when the threshold for determining adverse effects of planned changes on low-income populations exceeds a 10% difference between the proportion of the total low-income and non-low-income population or ridership and the proportion of the affected low-income and non-low-income population or ridership.</p> <p>PROCEDURES:</p> <ol style="list-style-type: none"> 1. Six months prior to approving or implementing any planned changes, DTS-PTD will evaluate the impacts of the change(s) on minority and/or 	

**SUBJECT: DTS MAJOR SERVICE & FARE CHANGE POLICY AND
DISPARATE IMPACT & DISPROPORTIONATE BURDEN POLICIES**

low-income populations by conducting a service and/or fare equity analysis to determine if the adverse effects have a disparate impact or disproportionate burden. For service equity analyses, minority and low-income populations within ½ mile radius of the affected service area are determined using the most current available Census block group data. The fare equity analysis will use fare media data from ridership surveys conducted within the previous 5-year period.

2. Proposed service changes are submitted to DTS-PTD Service Review Committee for review and approval. Service changes are typically implemented on a quarterly basis in March, June, August, and December.
3. If the equity analysis determines that there is no disparate impact to the affected minority population and/or no disproportionate burden to the affected low-income population, DTS-PTD will continue the planning/implementation process of the proposed change. The process will include coordination with council member(s) from the district(s) affected by change(s) and presentation to the public for comments. Results will be included in the TVI Program submitted to FTA every three years.
4. If the equity analysis determines that there is a disparate impact to the affected minority population and/or a disproportionate burden to the affected low-income population, DTS-PTD will review/revise planned changes to avoid, minimize, or mitigate such impacts and conduct another equity analysis on the revised changes to determine that the revised changes do not disproportionately affect minority and/or low-income populations more than non-minority and/or non-low-income populations. Potential adverse effects to minority and/or low-income populations include but are not limited to: service changes that reduce service (i.e. eliminate route(s) or segments of routes, remove trips on a route, change span of service), change the frequency of service (i.e. headway), or fare increases.
5. If DTS-PTD chooses not to alter the proposed changes despite the potential disparate impact and/or a disproportionate burden on minority/low-income populations, or if DTS-PTD finds, even after revisions, that minority/low-income riders will continue to bear a disproportionate share of the proposed changes, the change may be implemented only if:
 1. there is a substantial legitimate justification for the proposed change, **and**
 2. it can be demonstrated that there are no alternatives that would have a less disparate impact on minority/low-income riders but would still accomplish legitimate program goals.

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<p>In order to make this choice, DTS-PTD must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on minorities/low-income riders, and then implement the least discriminatory alternative.</p> <p>PUBLIC ENGAGEMENT PROCESS: See attached Public Participation for Changes in Public Transit Policy, Programs, Projects, Service, and Operations procedures (Index Code: 7-1.19) for identifying methods of engaging the public in the decision making process for any transportation plan, program, or activity. This applies when implementing major and minor service changes, fare changes, construction, development of policy thresholds, procedures, any future revision(s) or amendments(s), and is applicable to all sub-recipients.</p>	

ADOPTED:

WES FRYSZTACKI

Amendment 2

Date _____

Date _____

Attachment 9

Major Service and Fare Change Equity Analyses

**Department of Transportation Services (DTS)
Public Transit Division Title VI Program
Service Equity Analysis Report
Routes: 72 Schofield/Wahiawa/Whitmore
98A Kunia/Wahiawa/Mililani/Waikiki Express**

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. This analysis was conducted in compliance with Federal Transit Administration (FTA) Circular 4702.1B, which requires any FTA recipient providing 50 or more fixed route vehicles in peak service located in an urbanized area and serving a population of 200,000 or greater to evaluate any major service change at the planning stage to determine whether those changes have a disparate impact on minority populations and disproportionate burden on low-income populations. This report is the service equity analysis of the changes to Routes 72 and 98A that are planned for implementation in December 2016.

Background

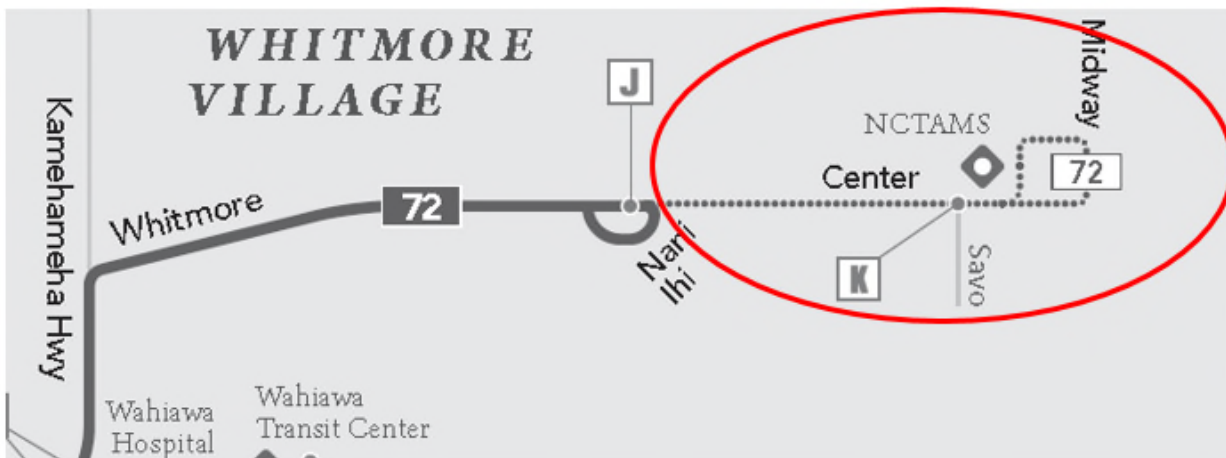
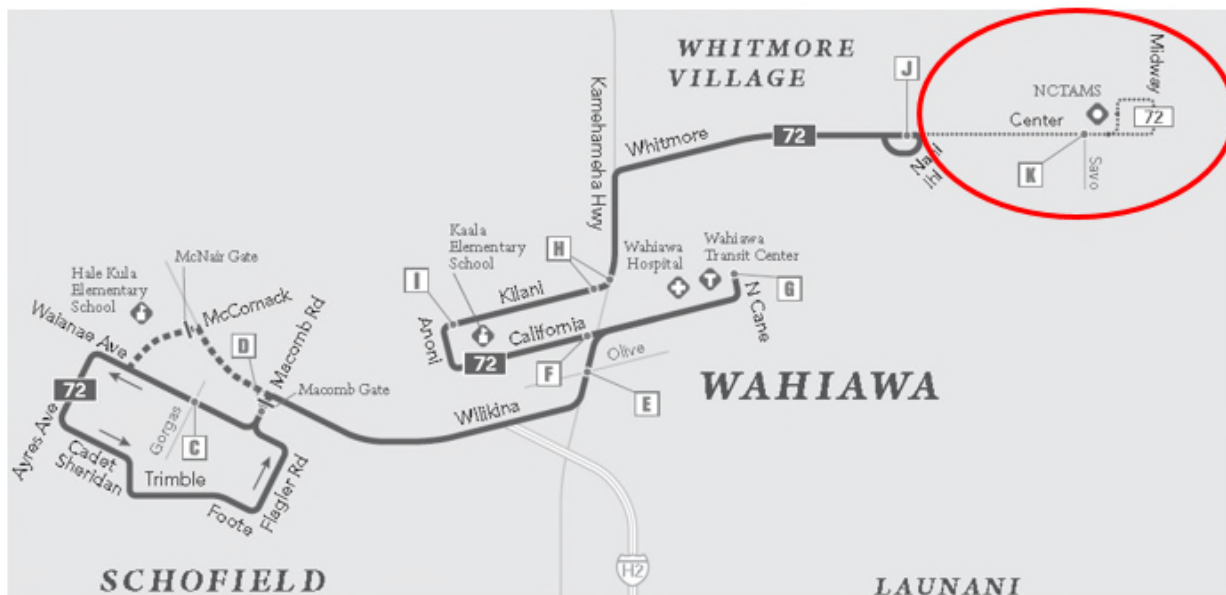
Route 72: Continued low ridership for the Naval Computer and Telecommunications Area Master Station Pacific (NCTAMS) segment is the basis for the proposed elimination of this route segment. It was initiated in the summer of 2015 when NCTAMS notified DTS of an upcoming construction project affecting entry through the main gate and the temporary discontinuance of Route 72 into NCTAMS. Although the construction project was cancelled during the rider notification period, DTS decided to initiate plans to permanently eliminate this segment of Route 72 since communication with the affected 2-3 riders had already been established and they were found to be occasional bus riders.

Historically, TheBus service for NCTAMS was eliminated in mid-2000 when construction precluded bus operations; ridership at that time was also very low, and service to NCTAMS was not restored when construction was completed. In 2006 limited service was restored at the request of then NCTAMS Commanding Officer on the promise of improved ridership due to increases in personnel and residents.

This has not been the case and based on actual usage of the current limited service into NCTAMS, the three trips at 6:14 AM, 7:29 AM, and 4:12 PM carry a combined daily average of two to three passengers.

The time and distance for the NCTAMS segment contributes to the operating overhead of the route, issues with scheduling, and on-time performance. In the absence of demand, and in the interest of operating efficiency, DTS plans to eliminate this unproductive route segment. As a secure military base subject to unpredictable security levels, bus service has been denied entry on several occasions. The value of the time and distance savings will improve schedule

reliability for the rest of the route. The segment proposed for elimination is circled in the route maps below.



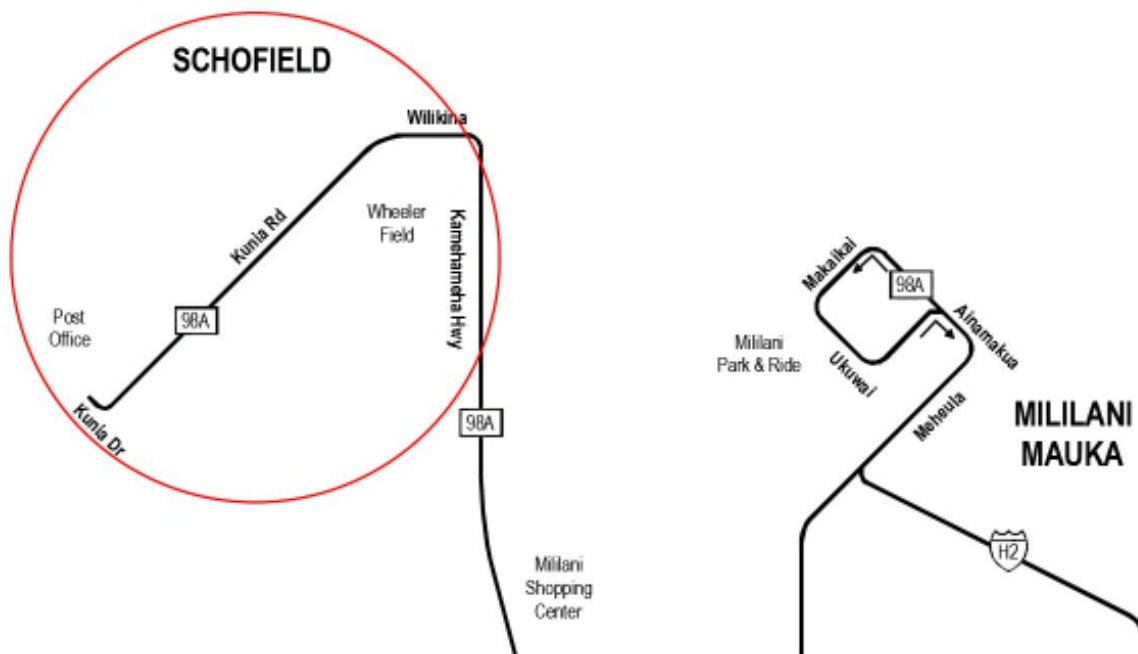
Route 98A: Continued low ridership for the Kunia Village segment between Kunia Village and the Wahiawa Park and Ride is the basis for the proposed elimination of this route segment.

Historically, Route 98A was implemented through the initiative and funding appropriation of the Honolulu City Council to assist Kunia Village plantation residents in accessing new jobs when Del Monte ceased its pineapple operations in 2007. Route 98A, provides express service between Kunia Village and Waikiki, and is an extended version of Route 98 that provides express service between Mililani and Downtown Honolulu. The only bus stops served in this eliminated segment are the Kunia Village stop and two stops along Wilikina Drive that are also served by other routes. According to ridership data, there is no passenger activity for Route 98A at the Wilikina Drive bus stops and the Kunia Village bus stop has one passenger

boarding in the morning and one passenger alighting in the afternoon. As a peak period express service, Route 98A provides two early morning trips (4:50 am, 5:20 am) and two afternoon trips (4 pm, 4:40 pm) between Kunia Village and Waikiki.

While initial usage was adequate, over time Kunia Village ridership has declined greatly with a combined daily average of two passengers for the two morning and two afternoon trips (public outreach found that it was the same person riding the AM & PM trips). Ridership for the remainder of the route remains good. In addition, the Kunia Village turn-around area is a shared use parking area with limited space, and on several occasions, bus operations were impeded by parked vehicles.

The time and distance for the Kunia Village segment contributes to the operating overhead of the route. As a plantation housing complex, Kunia Village is located approximately 2.5 miles from Wilikina Drive, 3 miles from downtown Wahiawa, and 4 miles from the Wahiawa Park and Ride at the National Guard Armory. In the absence of demand, and in the interest of operating efficiency, DTS plans to eliminate this unproductive route segment. The rest of the route between the Wahiawa Park-n-Ride and Waikiki will remain intact. The segment proposed for elimination is circled in the route map below.



Public Engagement Process

Routes 72 and 98A:

Summer 2015: NCTAMS administration and 3 riders are informed of the proposal to permanently eliminate Route 72 from NCTAMS and DTS maintains communication with them to address their transportation concerns. Since Route 98A is in the same region as Route 72 and the segments proposed for elimination are comparable, DTS decides to include the Kunia Village segment.

October 2015: DTS officially informs NCTAMS of the Route 72 elimination and continues to work with the affected riders. Route 98A survey notices informing riders of the proposed elimination of the Kunia Village segment and to contact DTS were posted at affected bus stops, with only one rider contacting DTS.

July 2016: DTS presentation at the Wahiawa/Whitmore Village Neighborhood Board No. 26 for Routes 72 and 98A. Affected riders were informed to attend. Councilmember notified of DTS attendance at the neighborhood board meeting.

October to

November 2016: Notification through DTS and TheBus websites, flyers to riders, and signage at affected bus stops. The 3 Route 72 riders and 1 Route 98A rider were contacted personally via email and phone calls. All 4 riders were able to arrange alternate transportation.

December 2016: Route 72 NCTAMS segment and Route 98A Kunia Village segment are scheduled for elimination.

Title VI Policies and Definitions

DTS' Title VI Program contains the policies and procedures to determine if service changes are considered "major" and to evaluate the impact of major service changes to minority and low income populations.

Major Service Change Policy: Eliminating a route segment is defined as major service change that requires DTS to perform a service equity analysis during the planning phase prior to implementation.

Disparate Impact Policy: DTS determines the occurrence of a disparate impact when adverse effects of a major service change disproportionately affects minority populations by more than 10% based on the difference between the proportion of the total minority and non-minority populations in the total service area and the proportion of the affected minority and non-minority populations within the affected service area, a ½ mile radius of the route.

Disproportionate Burden Policy: DTS determines the occurrence of a disproportionate burden when adverse effects of a major service change disproportionately affects low income populations by more than 10% based on the difference between the proportion of the total low income and non-low income populations in the total service area and the proportion of the

affected low income and non-low income populations within the affected service area, a ½ mile radius of the route.

Analysis Framework

Methodology: Population data using the most current Census block groups were used to determine:

- Minority and low income proportion of the total service area population in the Census block groups served by Route 72 or Route 98A.
- Minority and low income proportion of the affected service area population located within a ½ mile radius of Route 72 or Route 98A.

The differences between the minority proportions and low income proportions were calculated to determine disparate impact on minority populations and disproportionate burden on low income populations. Differences exceeding 10% indicate that the major service change affected minority populations disparately and low income populations disproportionately.

Data Tables:

Table 1: Census Block Group Minority Populations

Route	Total Service Area			Affected Service Area			% Difference Total & Affected Service Areas	Exceed 10%
	Total Population	Minority Population	% Minority	Affected Population	Minority Population	% Minority		
72	33,666	25,899	77%	14,916	11,046	74%	3%	No
98A	145,961	34,045	23%	70,364	15,187	22%	1%	No

Table 2: Census Block Group Low Income Populations

Route	Total Service Area			Affected Service Area			% Difference Total & Affected Service Areas	Exceed 10%
	Total Population	Low Income Population	% Low Income	Affected Population	Low Income Population	% Low Income		
72	33,666	6,054	18%	14,916	3,456	23%	5%	No
98A	145,961	29,484	20%	70,364	19,986	28%	8%	No

Required Maps: (see appendix)

Affected census block groups with minority and low income area block groups.

Assessing Impacts

Disparate Impact: As shown in Table 1 above, the effects of the service change to Routes 72 and 98A do not exceed the disparate impact policy threshold of 10%. For both routes, the service change will impact the affected minority population less than the minority population of the total service area. Route 72 is 3% less and Route 98A is 1%.

Disproportionate Burden: As shown in Table 2 above, while the effects of the service change to Routes 72 and 98A do not exceed the disproportionate burden policy threshold of

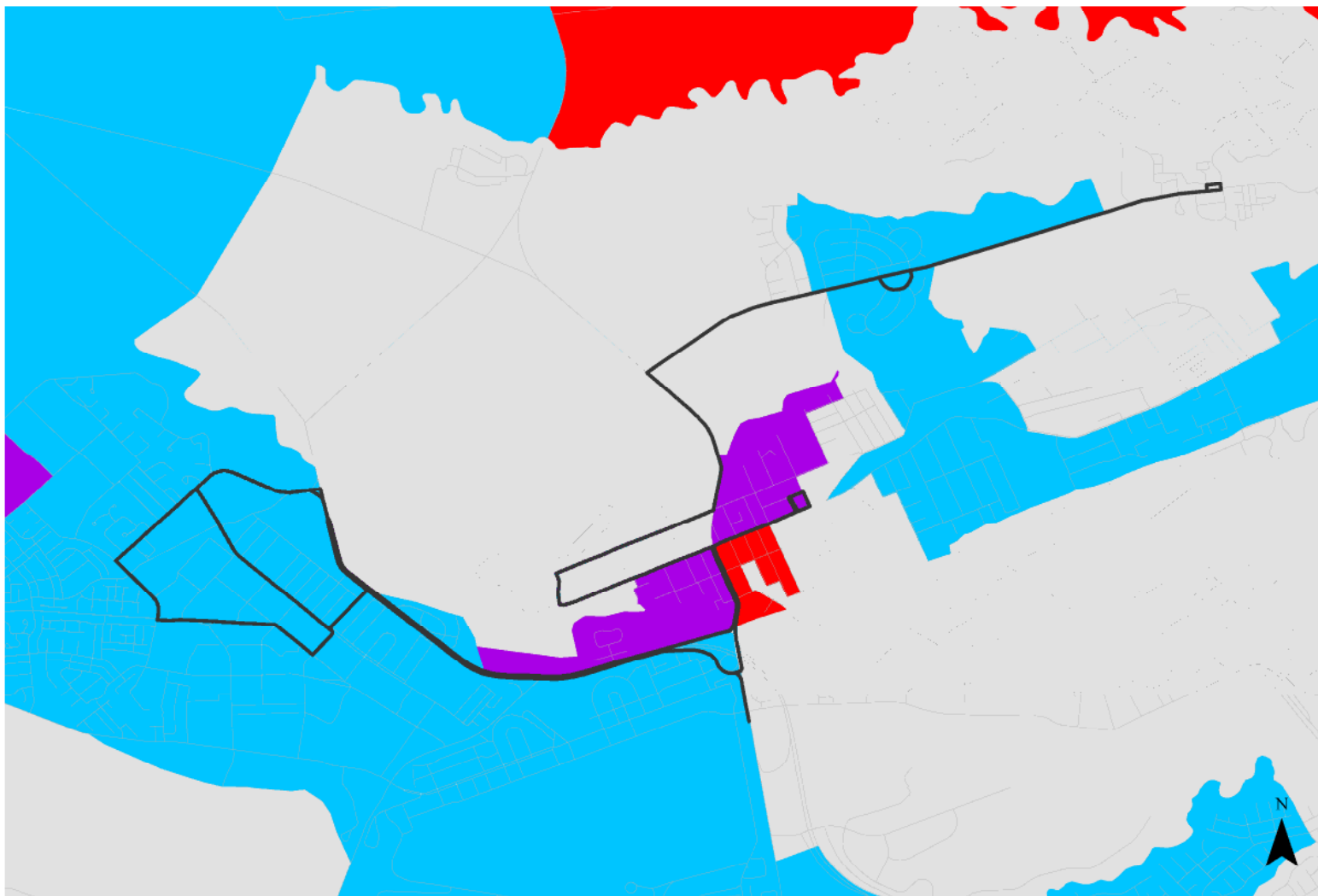
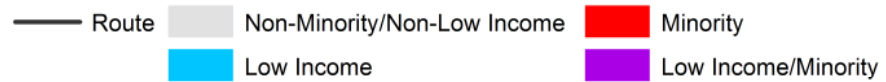
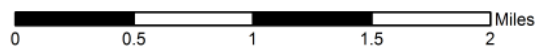
10%, the affected low income population for both routes will be impacted more than the low income population of the total service area. Route 72 is 5% more and 98A is 8%.

Service Equity Analysis: Based on DTS Major Service & Fare Change Policy and Disparate Impact & Disproportionate Burden Policies, there is no disparate impact to the affected minority population and no disproportionate burden to the affected low income population from the proposed service changes to Routes 72 and 98A. The Route 72 segment proposed for elimination serves a secure military installation with 2-3 occasional riders and is located in a Census block group identified as predominantly non-minority and non-low income. The Route 98A segment proposed for elimination serves a housing complex for workers of a former pineapple plantation with only 1 rider and is located in a relatively uninhabited area, several miles away from the urban core of Wahiawa town. Through public outreach efforts, communication was maintained with all affected riders who were able to find other transportation options

APPENDIX

MAPS

Route 72 - Census Block Groups



Route 98A - Census Block Groups

0 0.5 1 1.5 2 Miles

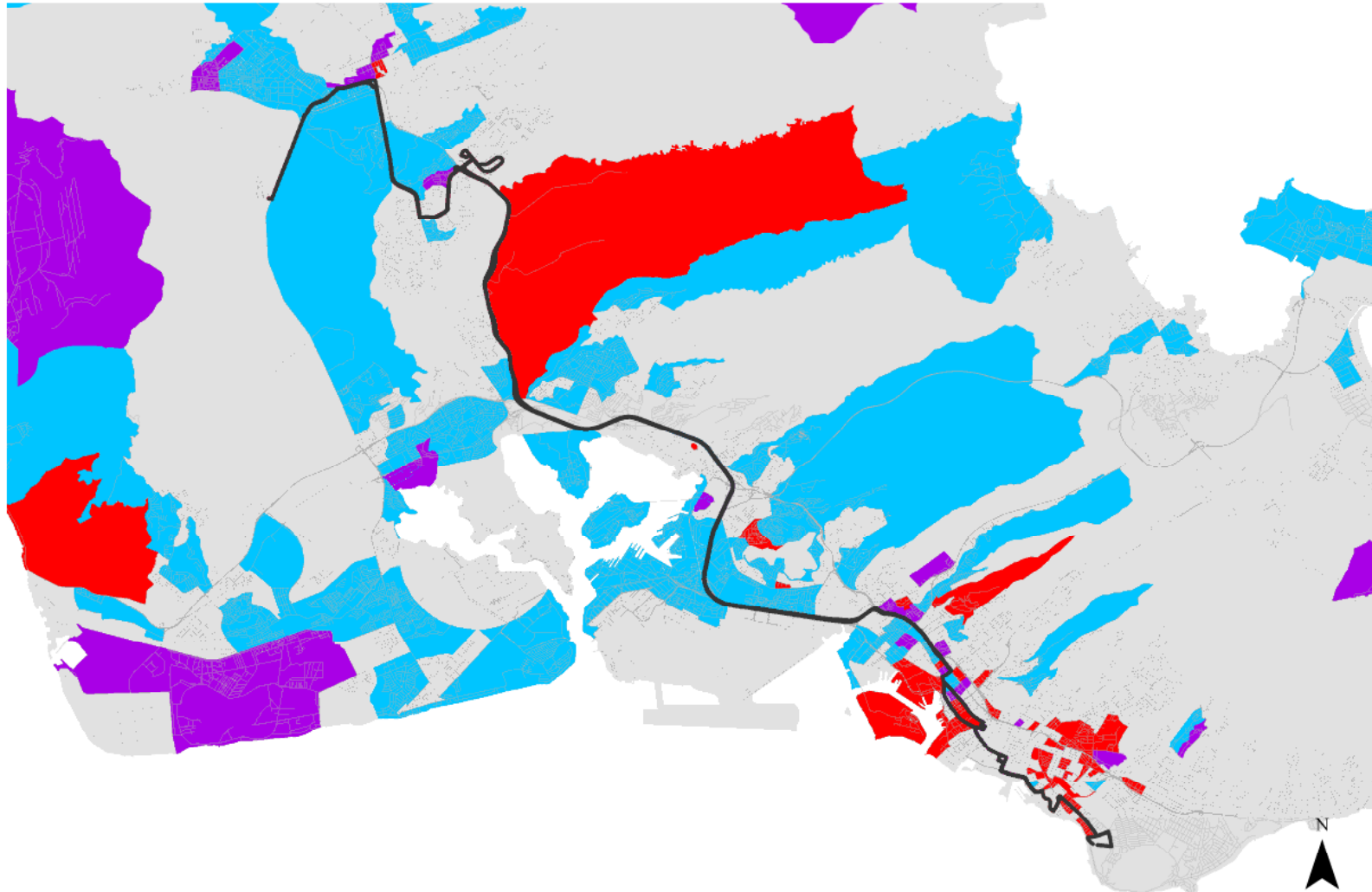
— Route

Non-Minority/Non-Low Income

Low Income

Minority

Low Income/Minority



**Department of Transportation Services (DTS)
Public Transit Division Title VI Program
Fare Change Equity Analysis
Replace Paper Transfer with 1-Day Pass.**

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. This analysis was conducted in compliance with Federal Transit Administration (FTA) Circular 4702.1B, which requires any FTA recipient providing 50 or more fixed route vehicles in peak service located in an urbanized area and serving a population of 200,000 or greater to evaluate any fare changes at the planning and programming stages to determine whether those changes have a disparate impact on minority populations and disproportionate burden on low-income populations. This report is the fare equity analysis for replacing paper transfers with 1-day passes.

Background

The Honolulu City Council (Council) sets public transit fare rates by amending the Revised Ordinances of Honolulu (ROH), Chapter 13. Public Transit, Article 2. Island Wide Fare Structure, Section 13-2.1(b) Fare Structure Table.

In September 2015, Council introduced Bill 69 (2015) to discontinue paper transfers and replace it with a 1-day bus pass valid for an unlimited number of bus rides throughout the day. While it passed 1st and 2nd readings in October and November 2015, no further action was taken by Council. In January 2017, pending Bill 69 (2015) was re-referred for Council action and passed 3rd reading. In June 2017, DTS, through a contractor, conducted a rider survey of adult transfer use to determine the minority and low-income proportions.

Currently, paper transfers are provided only to passengers who pay the single cash fare (Section 13-2.1(e), ROH). Cash paying passengers are given transfers upon request at the time of boarding. Transfers are valid for up to two unidirectional connections within a 2-hour period of boarding the 1st bus and are not valid for return or round trips.

The following is the basis for DTS support of Bill 69 (2015).

- A recent survey of 26 major transit systems found that 20 (77%) of those 26 systems have implemented 1-day passes.
- A small percentage of passengers would be negatively affected by the elimination of the paper transfer. For FY17, approximately 7% of the annual system-wide unlinked passenger trips were made using transfers.

- Less misuse of paper transfers: Currently, since unidirectional transfer connections are allowed not regarding direction of travel, it is impossible to prevent riders from using free paper transfers after paying single cash fare to complete the second “ride-back” return portion of a round-trip. Passengers with a valid paper transfer can easily evade payment of the single cash fare for their return trip, resulting in ongoing system revenue losses.
- More efficient, expedited operations: Passengers using the 1-day pass will contribute to faster boarding at bus stops and reduce the time buses dwell at each stop.
- Simpler for bus operators to issue and verify; more emphasis on safety while driving: With the 1-day pass, bus operators do not need to constantly adjust the paper transfer ticket booklet to issue the proper expiration time, indicated by the tear-off ticket.
- Less driver and passenger conflicts over expired paper transfers: The 1-day pass eliminates frequent driver-passenger fare disputes over paper transfers, which can escalate and trigger verbal and physical altercations that may result in delaying service for response by road supervisors and/or law enforcement. Delaying service is very disruptive and inconvenient for the other passengers.
- Increased transit use and passenger convenience: The 1-day pass allows unlimited boardings during the course of a service day (12:00 a.m. to 2:59 a.m. the following day), allowing passengers the ability to increase their utilization of transit to make many extra trips for a similar roundtrip cost.
- Can be fully integrated into upcoming next-generation fare collection and smart card system: The 1-day pass can be vended and assigned to the upcoming transit smart card system at rail and bus ticket vending machines, participating fare vendors, and online.

Public Engagement Process

September 2015: Public notification that 1st reading of Bill 69 (2015) is scheduled for Council’s regular meeting on 10/7/15.

October 2015: 3 individuals provide comments (no specifics provided in minutes) at the 1st reading of Bill 69 (2015) and it was passed by Council. Public notification that Bill 69 (2015) is on the agenda for Council’s Committee on Budget meeting on 10/21/17. Per Budget Committee report no. 409: 1 individual opposed, 1 individual provided comments (no specifics provided in minutes), no written testimonies received, DTS Director and President of Oahu Transit Services Inc. (City’s bus service contractor) testified in support but also expressed concerns that a small percentage of riders would be negatively affected, and Bill 69 was voted out of committee and scheduled for 2nd reading and public hearing at Council’s regular meeting on 11/4/17.

November 2015: Per 2nd reading/public hearing minutes, 4 individuals provided comments (no specifics provided in minutes), Councilmember who introduced Bill 69 indicated that further discussion was needed for refinement, Committee Report no. 409 was adopted, and Bill 69 (2015) passed second reading.

December 2015 –

December 2016: No further action on Bill 69 (2015).

January 2017: Bill 69 (2015) is re-referred to Committee on Budget for further action and public notification that it is on the agenda for the Committee's meeting on 01/11/17. Per the minutes of this meeting, Committee Report no. 23 indicated the amended version of Bill 69 (2015) was circulated, DTS Director testified and submitted written testimony in support of the amended version, 4 individuals testified with comments (no specifics provided in minutes), and Bill 69 (2015) amended was voted out of Committee for 3rd and final reading at Council's regular meeting on 01/25/17 - public notification of meeting agenda issued. Per 3rd reading minutes, Committee Report no. 23 was adopted, 2 individuals opposed, DTS Director testified in support, and Council passed Bill 69 (2015) amended.

February 2017: Mayor approves Bill 69 (2015) amended. Implementation is scheduled for October 2017.

February –

July 2017: Mayor's press release on Bill 69 (2015) and various media reports that 1-day pass is replacing the paper transfer.

August 2017: DTS initiates 1-day pass/paper transfer public notification effort. All Neighborhood Boards are informed and requested to disseminate the information to their communities.

September 2017: Notification goes out through DTS website, TheBus website; Rider Alerts, signage, fare decals, onboard announcements, car cards, and City press release. Flyers are sent to One-Way Ticket purchasers, Department of Education and Hawaii Association of Independent Schools Middle and High Schools.

October 2017: Scheduled implementation of 1-day pass and discontinuing paper transfer.

Public Response: 2-3 individuals attended Council meetings and 4 attended the public hearing (usually attended by the same individuals). Less than 100 comments were received from the public, with about 60 opposing the fare change.

Title VI Program Policies

DTS' 2016 Title VI Program contains the policies and procedures to determine if the implementation of the 1-day pass and discontinuing paper transfers will have a disparate impact to minority populations and disproportionate burden to low income populations. A survey of adult riders using transfers determined the minority and low-income proportions of riders affected by discontinuing the paper transfer and implementing the 1-day pass. Although youth riders also use transfers, this group was inadvertently not included in the survey.

Fare Change Policy: As a fare change, replacing paper transfers with 1-day bus passes requires DTS to perform a fare equity analysis during the planning process and 6 months prior to approval/adoption by the Honolulu City Council and subsequent implementation.

Disparate Impact Policy: DTS determines disparate impact when adverse effects of a fare change affects minority populations disproportionately more than non-minority populations.

Disproportionate Burden Policy: DTS determines disproportionate burden when adverse effects of a fare change affects low income populations disproportionately more than non-low income populations.

Analysis Framework

Replacing paper transfers with the 1-day pass adversely affects single cash fare passengers who only need to take 1 bus trip in a day that requires a transfer to another route to complete the trip. While there is no change to the cost of the single cash fare, the 1-day bus pass will be priced at no less than twice the cost of a single cash fare, currently at \$2.50. According to current statute (Section 13-2.1(e), ROH), paper transfers are provided only to passengers who pay the single cash fare. Per current policy, cash paying passengers are given transfers upon request at the time of boarding, transfers are valid for up to two unidirectional connections within a 2-hour period of boarding the 1st bus (for outlying area travel) and are not valid for return or round trips.

According to Oahu Transit Services, Inc. report, Bus Operations Passenger Composition and Revenue for the 12 months ending 6/30/17 (FY17), transfers were used for 7.2% of system-wide unlinked passenger trips, while single cash fare was used for 14.3% of system-wide unlinked passenger trips. Since transfers are only given to single cash fare passengers, the 7.2% transfer use represents a 50% maximum proportion of single cash fare unlinked passenger trips that may be adversely affected by discontinuing the free paper transfers since there is no adverse impact to single cash fare passengers who take 2 or more trips in a day.

Table 1: Percent of FY17 Total Unlinked Passenger Trips for Single Cash Fare & Transfer

Fare Media	Single Cash Fare	Paper Transfer	1-day Pass
Cost	2.50 (no change)	Free	\$5 (2x single cash fare)
% of total annual unlinked passenger trips	14.3%	7.2%	N/A

Methodology:

2017 rider survey data was used to determine minority and low-income proportions for fare payment categories adult cash and adult paper transfer. Although, single cash fare youth riders also use transfers, this group was inadvertently not included in the survey. A rider demographic survey is scheduled for FY19 and will include all fare media usage.

According to the survey of adult cash riders, 62% requested/used a transfer, 64% self-identified as minority, and 23% self-identified as low income. Of the 62% who requested or used a transfer, 70% self-identified as minority and 26% as low income.

Table 2: Transfer, Minority, Low Income Percentage of Adult Cash Fare Riders

Survey of Adult Cash Riders	Use/Request Transfer	Minority	Low Income
% of total adult cash riders	62%	64%	23%
% of total adult cash riders-transfers		70%	26%

Assessing Impacts

Disparate Impact: Single cash fare passengers who take only 1 trip in a day who requires a paper transfer to complete the one-way trip are most likely to be adversely impacted by the 1-day pass fare change. Based on the survey, 70% of transfer users self-identified as minority, therefore minority riders are disproportionately impacted by this fare change more than non-minority riders.

According to DTS' TVI Policies, if minority passengers will continue to be disproportionately impacted, the fare change may be implemented only if there is substantial legitimate justification for the proposed change, and it can be demonstrated that there are no other alternatives that would have a less disparate impact on minority passengers but would still accomplish legitimate program goals.

Disproportionate Burden: Single cash fare passengers who take only 1 trip in a day who require a paper transfer to complete the one way trip are most likely to be adversely impacted by the 1-day pass fare change. Based on the survey, 26% of transfer users self-identified as low-income, therefore, low income riders are not disproportionately impacted by this fare change more than non-low-income riders.

Fare Equity Analysis: While there is no disproportionate burden to low income riders from this fare change, disparate impact to minority riders exists. Based on the misuse and operational issues associated with paper transfers, the small percentage of total system-wide unlinked passenger trips affected by this fare change, the lack of widespread public opposition, and the benefits of the 1-day pass providing unlimited

rides until 2:59 a.m. the next day, as well as facilitating bus operations, DTS supported and Council passed Bill 69 (2015) amended to replace paper transfers with the 1-day bus pass.

Due to the majority minority of Honolulu's population, aside from not discontinuing paper transfers, there are no other alternatives that would have a less disparate impact on minority passengers. While the survey did not include data on how many transfer trips single cash fare passengers take in a day (no adverse impact for 2 or more single cash fare trips in a day), it is likely that the adversely affected percentage would be much less than the 7.2% shown in Table 1.

Current single cash fare passengers will benefit by the increased travel opportunities provided by the 1-day bus pass, valid for unlimited rides until 2:59 a.m. the next day, especially those who live in outlying areas with longer commutes and more transfers to reach destinations. Since bus fares are not time or distance-based, the cost benefit is greater for these riders. According to DTS' 2016 Title VI Program report, a majority of the minority and low-income Census block groups are located outside of urban Honolulu in outlying communities, as such the 1-day pass increases transit mobility for these communities.

**Department of Transportation Services (DTS)
Public Transit Division Title VI Program
Fare Change Equity Analysis
January 1, 2018: Fare Increase**

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. This analysis was conducted in compliance with Federal Transit Administration (FTA) Circular 4702.1B, which requires any FTA recipient providing 50 or more fixed route vehicles in peak service located in an urbanized area and serving a population of 200,000 or greater to evaluate any fare changes at the planning and programming stages to determine whether those changes have a disparate impact on minority populations and disproportionate burden on low income populations.

This report is the fare equity analysis of the proposed fare increases to adult, one-day, youth, senior, and disability passes; and adult cash single fare. Implementation is scheduled for January 1, 2018.

Background

The Honolulu City Council (Council) sets public transit fare rates by amending the Revised Ordinances of Honolulu (ROH), Chapter 13. Public Transit, Article 2. Island Wide Fare Structure, Section 13-2.1(b) Fare Structure Table. In January 2001, Council Resolution No. 00-29 CD-1 was passed and established a policy on funding the operating cost of the City and County of Honolulu (City) bus system. According to Resolution No. 00-29 CD-1, bus fares shall be adjusted so the fare box recovery ratio does not fall below 27% nor exceed 33%.

During the preparation of the FY18 operating budget, DTS in coordination with the City's Department of Budget and Fiscal Services (BFS) reviewed the fare box recovery ratio and based on the current trend of declining ridership, estimated that the FY17 fare box recovery ratio would just meet the minimum 27% level. For the period of July 1 to December 31, 2016, unlinked passenger trips and bus fare revenue declined 3% and 4% respectively from the same period in 2015, while bus operating costs increased 4%.

Ridership (unlinked passenger trips) has progressively declined since 2014 contributing to decreased fare revenue, whereas the cost to operate and maintain the bus system has been increasing, attributable in part to raises in collective bargaining salaries and fringe benefits. Between FY14 and FY16, unlinked passenger trips and fare revenue declined by 6% and 3% respectively; and bus operating costs increased by 4%. (Oahu Transit Services (OTS) FY14 - FY16 Bus Operations Passenger Composition & Revenue reports and Statement of Revenue & Expense reports)

To address the budgetary issues with the fare box recovery ratio, discussions ensued between DTS and BFS on whether to raise bus fares to increase fare revenue or cut bus service to decrease bus operating expenses.

Bus fares have not changed in the last 8 years and were last increased in 2010, costs to operate and maintain bus service continue to rise while fare revenue and ridership have been declining. In 2012, instead of implementing another fare increase, major service cuts were made to mitigate revenue shortfalls in the bus service operating budget; it elicited widespread public outcry resulting in the restoration of most of the service cuts; overwhelming public sentiment was to increase fares instead of cutting service, especially the deeply discounted senior pass, in fact many seniors commented that they were willing to pay more in lieu of cutting service.

Based on the above, DTS and BFS proposed fare increases and in early March 2017 the Mayor's City FY18 operating budget submission to Council included a draft revenue bill to amend the Island Wide Fare Structure with the proposed fare increases to mitigate anticipated fare revenue shortfalls in DTS' FY18 operating budget. Increases affected adult, one-day, youth, senior, and disability passes; and adult cash single fare.

Although, increases to para-transit fares were also proposed, a fare equity analysis is not required for fare changes to demand/response service and is not included in this report.

Public Engagement Process

March 2017: Public notification that the 1st reading of Bill 28 (2017) proposing fare increases is scheduled for Council's regular meeting on 3/22/17. Per meeting minutes, 4 para-transit riders commented on the fare increases for demand/response service and there was no indication of comments related to the bus fare increases. While Bill 28 (2017) passed 1st reading with 5 ayes/4 noes, opposing Councilmembers had reservations regarding the para-transit fare increases, not the bus fare increases.

April 2017: Public notification that Bill 28 (2017) is on the agenda for Council's Committee on Budget meeting on 4/5/17. Per meeting minutes and Committee Report No. 122, DTS Director responded to para-transit fare questions, 5 individuals testified (1 support/1 oppose/3 comments), 4 written testimonies (1 oppose bus/2 oppose para-transit/1 oppose both), and Bill 28 (2017) was voted out of committee and scheduled for 2nd reading and public hearing at Council's regular meeting on 4/26/17. Discussion and testimonies focused on the para-transit fare increases.

Public notification that 2nd reading and public hearing for Bill 28 (2017) proposing fare increases are scheduled for Council's regular meeting on 4/26/17. Per meeting minutes, 11 individuals testified (6 oppose, 5 comments), 8 written testimonies (1 support/6 oppose para-transit/1 oppose bus & para-transit); DTS Director responded to questions from Council and in regards to the bus fare increases stated that current fare box ratio is 27%, should the City fall below that threshold an adverse consequence would be the elimination of routes unless another revenue source is found, and should

the measure not pass there would be a reduction of existing services. Due to concerns related to the para-transit fare increases, Council proposed to amend Bill 28 (2017). Committee Report No. 122 was adopted and Bill 28 (2017) passed 2nd reading.

May 2017: Public notification that proposed Council Draft 1 (CD1) to Bill 28 (2017) is on the agenda for Council's Committee on Budget meeting on 5/16/17 – continuance of meeting was held on 5/17/17. Per 5/16/17 meeting minutes, Council discussed CD1 amendments, DTS Director responded to para-transit fare questions, 10 individuals testified on 5/16/17 (4 oppose, 6 comments), 7 written testimonies (5 oppose para-transit/2 oppose bus), and Bill 28 (2017) was amended to CD1, reported out of Committee for 3rd reading at Council's regular meeting on 6/7/17. Per minutes of special reconvened meeting on 5/17/17 and Committee Report No. 204, Council proposed another amendment to Bill 28 (2017) CD1 to delete the para-transit fare increases, DTS Director commented on this deletion, 2 para-transit riders testified in support of the proposed amendment, and the amended Bill 28 (2017) CD1 was voted out of committee and scheduled for 3rd reading at Council's regular meeting on 6/7/17.

Public notification that 3rd reading of amended Bill 28 (2017) CD1 to increase only bus fares is on the agenda for Council's regular meeting on 6/7/17

June 2017: Per minutes of Council's 6/7/17 meeting, DTS Director submitted written testimony to retain the para-transit fare increases as originally proposed and add a para-transit fare subsidy for low income riders (no Council action taken) and 4 individuals testified on the bus fare increases (1 support, 2 oppose, 1 comment). Council adopts Committee Report No. 204 and passes amended Bill 28 (2017) CD1 to increase bus fares on 3rd reading. Mayor approves Bill 28 (2017) CD1 on 6/28/17 to increase bus fares effective 01/01/18.

July 2017: DTS initiates public notification effort for the bus fare increases. All Neighborhood Boards are informed and requested to disseminate the information to their communities.

August to

December 2017: Notification goes out through the DTS website, TheBus website, Rider Alerts, car cards, flyers/brochures/timetables/system map, signage, news media (television and articles), onboard announcements, press conference and press release, and fare decals.

January 2018: Fare increase is scheduled to take effect.

Public Response: Approximately 20 individuals attended the various Council meetings (usually attended by the same individuals) and 11 individuals attended the public hearing; very few comments/opposition were made on the bus fare increases, most were focused on the para-transit fare increases. During the public outreach period, less than 30 comments/opposition were received from the public.

Title VI Policies

DTS' Title VI Program contains the policies and procedures to determine if the proposed fare changes will have a disparate impact to minority populations and disproportionate burden to low income populations. At this time, ridership data is not available to determine the minority, low income, and overall proportions of ridership for the affected fare types. A rider demographic survey is scheduled for FY19 and will include usage of all fare types.

Fare Change Policy: All fare changes (increase or decrease) requires DTS to perform a fare equity analysis during the planning process prior to approval/adoption by Council and subsequent implementation.

Disparate Impact Policy: DTS determines disparate impact when adverse effects of a fare change disproportionately affects minority populations more than non-minority populations.

Disproportionate Burden Policy: DTS determines disproportionate burden when adverse effects of a fare change disproportionately affects low income populations more than non-low income populations.

Analysis Framework

The proposed increases to the affected bus fare payment categories are required to meet DTS' FY18 budget revenue projections, including the fare box recovery ratio of at least 27%. Due to the continued decline in ridership (unlinked passenger trips) and bus fare revenue, and steady increase in bus operating costs, DTS chose to increase bus fares instead of cutting bus service, since bus fares have not increased since 2010 and the public's strong opposition to the bus service cuts made in 2012.

Methodology:

In the absence of ridership data to determine minority, low income, and overall proportions of the affected fare payment types, Census block group data was used instead. A rider demographic survey is scheduled for FY19 and will include all fare media usage for future fare equity analyses.

Therefore, the following methodology was used to determine the minority, low income, and overall proportions for unlinked passenger trips of each fare type affected by the fare change to determine disparate impact and disproportionate burden. For consistent application of this methodology to all affected fare types, ridership data for adult single cash fare type was not used for this analysis.

1. Census block group demographic data from DTS' TVI Program (TVI) and system-wide bus stop unlinked passenger (on/off) data from OTS were used to determine the proportion of minority, low income, and overall ridership.

- Census block groups are identified as minority and low income in the TVI.
- Minority ridership: unlinked passenger on/off data from bus stops in minority Census block groups.
- Low income ridership: unlinked passenger on/off data from bus stops in low income Census block groups.
- Overall ridership: unlinked passenger on/off data from bus stops in non-minority and non-low income Census block groups.

Table 1: Percentage of system-wide bus stop unlinked passenger (on/off) data.

	Minority	Low Income	Overall
Minority		8%	
Low Income	8%		
Overall	19%	20%	53%
*Total	27%	28%	53%

*Total = 108% because 8% are from minority & low income Census block groups. (OTS March 2017 data)

2. Apply the minority, low income, and overall percentages from Table 1 uniformly to the total unlinked passenger trip data for the affected fare types. Unlinked passenger trip data is from OTS Bus Operations Passenger Composition and Revenue for the 12 months ending 6/30/17 (FY17). Table 2 shows the total unlinked passenger trips for the affected fare types and the fare type percentage of the total.

Table 2: FY 17 Total Unlinked Passenger Trips for Affected Fare Types

Fare Type	Unlinked Passenger Trips	% of Total
Adult Cash	7,588,346	11.8%
Adult 1-day Pass	4,665,357	7.2%
Adult Monthly Pass	24,027,392	37.2%
Youth Monthly Pass	3,801,020	5.9%
Senior/Disabled Monthly/Annual Pass	20,038,355	31.1%
Other	4,385,196	7%
Total	64,505,666	100%

Adult 1-day Pass used Transfer data.

Other includes fares not affected by proposed increase.

Table 3 shows across the board application of the minority, low-income, and overall percentages from Table 1 to determine unlinked passenger trips for each affected fare types.

Table 3: Unlinked Passenger Trips - Minority, Low Income, Overall

Fare Type	Minority (27%)	Low Income (28%)	Overall (53%)
Adult Cash	2,048,853	2,124,737	4,021,823
Adult 1-day Pass	1,259,646	1,306,300	2,472,639
Adult Monthly Pass	6,487,396	6,727,670	12,734,518
Youth Monthly Pass	1,026,275	1,064,286	2,014,541
Senior/Disabled Monthly/Annual Pass	5,410,356	5,610,739	10,620,328
Other	1,184,003	1,227,855	2,324,154
Total	17,416,530	18,061,586	34,188,003

Adult 1-day Pass used Transfer data.

Other includes fares not affected by proposed increase.

Total of all groups represents 108%-see Table 1.

The change between existing and proposed fares for the affected fare types are shown in Table 4 and includes the associated minority, low-income, and overall unlinked passenger trips from Table 3.

Table 4: Affected Fare Type Change Chart and Unlinked Passenger Trips by Group

Count	Cost		Change		Unlinked Passenger Trips by Group		
	Existing	Proposed	Absolute	Percent	(28%) Minority	(27%) Low-Income	(53%) Overall
Adult Cash	\$2.50	\$2.75	\$0.25	10.0%	2,048,853	2,124,737	4,021,823
Adult 1-Day Pass	\$5.00	\$5.50	\$0.50	10.0%	1,259,646	1,306,300	2,472,639
Adult Monthly Pass	\$60.00	\$70.00	\$10.00	16.7%	6,487,396	6,727,670	12,734,518
Youth Monthly Pass	\$30.00	\$35.00	\$5.00	16.7%	1,026,275	1,064,286	2,014,541
Senior/Disable Monthly & Annual Pass	\$5.00 \$30.00	\$6.00 \$35.00	\$1.00 \$5.00	20.0% 16.7%	5,410,356	5,610,739	10,620,328
Total					16,232,527	16,833,732	31,863,849

Adult 1-day Pass used Transfer data.

Total of all groups represents 108%-see Table 1.

Assessing Impacts

Disparate Impact and Disproportionate Burden: Based on the methodology used to determine the 28% minority and 27% low income percentages of the total system-wide unlinked passenger trips that was applied uniformly to the affected fare types, adverse impacts of the proposed fare changes do not disproportionately affect the minority or the low income ridership (unlinked passenger trips) more than the non-minority or non-low income ridership.

Fare Equity Analysis: The proposed increases to the affected bus fare payment categories are required to meet DTS' FY18 budget revenue projections, including the fare box recovery ratio of at least 27%. Due to the continued decline in ridership (unlinked passenger trips) and bus fare revenue, and steady increase in bus operating costs, DTS in coordination with BFS chose to increase bus fares instead of cutting bus

service since bus fares have not increased since 2010 and the public's strong opposition to the bus service cuts made in 2012.

As shown in Tables 2 and 4, the 10% to 20% fare increases affect 93.2% of the total unlinked passenger trips and are distributed in the most practical manner through the following fare types.

- adult cash fare increases by 10% affecting 11.8% of total unlinked passenger trips.
- adult 1-day pass increases by 10% affecting 7.2% of total unlinked passenger trips.
- adult monthly pass increases by 16.7% affecting 37.2% of total unlinked passenger trips.
- youth monthly increases by 16.7% affecting 5.9% of total unlinked passenger trips.
- senior/disable monthly pass increases by 20% and the annual pass increases by 16.7% affecting 31.1% of total unlinked passenger trips.

During the public engagement process, there was very little public comment/opposition to the bus fare increases. It appears that the 2012 service cuts are still fresh in the minds of the ridership, who at the time, preferred a fare increase over service cuts.

Department of Transportation Services (DTS)

Public Transit Division Title VI Program

Service Equity Analysis Report

Peak Express Routes: **85 Windward Express – Kaneohe**
 87 Windward Express – Kailua
 PH4 Kaneohe – Kahaluu – Pearl Harbor Express
 PH5 Windward (Kailua) – Pearl Harbor Express

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. This analysis was conducted in compliance with Federal Transit Administration (FTA) Circular 4702.1B, which requires any FTA recipient providing 50 or more fixed route vehicles in peak service located in an urbanized area and serving a population of 200,000 or greater to evaluate any major service change at the planning stage to determine whether those changes have a disparate impact on minority populations and disproportionate burden on low-income populations.

The City and County of Honolulu (City) comprises the entire island of Oahu and includes the Honolulu urbanized area (UZA), 200K to 1M in population, and the Kailua-Kaneohe UZA, 50K to 199.9K in population. UZA Kailua-Kaneohe is located in the City's Windward region, northeast of Urban Honolulu and separated by the Koolau mountain range.

A future rail line is under construction to connect Leeward Oahu with Urban Honolulu and DTS is currently in the initial bus-rail integration planning phase for communities located along or adjacent to the rail line. Since the rail line will not directly benefit Windward Oahu communities; prior to the full commitment of time and resources to bus-rail integration planning, it was important for DTS to evaluate Windward bus service to address current ridership trends and provide connectivity to the future rail line.

In 2017, while conducting route analyses and public outreach for peak express Routes 85/87*, PH4, and PH5, the 2018 Windward TheBus Routes Redesign Project (WBRR) was initiated to evaluate and propose modifications to peak express and local routes that serve the Windward communities of Waimanalo, Kailua, Kaneohe, and Kahaluu. Although planning had already begun for Routes 85/87, PH4, and PH5 in 2017, these routes were also included in the WBRR. (*Two route variations using Pali and Likelike Highways comprised the original Route 85 - the variation that operated on Pali was renumbered to Route 87 in August 2017, while the Likelike segment retained the Route 85 designation.)

This report is the service equity analysis of the changes to the Windward segments of Peak Express Routes 85, 87, PH4, and PH5 that are scheduled for implementation in March 2019. With the exception of Route PH4, there are no changes to the Urban Honolulu route segments for these routes. Should the modifications for the other Windward routes proceed, service equity analyses will be conducted 6 months prior to scheduled implementation.

The results of this service equity analysis will also be included in the 2019 TVI Program.

Background

Windward bus service was established incrementally over the last 40 years and there has been relatively little change to current bus routing in the Windward region while the Kailua-Kaneohe communities have experienced major growth and development during this time, as evidenced by their UZA status.

The construction of the Pali, Likelike, and H-3 Interstate Highways and Tunnels is the contributing factor to the development of the Kailua-Kaneohe communities. Pali Highway directly connects Kailua to Urban Honolulu's Central Business District (CBD), Likelike Highway connects Kaneohe to Urban Honolulu's Kalihi District, and the H-3 Highway connects Joint Base Pearl Harbor-Hickam (JBPHH) located on the western fringe of Urban Honolulu in the Aiea District with Marine Corps Base Hawaii located in the Aikahi community, the boundary between Kailua and Kaneohe.

Pali Highway was the first highway that was constructed, which allowed the development of Kailua well before Kaneohe. As a result, Windward bus service began operating along Pali Highway and with the exception of a few peak period express routes, most Windward bus service currently operate on Pali Highway to connect to Urban Honolulu. As Kaneohe grew, these Kailua-centric routes were extended to include Kaneohe with different route variations for cost containment and to address new development.

The main goals of restructuring Windward bus service in the WBRR are:

- Evaluate current service and address service demand/productivity to maximize service delivery/quality based on the priority of need, operating efficiency, and resource allocation.
- Connect Windward communities more effectively and provide more connections to Windward Community College.
- Connect Windward districts with Honolulu, Kalihi Transit Center, and the future rail system.

Rider surveys/outreach for Routes PH4/PH5 and 85/87 were conducted as separate initiatives in 2017 and incorporated into the WBRR. Public outreach for the WBRR Phase 1 was conducted in early 2018 and is scheduled to begin in late 2018 for WBRR Phase 2.

Peak Express Route 85: Windward Express Kaneohe

Peak Express Route 87: Windward Express Kailua

Routes 85 and 87 provide service from their respective Windward districts, Kaneohe and Kailua, to Downtown Honolulu and University of Hawaii Manoa. Both routes are being restructured in the Windward service area to provide dedicated service for Kaneohe or Kailua by eliminating the route's cross over segment. Aikahi Shopping Center borders Kaneohe and Kailua and will be the starting/end points for both routes.

The current Route 85 is the Kaneohe peak express service operating on Likelike Highway; it starts its AM trips and ends its PM trips in Kailua. The current Route 87 is the Kailua peak express service operating on Pali Highway and ends its PM trips in Kaneohe. Ride checks were conducted and confirmed data that showed very low ridership on the Kailua and Kaneohe segments for Routes 85 and 87, respectively.

Peak Express Route PH4: Kaneohe/Kahaluu/Pearl Harbor Express

Peak Express Route PH5: Windward Kailua/Pearl Harbor Express

Joint Base Pearl Harbor Hickam (JBPHH) is one of the largest employers in the City, therefore, specialized peak express service was established specifically for JBPPH employees who reside in the various districts of Oahu. Currently there are 7 Pearl Harbor (PH) Routes providing peak express service between JBPHH and the Waianae Coast (PH1), Mililani (PH2), Wahiawa (PH3), Kaneohe/Kahaluu (PH4), Kailua (PH5), Hawaii Kai (PH6), and Ewa (PH7). The 2017 review of the ridership on PH routes found that PH4 and PH5 each carried less than half a seated load while the other PH routes carried more than half to full seated loads.

To address low ridership and preserve PH service to the maximum extent feasible, Routes PH4 and PH5 are being merged into one route (new PH4) since they serve the neighboring districts of Kaneohe and Kailua; and Route PH5 passes through Kaneohe on its way to JBPHH via the H-3 Interstate Highway. While the existing PH4 route operates on Likelike Highway, the new PH4 route will operate on the H-3 Highway.

Proposed Changes:

Attachment 1 contains the existing and proposed route maps for Routes 85, 87, PH4, and PH5. Route redesign will generally use the existing bus network to provide restructured service. With the exception of Route PH4, the proposed changes affect only the Windward route segments and are summarized and detailed below.

AM/PM Peak Express Routes		
Route #	Existing Routing	Proposed Routing
85 (AM) (PM)	Kailua, Aikahi, Kaneohe, CBD, UHM UHM, CBD, Kaneohe, Aikahi, Kailua	Aikahi, Kaneohe, CBD, UHM UHM, CBD, Kaneohe, Aikahi
87 (AM) (PM)	Kailua, CBD, UHM UHM, CBD, Kailua, Aikahi, Kaneohe	Aikahi, Kailua, CBD, UHM UHM, CBD, Kailua, Aikahi
PH4 (AM) (PM) PH5 (AM) (PM)	Kaneohe-Heeia Coast-Kahaluu-JBPPH JBPPH-Kaneohe-Heeia Coast-Kahaluu Kailua - JBPHH JBPHH - Kailua	Kailua-Kaneohe-Kahaluu-JBPHH JBPHH-Kailua-Kaneohe-Kahaluu

UHM: University of Hawaii at Manoa

CBD: Central Business District (Downtown Honolulu)

JBPPH: Joint Base Pearl Harbor-Hickam

AM/PM Peak Express Route Changes		
Existing Route #	Proposed Route #	Proposed Changes
85	85	1) Transfers Kailua segments to Rte 87; 2) Extends routing to provide service to Mokulele/Namoku/Aumoku Sts. &

		discontinues service on Kaneohe Bay Dr. between Mokulele Dr./Aumoku St.
87	87	1) Extends AM routing to Aikahi to replace Rte 85 & discontinues a section of the Kailua Rd. segment; 2) PM routing to Kaneohe transfers to Rte 85; 3) Route extension to provide service to Hele/Kupau Sts.
PH5 PH4	PH4	1) Merges Rte PH5 into Rte PH4; 2) Discontinues a section of the Kamehameha Hwy (Heeia Coast) segment; 3) Uses H-3 instead of Likelike Hwy. & discontinues service at the Likelike Hwy./School St. bus stop.

UHM: University of Hawaii at Manoa

CBD: Central Business District (Downtown Honolulu)

Route 85

- 1) AM trips will not serve the Kailua via Kuulei Road and North Kalaheo Avenue segment and PM trips will not serve the Kailua via North Kalaheo Avenue, Kuulei Road, Kailua Road, Wanaao Road, Keolu Drive, and Kalaniana'ole Highway segment. Route 87 will serve these segments.
- 2) Route is extended to serve the Kaneohe community accessed by Mokulele, Namoku, and Aumoku Streets; this extension causes discontinuation of service on the Kaneohe Bay Drive segment between Mokulele Drive and Aumoku Streets.
- 3) No change to the amount of trips and headways.
- 4) Schedule revisions to account for new service areas.

Route 87

- 1) AM routing will be extended to new starting point at Aikahi to replace discontinued Route 85 service, this extension causes discontinuation of Route 87 on the Kailua Road segment between Kalaniana'ole Highway and Oneawa Street.
- 2) PM trips will end at Aikahi and not serve Kaneohe via Mokapu Boulevard and Kaneohe Bay Drive. Route 85 will serve this segment.
- 3) Route is extended to serve the Kailua community accessed by Hele and Kupau Streets.
- 4) No change to the amount of trips and headways.
- 5) Schedule revisions to account for new service areas.

Routes PH4 and PH5

- 1) PH4 and PH5 are being merged into one new Route PH4.
- 2) Existing PH4 segments on Kamehameha Highway (Heeia Coast) between Kahekili Highway/Haiku Road and on Kahekili Highway between Kamehameha Highway/Ahuimanu Road will be discontinued.
- 3) New Route PH4 will use the H-3 Highway instead of Likelike Highway, therefore, the bus stops on Likelike Highway at School Street will not be served.
- 4) The Kailua segment will be served first on the one AM and one PM trips. Kailua riders will have an earlier and longer ride in the AM, and a shorter ride in the PM (vice versa for Kaneohe riders). In the AM, trip duration for Route PH5 increases

by approximately 30 minutes and decreases by about 10 minutes for Route PH4. In the PM, trip duration for Route PH4 increases by approximately 15 minutes and decreases by about 5 minutes for Route PH5.

- 5) The existing arrival times at JBPHH will stay the same.

Public Engagement Process

DTS conducted public outreach in 2017 for Routes 85/87 and PH4/PH5, and again in early 2018 during Phase 1 of the WBRR, in accordance with DTS' Public Participation Standard Operating Procedures.

Riders of the affected routes, as well as the public were encouraged to provide comments and suggestions via email, phone call, voicemail, or online survey. Public outreach includes notifying affected Councilmember/Neighborhood Boards, distributing informational material, posting notices on the OTS TheBus website/on-board buses/at selected bus stops, conducting surveys, and on-board rider checks.

DTS' efforts to engage minority, low income, and Limited English Proficient (LEP) riders were facilitated by the commuter characteristics of these peak express routes that provide dedicated weekday service between suburban communities and central urban districts in the AM and PM peak periods and generally have regular riders. Due to the limited number of trips and service area coverage in Urban Honolulu, on-board distribution of notices, brochures, and surveys were made to the majority of riders. For Routes 85 and 87, distribution for AM trips were made at either the last Windward bus stop or the first Urban Honolulu bus stop. For the PM trips, distribution was made while riding the Urban Honolulu segment until the last bus stop. Since Routes PH4 and PH5 each have only 1 AM and 1 PM trip with regular riders, distribution was made on-board while conducting ride checks, at the last Windward bus stop in the AM, and at the first Windward bus stop in the PM.

To engage Limited English Proficient (LEP) persons, the informational brochures were translated into the languages identified in DTS' 2016 Public Transit Title VI program for printing, upon request. Informational material on the website was available in a format to use the translation feature.

The timeline below outlines DTS and OTS public engagement activities for Routes 85, 87, PH4, and PH5.

February to

October 2017: Conducted public outreach/surveys and ride checks for Routes 85/87, PH4, and PH5.

In February, notices informing the riders of the upcoming survey regarding proposed changes were distributed to Windward area City Council Member (CM) and Neighborhood Boards (NB), on-board buses, signs at selected bus stops, and DTS/OTS websites.

In mid-April to early May, survey and ride checks were conducted and included onboard distribution of surveys and initiation of an online survey form. Ride checks were conducted to validate ridership data.

In June, survey results for Route 85 were distributed to CM and NBs and posted online, and between August and mid-September were distributed onboard to riders.

In August, implemented renumbering of the Route 85 trips that operated on Pali Highway to Route 87 and retained Route 85 numbering for the trips that operated on Likeline Highway. No changes were made to the routing.

During August to September, ride checks were conducted on Routes 85 and 87.

In October, distributed Routes PH4 and PH5 survey results to onboard to riders while conducting additional ride checks.

November 2017
to May 2018:

Conducted WBRR-Phase 1 public outreach/surveys and ride checks that included Routes 85, 87, PH4, and PH5.

In November 2017, notified and discussed the WBRR-Phase 1 with CM and City Council Transportation Committee (CTC). Phase 1 also included Routes 85, 87, PH4, and PH5.

In December 2017, notified affected NBs of the proposed redesign plans to Phase 1. Presentations to be made upon request by the NB. Brochures and notices were provided to affected NBs for distribution.

During January-April 2018, Phase 1 public outreach and comment period commenced. Detailed proposal information including route detail and maps were made available for public review and comment via online SurveyMonkey. Brochures and/or notices are distributed to riders on-board affected routes, at selected bus stops, on placards posted onboard all buses, and at public libraries, Satellite City Halls, and selected businesses and schools in affected districts. Affected riders and the public were encouraged to attend NB meetings, obtain information/provide feedback online at DTS and TheBus websites or through phone calls, emails, or in-person. Presentations made at the CTC meeting, and the

Koolauloa, Kahaluu, Kaneohe, Kailua, and Waimanalo NB meetings.

In January 2018, distributed WBRR-Phase 1 brochure and notice onboard Routes PH4 and PH5 to riders while conducting ride checks.

June to
August 2018:

Based on public input and current data, revised and finalized WBRR which included Routes 85, 87, PH4, and PH5. Public outreach and comment period for WBRR-Phase 2 is scheduled to begin in November 2018.

Implementation is scheduled for March 2019 for the service changes to Routes 85, 87, PH4, and PH5 with public/rider notification in January-February 2019.

January to
February 2019:

Inform Routes 85, 87, PH4, and PH5 ridership of March implementation for route service changes. Distribute notices onboard to riders and conduct ride checks for Routes PH4/PH5, distribute notices onboard to riders for Routes 85 and 87, and post notices at selected bus stops and on DTS/OTS website. Distributed notices to CM, CTC, and NBs. Presentations to be conducted upon request by NBs.

March 2019:

Scheduled implementation for Peak Express Routes 85, 87, and new PH4.

Survey and Ride Check Results

Routes 85 and 87: Results of the April 2017 survey for Route 85 were split; half of the riders favored the proposed route changes, while the other half opposed it. With no clear majority, no routing changes were made; instead, the Route 85 segment that operated on Pali Highway was renumbered to Route 87, while the Likelike Highway segment retained the Route 85 designation. The renumbering was implemented in August 2017.

The WBRR-Phase 1 consisted of dedicated Kaneohe service for Route 85 and dedicated Kailua service for Route 87 between Aikahi and Urban Honolulu. Results of the WBRR-Phase 1 survey: Route 85 (0 favored/5 opposed/7 comments), Route 87 (2 favored/2 opposed/2 comments).

Based on WBRR-Phase 1 public feedback, the redesign for Routes 85 and 87 were modified to include route extensions to other service areas.

Results of follow-up survey: Route 85 (29 favored/8 opposed/16 comments), Route 87 (30 favored/4 opposed/6 comments).

Ride checks conducted for the discontinued segments of Routes 85 and 87 provided the following information.

Route 85: AM trips averaged 3 daily boardings and no alightings - PM trips averaged 5 alightings and 1 boarding.

Route 87: AM trips averaged 6 daily boardings and no alightings

Routes PH4 and PH5: Results of the April 2017 survey found that most riders on both routes would continue to ride the merged route even though a significant number of riders opposed the merger. On the days that DTS or OTS staff conducted ride checks while distributing surveys or survey results, there were 0 to 5 riders that boarded in the PH4 segment DTS plans to discontinue.

The WBRR-Phase 1 included the consolidation of PH4 and PH5 into one route and the discontinuation of the PH4 route segment in the Heeia Coast area.

Results of the WBRR-Phase 1 survey: 0 favored/7 opposed.

Although WBRR-Phase 1 public feedback objected to the PH4/PH5 merger, the proposed changes remained the same.

Results of follow-up survey: PH4/PH5 (21 favored/15 opposed/15 comments).

Results of PH4 ride checks conducted along the discontinued Windward segment: 3 daily average boardings, no alightings, and of the 3 boardings, 1 went to JBPHH & 2 alighted in Kalihi at the bus stop on Likelike Highway at School Street.

Results of PH4 ride checks at the bus stop on Likelike Highway at School Street: 2 daily average alightings and 2 daily average boardings.

Title VI Policies and Definitions

DTS' Title VI Program contains the policies and procedures to determine if service changes are considered "major" and to evaluate the impact of major service changes to minority and low income populations.

Major Service Change Policy: Eliminating route segments or modifying span of service by more than 10% for a route is defined as major service change that requires DTS to perform a service equity analysis during the planning phase prior to implementation. Route segments are being eliminated from Routes 85, 87, and PH4; and trip duration for Routes PH4 and PH5 increases by more than 10%.

Disparate Impact Policy: DTS determines the occurrence of a disparate impact when adverse effects of a major service change disproportionately affects minority populations by more than 10% based on the difference between the proportion of the total minority and non-minority populations in the total service area and the proportion of the affected minority and non-minority populations within the affected service area, a ½ mile radius of the route.

Disproportionate Burden Policy: DTS determines the occurrence of a disproportionate burden when adverse effects of a major service change disproportionately affects low income populations by more than 10% based on the

difference between the proportion of the total low income and non-low income populations in the total service area and the proportion of the affected low income and non-low income populations within the affected service area, a ½ mile radius of the route.

Analysis Framework

Methodology: Population data using Census block groups were used to determine:

- Minority and low income proportion of the total service area population in the Census block groups served by the existing Route 85, 87, PH4, or PH5.
- Minority and low income proportion of the affected service area population located within a ½ mile radius of the proposed Route 85, 87, or PH4.

The differences between the minority proportions and low income proportions were calculated to determine disparate impact on minority populations and disproportionate burden on low income populations. Differences exceeding 10% indicate that the major service change affected minority populations disparately and low income populations disproportionately.

Data Tables:

Table 1: Census Block Group Minority Populations

Route	Total Service Area			Affected Service Area			% Difference Total-Affected Service Areas	Disparate Impact >10%
	Total Population	Minority Population	% Minority	Affected Population	Minority Population	% Minority		
85	244,978	41,636	17%	146,626	28,437	19%	+2%	No
87	200,179	38,305	19%	136,279	30,419	22%	+3%	No
PH4	95,922	11,460	12%	65,157	1,665	3%	-9%	No
PH5	74,216	1,801	2%	65,157	1,665	3%	+1%	No

Table 2: Census Block Group Low Income Populations

Route	Total Service Area			Affected Service Area			% Difference Total-Affected Service Areas	Dispropor- tionate Burden >10%
	Total Population	Low Income Population	% Low Income	Affected Population	Low Income Population	% Low Income		
85	244,978	53,311	22%	146,626	38,796	27%	+5%	No
87	200,179	18,644	9 %	136,279	16,193	12%	+4%	No
PH4	95,922	45,161	47%	65,157	18,889	29%	-18%	No
PH5	74,216	17,420	24%	65,157	18,889	29%	+5%	No

Required Maps: (see Attachment 1)

Affected census block groups with minority and low income area block groups.

Assessing Impacts

Disparate Impact: The minority Census block group populations for the Routes' total service and affected service areas are shown in Table 1 above.

The effects of the service changes to Routes 85, 87, PH4, and PH5 do not exceed the disparate impact policy threshold of 10%.

- The minority population for Route 85 in the affected service area is 2% more than the minority population in the total service area.
- The minority population for Route 87 in the affected service area is 3% more than the minority population in the total service area.
- The minority population for Route PH4 in the affected service area is 9% less than the minority population in the total service area.
- The minority population for Route PH5 in the affected service area is 1% more than the minority population in the total service area.

Disproportionate Burden: The low income Census block group populations for the Routes' total service and affected service areas are shown in Table 2 above.

The effects of the service changes to Routes 85, 87, PH4, and PH5 do not exceed the disproportionate burden policy threshold of 10%.

- The low income population for Route 85 in the affected service area is 5% more than the low income population in the total service area.
- The low income population for Route 87 in the affected service area is 4% more than the low income population in the total service area.
- The low income population for Route PH4 in the affected service area is 18% less than the low income population in the total service area. The 18% applies to the affected non-low income population, who is impacted more by the proposed changes than the affected low income population.
- The low income population for Route PH5 in the affected service area is 5% more than the low income population in the total service area.

Service Equity Analysis

Based on the thresholds established in the DTS Major Service & Fare Change Policy and Disparate Impact & Disproportionate Burden Policies, the proposed service changes to Routes 85, 87, PH4, and PH5 do not have a disparate impact on minority populations, do not place a disproportionate burden on low income populations, and can be implemented as planned.

Route 85: Loss of service affects the segment located on Kaneohe Bay Drive between Mokulele Drive and Aumoku Street, however, ridership data validated with ride checks, indicated that daily ridership in this segment averages 3 boarding riders in the AM and 5 alighting riders in the PM. There is no loss of service for the other discontinued segment since it will be served by Route 87. In addition, the discontinued segments are located in Census block groups identified as predominantly non-minority and non-low income. In response to public feedback, the route has been extended to serve a residential community with local service but no peak period express service.

Route 87: Loss of service affects a short AM only segment located on Kailua Road between Kalanianaʻole Highway and Oneawa Street, however, ridership data validated with ride checks, indicated that daily ridership in this segment averages 4 boarding riders, and of the 5 affected bus stops, only the 2 end stops at Kalanianaʻole Highway and Oneawa Street are used. Adjacent bus stops will allow riders who currently board

in the discontinued segment to continue to use this route. The other discontinued segments will be served by Route 85 and most discontinued segments are located in Census block groups identified as predominantly non-minority and non-low income. In response to public feedback, the route has been extended to serve a residential community with local service but no peak period express service.

Route PH4: Due to time, distance, and very low ridership, the segments located on Kamehameha Highway between Haiku Road and Kahekili Highway (Heeia Coast) and on Kahekili Highway between Kamehameha Highway and Ahuimanu Road are being discontinued. According to ridership data and confirmed by ride checks:

- 1) Total route ridership along this segment averages 2-5 riders per day. On some of the ride check days, there were no boardings or alightings in this segment.
- 2) On the days with 5 riders, 2 riders go the JBPHH (1 regularly, the other occasionally). The regular rider boards at the first bus stop in the discontinued segment and is able to use Route 55 to transfer to PH4 at the nearest bus stop approximately a half mile away from the discontinued bus stop.
- 3) On the days with 5 riders, 3 riders alight prior to JBPHH, 1 in Kahaluu and 2 in Kalihi.

The new Route PH4 will travel from the Windward district to JBPHH along the H-3 interstate instead of the Likelike Highway; while this routing change provides faster service to JBPHH, it eliminates AM and PM service to the bus stops on Likelike Highway at School Street. Riders boarding at this bus stop can access JBPHH by transferring from a local route, and Windward riders can use Routes 85, 85A, or 88 to reach this bus stop. The discontinued segment in the Windward service area is located in Census block groups identified as predominantly non-minority and non-low income. The Likelike Highway/School Street bus stop is located in Census block groups identified as predominantly minority and low income, however, the main purpose of PH4 is to provide service for JBPHH employees who reside in Kaneohe. The new merged route has minimal impact to the travel time for Route PH4 riders, the AM trip decreases by approximately 10 minutes, and the PM trip increases by about 15 minutes.

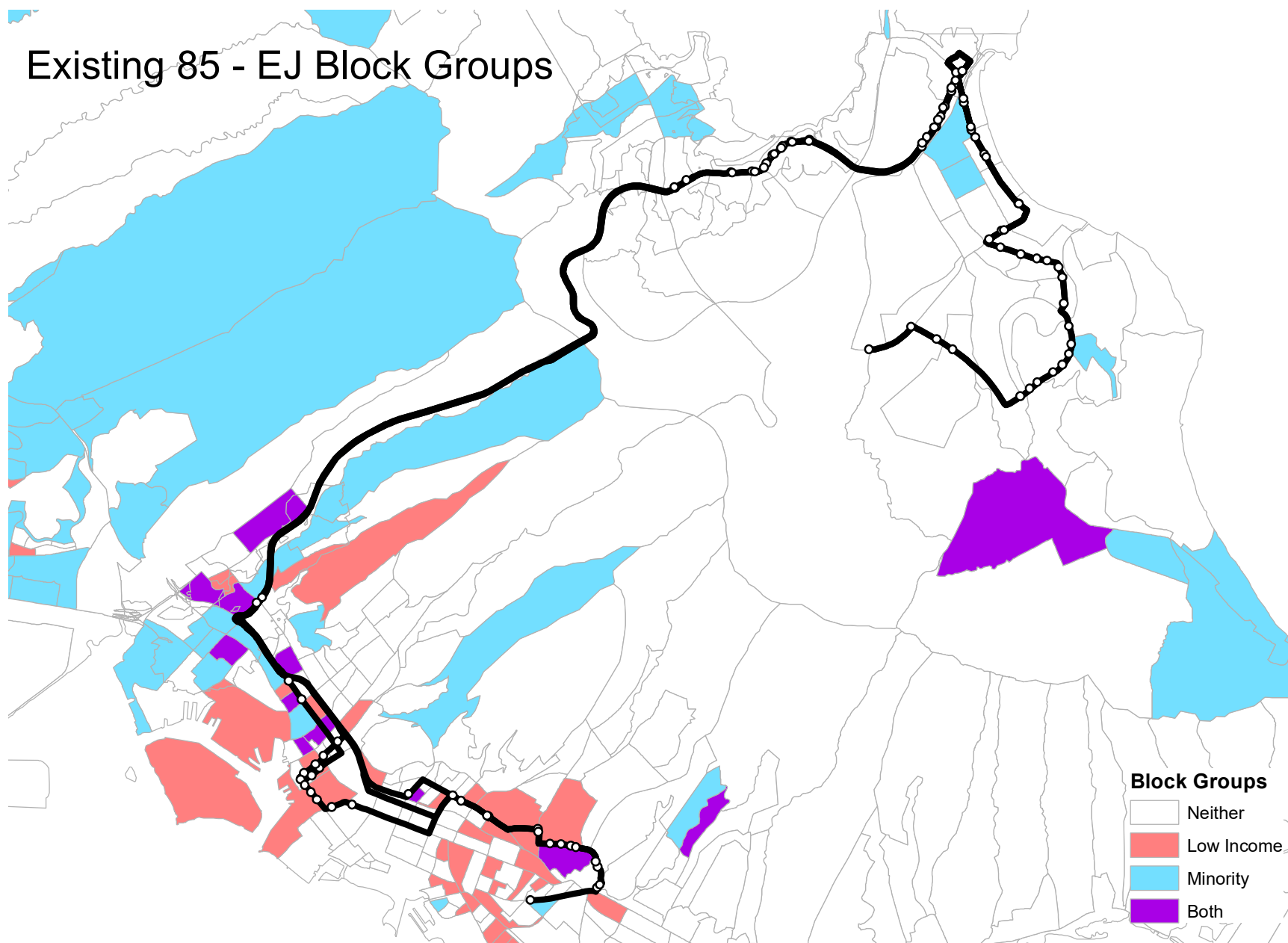
Route PH5: Riders will have an earlier and longer ride in the AM, and will have to alight on the other side of the street in the PM. The AM travel time of the new consolidated route has the most impact to Route PH5 riders as it increases by approximately 30 minutes, while the PM travel time decreases by about 5 minutes. While 30 minutes is a significant increase in travel time, the route consolidation was necessary to preserve the specialized peak express service for JBPHH employees who reside in the Windward communities of Kailua and Kaneohe. Most of the Kailua areas served by this route are located in Census block groups identified as predominantly non-minority and non-low income.

ATTACHMENT 1

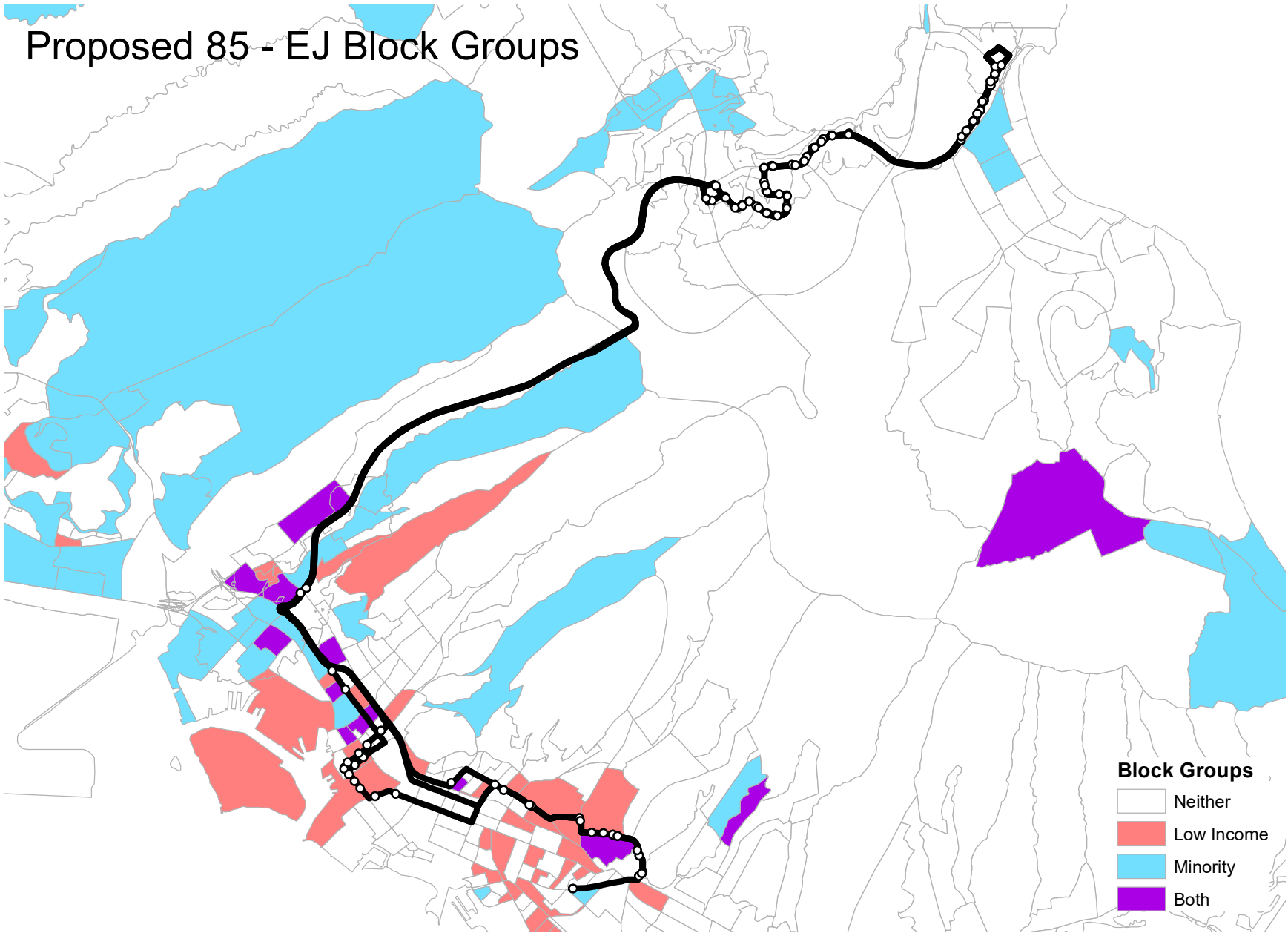
Individual Route Maps

85, 87, PH4, PH5

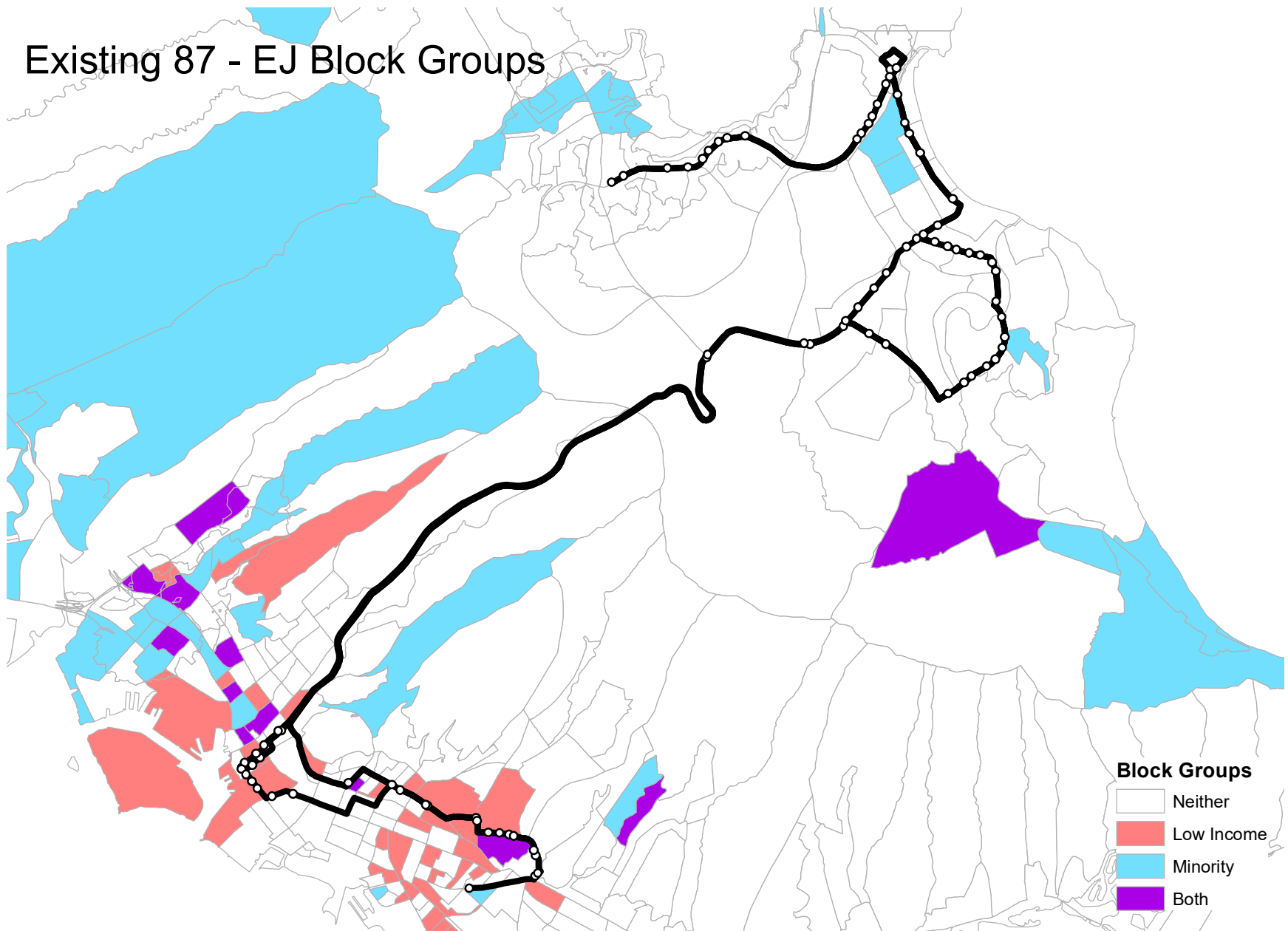
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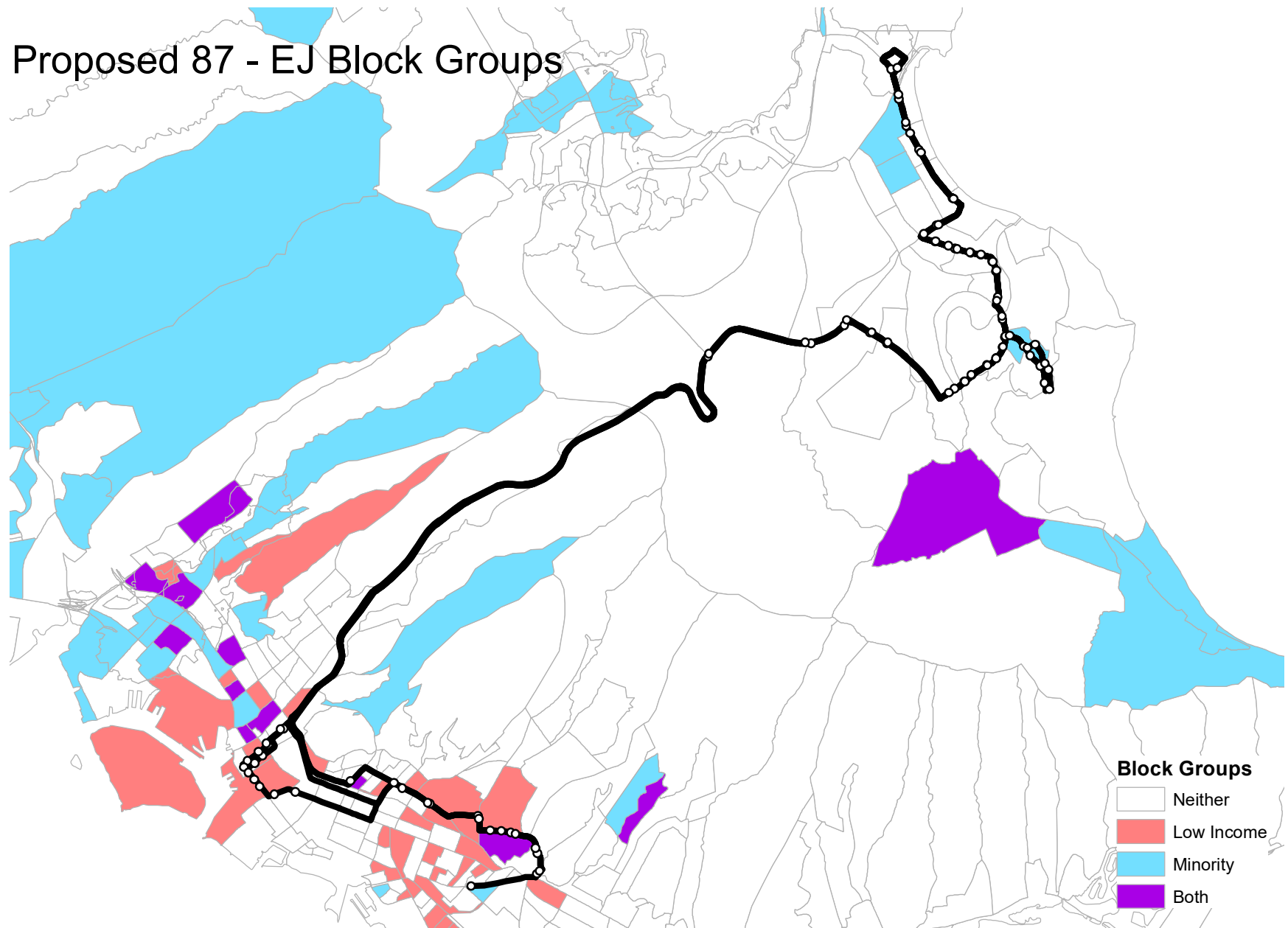
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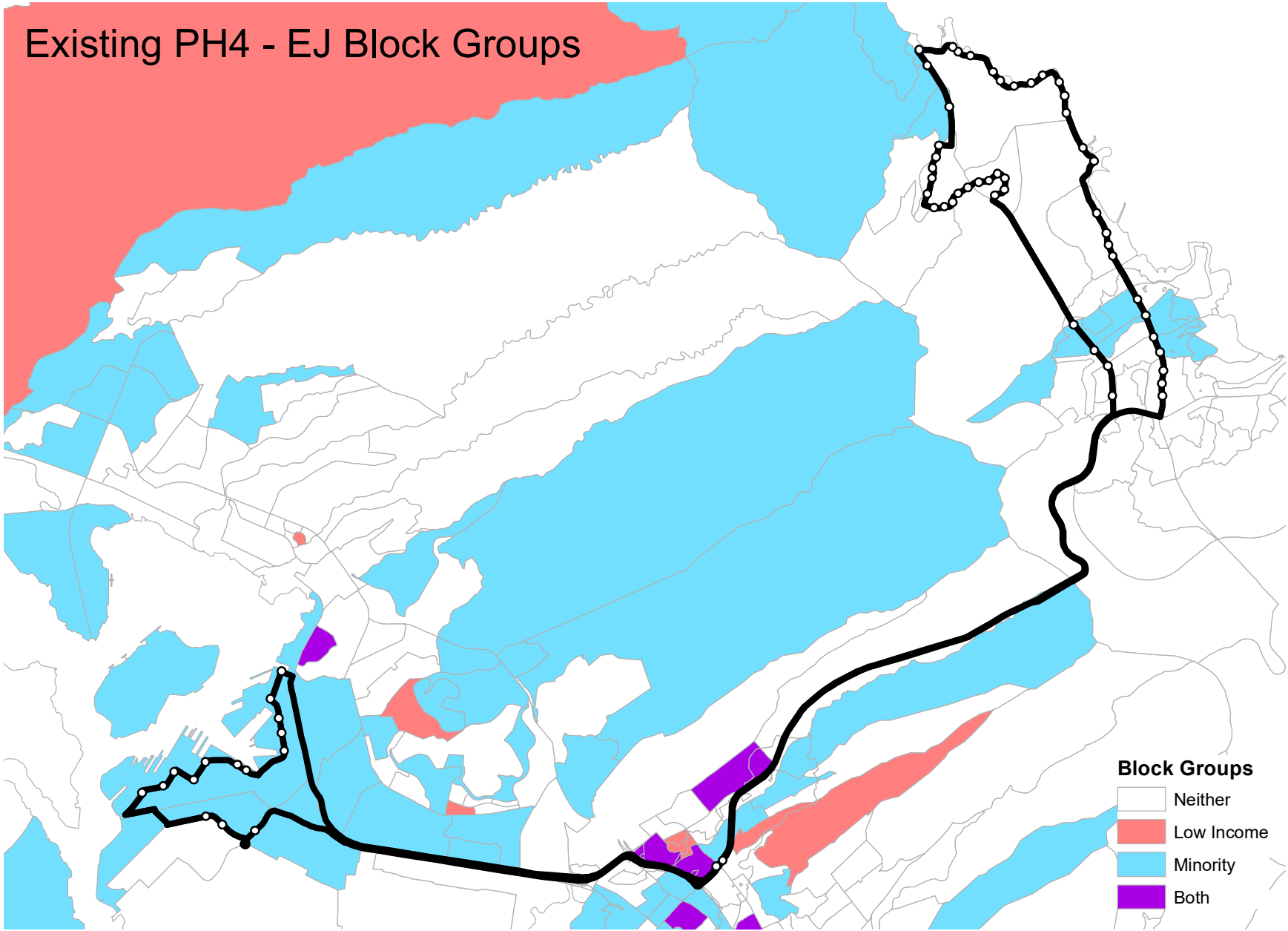
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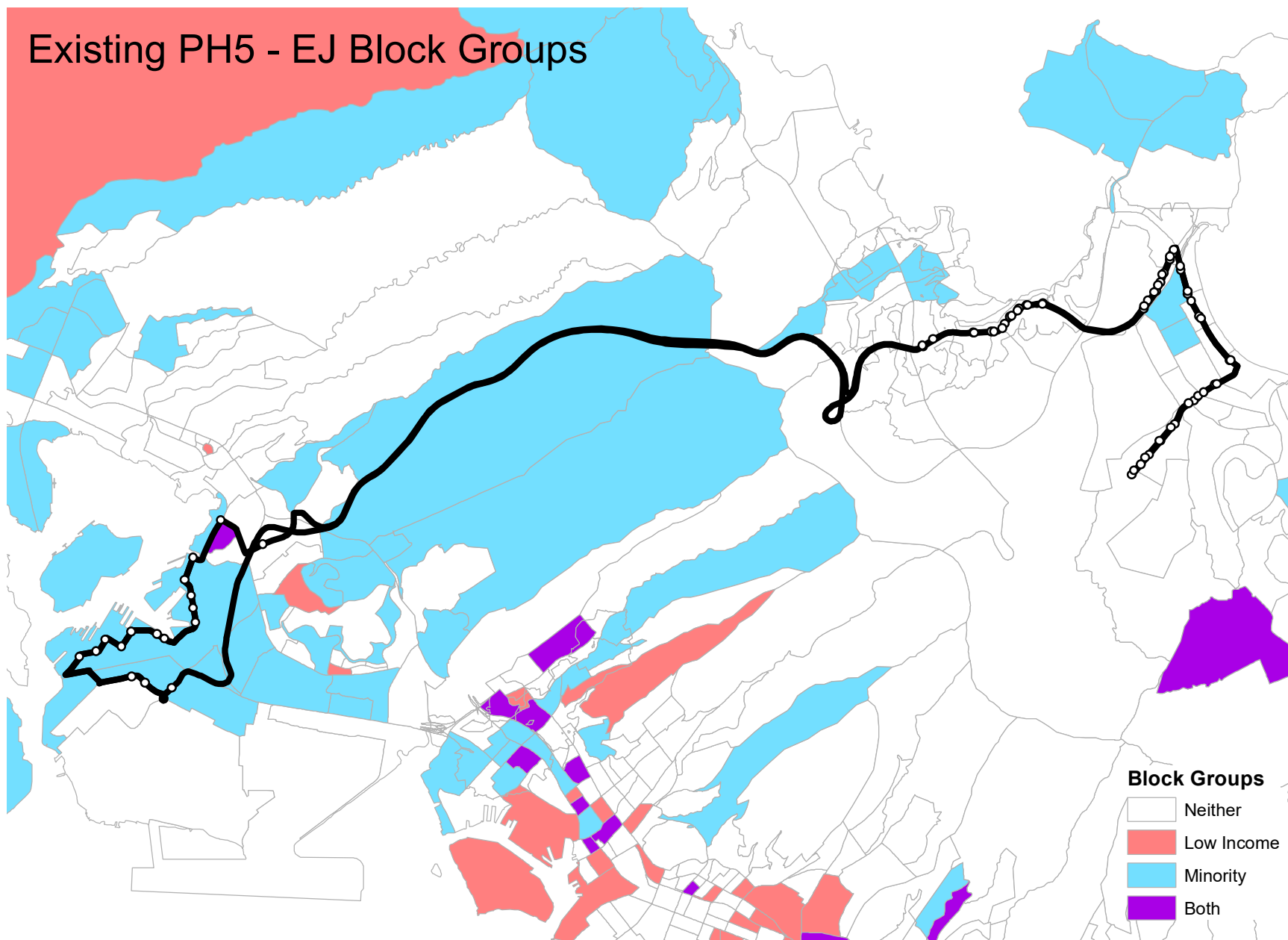
Proposed 87 - EJ Block Groups



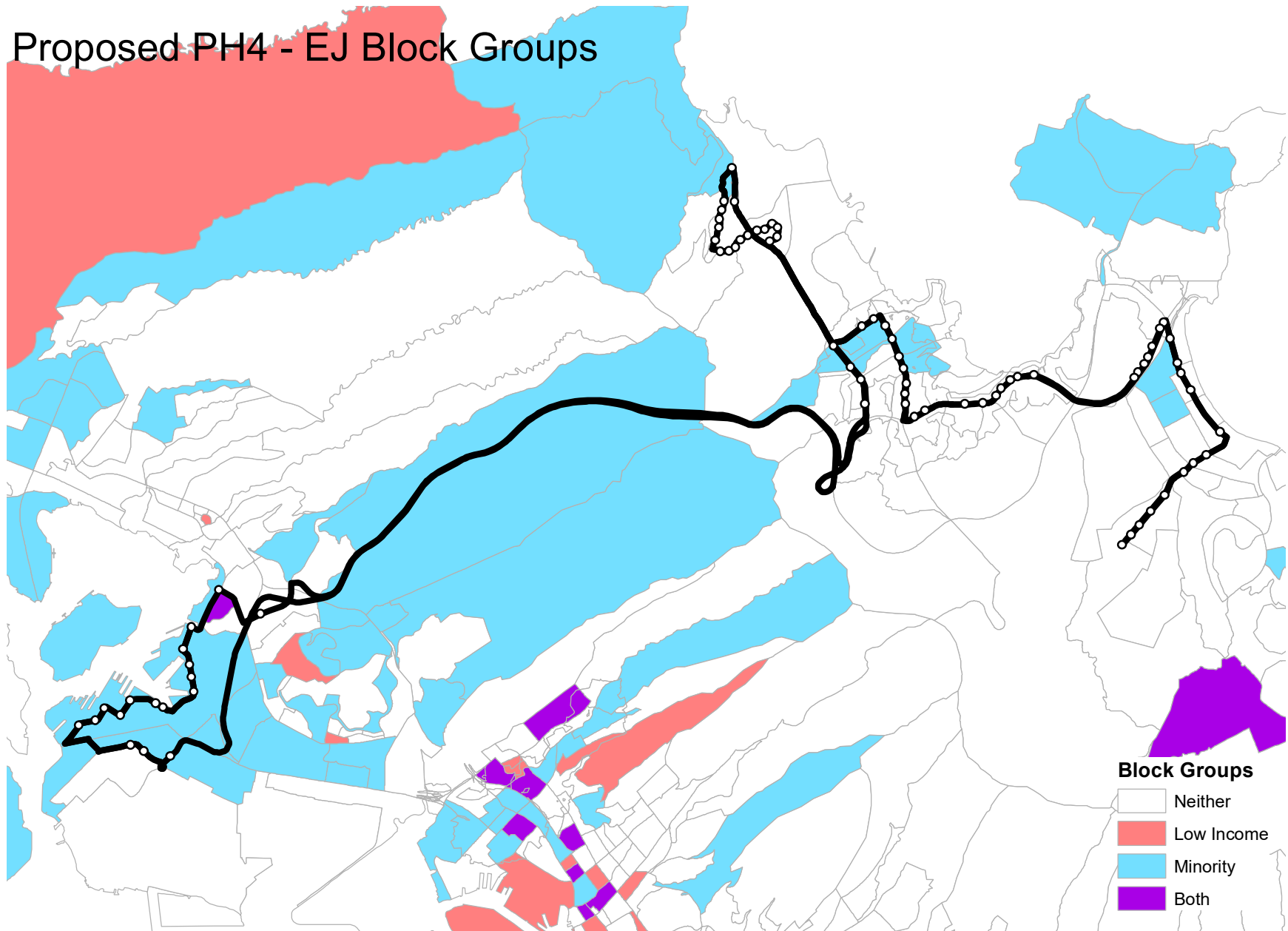
Existing PH4 - EJ Block Groups



Existing PH5 - EJ Block Groups



Proposed PH4 - EJ Block Groups



**Department of Transportation Services (DTS)
Public Transit Division Title VI Program
Fare Change Equity Analysis
HOLO Card Migration**

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. This analysis was conducted in compliance with Federal Transit Administration (FTA) Circular 4702.1B (Circular), which requires any FTA recipient providing 50 or more fixed route vehicles in peak service located in an urbanized area and serving a population of 200,000 or greater to evaluate any fare changes at the planning and programming stages to determine whether those changes have a disparate impact on minority populations and disproportionate burden on low income populations.

This report is the fare equity analysis of the proposed migration from “paper” bus passes to an electronic account-based, fare payment system branded the HOLO card (HOLO). Although there will be no fare increases with the implementation of HOLO, in accordance with the Circular, a fare equity analysis shall be conducted for changes in fare media or medium to assess the impacts of the proposed change on minority and low income riders. Full public implementation is scheduled for July 1, 2019.

HOLO will allow riders to pay for transit services with a contactless, reusable, reloadable electronic fare card (“smart” card) that is linked to a fare account containing stored value. Riders will simply tap HOLO to quickly board a bus, or in the future, upon entry into a rail station. The current fare structure, as defined in Section 13-2.1 of the Revised Ordinances of Honolulu, determines the type of HOLO issued and the associated fare amount to deposit/load into the account. On-board cash payment will still be accepted for single one-way fares.

Background

The current bus fare system consists of paying cash on-board for a single one-way fare or for a one-day “paper” pass for unlimited rides, and purchasing “paper” passes or identification cards (ID) for Monthly or Annual Passes for Adult, Youth, Senior Citizen, and Persons with Disabilities at designated network locations. Transfers are not an option for the single one-way cash fare and were replaced by the one-day pass. Also available are Bus Pass programs for University/College students/personnel and major employers or organizations.

Monthly bus passes (Adult, Youth) for the general public can be purchased at TheBus Pass Office located at the Kalihi Transit Center, approximately 90 retail vendors located island-wide, and the nine Satellite City Halls. Pictures are included on the Annual bus pass and ID for Senior Citizens and Persons with Disabilities, as well as the Annual Adult and Youth bus pass, therefore, these passes and the initial ID can only be purchased at TheBus Pass Office where the photo is taken and imbedded onto the pass/ID. The ID can be used for the on-board payment of a discounted single one-way

cash fare or a discounted one-day pass, or it can be used as a monthly pass by purchasing discounted monthly stickers at TheBus Pass Office or Satellite City Halls.

Since 2014, the City and County of Honolulu (C&C) Department of Transportation Services (DTS), Oahu Transit Services, Inc. (OTS), and the Honolulu Authority for Rapid Transit (HART) have been planning and developing a “smart” card account-based fare system that can be used across all modes of transit.

Goals for migrating to HOLO include:

- Integrated mass transit fare system: Seamless transfer through the system and across different transit modes increases transit use and rider accessibility.
- Increased rider convenience: Fares can be purchased and loaded into accounts at TheBus Pass Office or Customer Service Center, Satellite City Halls, and participating retail stores. Customers can also set up auto-reload.
- More efficient, expedited operations: Riders will simply tap their card upon entry which contributes to faster boarding at bus stops and reduces the time buses dwell at each stop.
- Flexibility and ability for future growth: The card allows for new emerging technology, additional methods of contactless and mobile payment options, and changes to transit fare structures.

Public Engagement Process

Public outreach was conducted through Neighborhood Boards (NB), community events, senior centers, high schools, news/radio stations, and the Honolulu Rate Commission.

In an effort to engage minority, low income, and LEP populations, translators were available to attend meetings upon request, important documents and key initiative content were available for translation upon request, and methods for individuals to request translation assistance was included on all meeting notices.

The following activities to further engage minority, low income, and LEP populations will be conducted:

- Broadly communicate continued acceptance of cash payment on all vehicles for a single one-way fare, while educating cash paying customers of new and better options available with HOLO.
- Coordinate outreach with community-based organizations, social service agencies, and schools to engage minority, low-income, and Limited English Proficient (LEP) riders.

The timeline below outlines public engagement activities for HOLO.

April 2018:	Public notification that DTS is demonstrating HOLO for the Rate Commission's monthly meeting on 4/10/18. DTS and HART provided detail on HOLO and demonstration project, and responded to commission questions. No testimony received.
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June to

November 2018: Informational briefings and meetings conducted at the following events: NB meetings (Nuuanu and Makiki), community events (2 HART Train Days, Auto Show, 2 Kakaako Night Markets, and Chinatown Chinese New Year), senior centers (Koko Head, Lanakila, and Kahuku), High Schools (Waipahu and Kapolei), morning news shows (Hawaii News Now, KITV, and KHON), Hawaii Public Radio, newspaper articles in the Honolulu Star Advertiser & Midweek, and the Honolulu Rate Commission (4/10/18 and 9/4/18).

December 2018: HOLO pilot project launched.

Title VI Policies

DTS Major Service & Fare Change Policy and Disparate Impact & Disproportionate Burden Policies was used to determine if the proposed migration to HOLO will have a disparate impact or disproportionate burden to the ridership that self-identifies as minority or low income respectively.

Fare Change Policy: All fare changes requires DTS to perform a fare equity analysis during the planning process and six (6) months prior to implementation. Full public implementation is scheduled for July 1, 2019.

Disparate Impact Policy: DTS determines disparate impact when adverse effects of a fare change disproportionately affects minority riders more than non-minority riders. Disparate impact occurs when the threshold for determining adverse effects exceeds a 10% difference between the proportion of the affected minority and non-minority ridership.

Disproportionate Burden Policy: DTS determines disproportionate burden when adverse effects of a fare change disproportionately affects low income riders more than non-low income riders. Disproportionate burden occurs when the threshold for determining adverse effects exceeds a 10% difference between the proportion of the affected minority and non-minority ridership.

Analysis Framework

Although fares are not being increased and the single one-way cash fare will still be available, the migration to HOLO may adversely impact riders who use the one-day bus pass, which will not be available for purchase on-board buses, as is the current practice. Aside from the single one-way cash fare and the one-day bus pass, all other fare media are currently passes or IDs that are purchased at one or more of the following bus pass network locations, depending on the type of fare media.

- TheBus Pass office located at the Kalihi Transit Center.
- Participating retail vendors (approximately 90 located across Oahu).
- Nine (9) Satellite City Halls.

As an electronic version of the current bus pass or ID, a rider's initial* or replacement* HOLO will be purchased at the same network locations listed above, therefore; the migration is anticipated to have less adverse impact for these riders, if any at all. (*During the initial full public implementation period estimated to be six months to a year, HOLO will be distributed and provided free of charge. After the implementation period, a card fee, to be determined, may be charged.)

Access and availability of HOLO for current one-day pass riders will be compared to determine if the change in fare media adversely affects minority and/or low income riders disproportionately more than non-minority and/or non-low income riders.

Methodology: Ridership survey data from TheBus Demographic and Fare Media Ridership Survey (2018) was used to determine minority and low income proportions for the fare media payment categories. Table 1 shows the proportion of TheBus ridership that self-identified as minority and/or low income and Table 2 shows the fare media payment categories used by TheBus ridership. Of the 86% minority and/or low income riders, 49% use the Adult Pass, 10% use the One-day Pass, 9% use the Senior Pass, 7% use the Disability Pass, 5.5% use the U-Pass, 4% pay the Single One-way Cash Fare, and 1.5% use the Handi-van Pass.

Table 1: Percentage of system-wide passenger data

Minority	Low Income	Minority/Low Income	Overall
54%	5%	27%	14%

(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

Table 2: TheBus Ridership Fare Media Usage

Fare Media	Minority	Low Income	Minority/Low Income	Overall	Total
Single 1-Way	1.0%	1.0%	2.0%	1.0%	5.0%
1-Day Pass*	5.0%	1.0%	4.0%	5.0%	15.0%
Adult Pass	31.0%	2.0%	16.0%	5.0%	54.0%
Disability Pass	2.0%	1.0%	4.0%	0.5%	7.5%
Senior Pass	5.0%	1.0%	3.0%	2.0%	11.0%
Hand-Van Pass	0.5%	0.5%	0.5%	0.0%	1.5%
U-Pass	2.0%	0.5%	3.0%	0.5%	6.0%
Total	46.5%	7.0%	32.5%	14.0%	100.0%

(Source: TheBus Demographic and Fare Media Ridership Survey, SMS Research, December, 2018)

*Adult usage only, SMS Research policy precludes the survey of Youth.

Assessing Impacts

Disparate Impact and Disproportionate Burden: Although One-day Pass riders are most likely to be adversely affected by the migration to HOLO based on reduced access and availability since such passes will no longer be sold on-board buses and must be purchased at HOLO network locations; these riders will benefit from the numerous advantages that a smart card offers.

HOLO benefits all other riders who purchase the remaining fare media types except the single one-way cash fare rider. However, there are no changes to the single one-way cash fare.

DTS determines disparate impact and/or disproportionate burden when adverse effects of a fare change disproportionately affects minority and/or low income riders more than the overall riders by >10%. Although, the majority (87%) of TheBus riders self-identified as minority and/or low income, only 10% are One-day Pass riders, while 5% of the overall riders use the One-day Pass. The difference of 5% does not exceed the 10% threshold, therefore, the migration to HOLO does not adversely affect minority and/or low income riders disproportionately.

Benefits of HOLO: The following smart card system features benefits all TheBus Riders:

1. Cards will be distributed free of charge during the full public implementation period, estimated to be six months to one year; then a minimal card fee (to be determined) will apply to cover production costs and incentivize riders to retain and register their cards.
2. No regular service fee or charge for using HOLO.
3. Linked to an account that contains stored value. Registration protects against loss or theft, allows automatic reload, and provides capability to easily load value/purchase passes, and manage balances/multiple cards for a family or group.
4. Value can be deposited/loaded via cash or credit/debit card into the account at current bus pass network locations, on-line, by phone, or by automatic reload.
5. Grace period allows riders who board an incorrect bus to exit the wrong bus and board the correct bus without an additional charge.
6. Provides an integrated mass transit fare system when rail becomes operational.
7. Increased rider convenience.
8. More efficient, expedited operations.
9. Flexibility and ability for future growth.
10. Provides capability to implement Fare Cap Policy and re-institute free transfers.

Fare Equity Analysis: While there is no disparate impact or disproportionate burden to minority and/or low income riders with the migration to HOLO, one-day passes will no longer be sold on-board buses, affecting those riders with the loss of a readily available and convenient means to purchase fare media. However, the benefits of HOLO far outweigh the loss of on-board availability, especially if the fare cap and free transfer policies are implemented. Additionally, since bus fares are not time or distance-based, the cost benefit is greater for riders who live in outlying areas with longer commutes and more transfers to reach destinations. According to DTS' 2016 Title VI Program report, a majority of the minority and low income Census block groups are located outside of urban Honolulu in outlying communities.

Attachment 10

FTA Title VI Circular C 4702.1B



U.S. Department
of Transportation

**Federal Transit
Administration**

CIRCULAR

FTA C 4702.1B

October 1, 2012

**Subject: TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL
TRANSIT ADMINISTRATION RECIPIENTS**

1. PURPOSE. The purpose of this Circular is to provide recipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out U.S. Department of Transportation (“DOT” or “the Department”) Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (“LEP”) Persons (70 FR 74087, December 14, 2005).
2. CANCELLATION. This Circular supersedes FTA Circular 4702.1A “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients,” dated May 13, 2007.
3. AUTHORITY.
 - a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
 - b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
 - c. 49 CFR § 1.51.
 - d. 49 CFR part 21.
 - e. 28 CFR § 42.401 et seq.
4. WAIVER. FTA reserves the right to waive any requirements of this Circular to the extent permitted by law.
5. FEDERAL REGISTER NOTICE. In conjunction with publication of this Circular, FTA published a notice in the *Federal Register* on August 28, 2012, addressing comments received during development of the Circular.
6. AMENDMENTS TO THE CIRCULAR. FTA reserves the right to update this Circular to reflect changes in other revised or new guidance and regulations that undergo notice and comment, without further notice and comment on this Circular. FTA will post updates on our

website at www.fta.dot.gov. The website allows the public to register for notification when FTA issues *Federal Register* notices or new guidance. Please visit the website and click on “Sign Up For Email Updates” for more information.

7. ACCESSIBLE FORMATS. This document is available in accessible formats upon request. To obtain paper copies of this Circular as well as information regarding these accessible formats, call FTA’s Administrative Services Help Desk, at 202-366-4865. Individuals with hearing impairments may contact the Federal Relay Service at 1-800-877-8339 for assistance with the call.

/s/
Peter Rogoff
Administrator

TITLE VI GUIDELINES FOR FTA RECIPIENTS

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CHAPTER I

INTRODUCTION AND BACKGROUND

1. **THE FEDERAL TRANSIT ADMINISTRATION (FTA)**. FTA is one of ten operating administrations within the U.S. Department of Transportation (DOT). Headed by an Administrator who is appointed by the President of the United States, FTA functions through a Washington, DC, headquarters office, ten regional offices, and five metropolitan offices that assist transit agencies in all 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa.

Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.

The Federal Government, through FTA, provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. FTA oversees thousands of grants to hundreds of State and local transit providers, primarily through its ten regional offices. These grant recipients are responsible for managing their programs in accordance with Federal requirements, and FTA is responsible for ensuring that recipients follow Federal statutory and administrative requirements.

2. **AUTHORIZING LEGISLATION**. Most Federal transit laws are codified at title 49 U.S.C. Chapter 53. Authorizing legislation is substantive legislation enacted by Congress that establishes or continues the legal operation of a Federal program or agency. FTA's most recent authorizing legislation is the Moving Ahead for Progress in the 21st Century (MAP-21), Public Law 112-141, signed into law on July 6, 2012, and effective October 1, 2012.
3. **HOW TO CONTACT FTA**. FTA's regional and metropolitan offices are responsible for providing financial assistance to FTA recipients and oversight of grant implementation for most FTA programs. Certain specific programs are the responsibility of FTA headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which the recipient is located. See FTA's website for more information.

Visit FTA's website, <http://www.fta.dot.gov>, or contact FTA Headquarters at the following address and phone number:

Federal Transit Administration
Office of Communications and Congressional Affairs
1200 New Jersey Avenue SE
East Building
Washington, DC 20590
Phone: 202-366-4043; Fax: 202-366-3472

4. **GRANTS.GOV**. FTA posts all competitive grant opportunities on Grants.gov. Grants.gov is the one website for information on all discretionary Federal grant opportunities. Led by the U.S. Department of Health and Human Services (DHHS) and in partnership with Federal grant-making agencies, including 26 agencies, 11 commissions, and several States,

Grants.gov is one of 24 government-wide E-government initiatives. It is designed to improve access to government services via the Internet. More information about Grants.gov is available at <http://www.grants.gov/>.

5. DEFINITIONS. All definitions in chapter 53 of title 49, United States Code, and in 49 CFR part 21 apply to this Circular, as well as the following definitions:
- a. Applicant means a person or entity that submits an application, request, or plan required to be approved by the FTA Administrator or by a primary recipient, as a condition of eligibility for financial assistance from FTA, and “application” means such an application, request, or plan.
 - b. Demand response system: Any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, non-profits, and private providers. An advance request for service is a key characteristic of demand response service.
 - c. Designated recipient means an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.
 - d. Direct recipient means an entity that receives funding directly from FTA. For purposes of this Circular, a direct recipient is distinguished from a primary recipient in that a direct recipient does not extend financial assistance to subrecipients, whereas a primary recipient does.
 - e. Discrimination refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.
 - f. Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.
 - g. Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.
 - h. Disparate treatment refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, or national origin.

- i. Fixed guideway means a public transportation facility—using and occupying a separate right-of-way for the exclusive use of public transportation; using rail; using a fixed catenary system; for a passenger ferry system; or for a bus rapid transit system.
- j. Fixed route refers to public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.
- k. Federal financial assistance refers to
 - (1) grants and loans of Federal funds;
 - (2) the grant or donation of Federal property and interests in property;
 - (3) the detail of Federal personnel;
 - (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
 - (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.
- l. Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.
- m. Low-income person means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.

Recipients are encouraged to use a locally developed threshold, such as the definition found in 49 U.S.C. 5302 as amended by MAP-21: “refers to an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section) for a family of the size involved” or another threshold, provided that the threshold is at least as inclusive as the HHS poverty guidelines.
- n. Low-income population refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy or activity.
- o. Metropolitan planning organization (MPO) means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

- p. Metropolitan transportation plan (MTP) means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.
- q. Minority persons include the following:
 - (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
 - (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
 - (3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
 - (4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
 - (5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- r. Minority population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- s. Minority transit route means a route that has at least 1/3 of its total revenue mileage in a Census block or block group, or traffic analysis zone(s) with a percentage of minority population that exceeds the percentage of minority population in the transit service area. A recipient may supplement this service area data with route-specific ridership data in cases where ridership does not reflect the characteristics of the census block, block group, or traffic analysis zone.
- t. National origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.
- u. Noncompliance refers to an FTA determination that the recipient is not in compliance with the DOT Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity on the basis of race, color, or national origin.
- v. Non-profit organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be

non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.

- w. Predominantly minority area means a geographic area, such as a neighborhood, Census tract, block or block group, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.
- x. Primary recipient means any FTA recipient that extends Federal financial assistance to a subrecipient.
- y. Provider of fixed route public transportation (or "transit provider") means any entity that operates public transportation service, and includes States, local and regional entities, and public and private entities. This term is used in place of "recipient" in chapter IV and is inclusive of direct recipients, primary recipients, designated recipients, and subrecipients that provide fixed route public transportation service.
- z. Public transportation means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and does not include Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intra-terminal or intra-facility shuttle services. Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.
- aa. Recipient as used in this Circular, means any public or private entity that receives Federal financial assistance from FTA, whether directly from FTA or indirectly through a primary recipient. This term includes subrecipients, direct recipients, designated recipients, and primary recipients. The term does not include any ultimate beneficiary under any such assistance program.
- bb. Secretary means the Secretary of the U.S. Department of Transportation.
- cc. Service area refers either to the geographic area in which a transit agency is authorized by its charter to provide service to the public, or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.
- dd. Service standard/policy means an established service performance measure or policy used by a transit provider or other recipient as a means to plan or distribute services and benefits within its service area.
- ee. Statewide transportation improvement program (STIP) means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

- ff. Subrecipient means an entity that receives Federal financial assistance from FTA through a primary recipient.
 - gg. Title VI Program refers to a document developed by an FTA recipient to demonstrate how the recipient is complying with Title VI requirements. Direct and primary recipients must submit their Title VI Programs to FTA every three years. The Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent.
 - hh. Transportation improvement program (TIP) means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.
 - ii. Transportation management area (TMA) means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by the Governor and the MPO and designated by the Secretary of Transportation.
6. ENVIRONMENTAL JUSTICE. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was signed by President Clinton on February 11, 1994. Subsequent to issuance of the Executive Order, the U.S. Department of Transportation (DOT) issued a DOT Order for implementing the Executive Order on environmental justice (EJ). The DOT Order (Order 5610.2(a), "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 77 FR 27534, May 10, 2012) describes the process the Department and its modal administrations (including FTA) will use to incorporate EJ principles into programs, policies, and activities.

The Presidential memorandum accompanying EO 12898 identified Title VI of the Civil Rights Act of 1964 as one of several Federal laws that should be applied "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects." According to the U.S. Department of Justice, "...the core tenet of environmental justice—that development and urban renewal benefitting a community as a whole not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the community's minority—flows directly from the underlying principle of Title VI itself."¹

Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for limited English proficient (LEP) persons. Under DOT's Title VI regulations, recipients of Federal financial assistance are prohibited from, among other things, using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin." For example, facially neutral policies or

¹ See Title VI Legal Manual, U.S. Department of Justice Civil Rights Division (2001), page 59.

practices that result in discriminatory effects or disparate impacts violate DOT's Title VI regulations, unless the recipient can show the policies or practices are substantially justified and there is no less discriminatory alternative. In addition, Title VI and DOT regulations prohibit recipients from intentionally discriminating against people on the basis of race, color, and national origin.

The overlap between the statutory obligation placed on Federal agencies under Title VI to ensure nondiscrimination in federally assisted programs administered by State and local entities, and the administrative directive to Federal agencies under the Executive Order to address disproportionate adverse impacts of Federal activities on minority and low-income populations explain why Title VI and environmental justice are often paired. The clear objective of the Executive Order and Presidential memorandum is to ensure that Federal agencies promote and enforce nondiscrimination as one way of achieving the overarching objective of environmental justice—fair distribution of the adverse impacts of, or burdens associated with, Federal programs, policies, and activities.

Over the years, U.S. DOT has encouraged a proactive approach to the implementation of environmental justice principles in its programs, policies, and activities. This is reflected in the DOT Order on Environmental Justice (DOT Order 5610.2(a)) which, consistent with E.O. 12898, sets forth a process by which DOT and its Operating Administrations, including FTA, will integrate the goals of environmental justice into their existing operations to ensure that consideration of EJ principles is an integral part of all programs, policies, and activities, from the inception of the planning process through to project completion, operations, and evaluation.

FTA has developed policy guidance in the form of a Circular (Circular 4703.1), “Environmental Justice Policy Guidance for Federal Transit Administration Recipients,” in order to provide recipients with a distinct framework to assist them as they integrate principles of environmental justice into their public transportation decision-making processes. FTA expects the clarification provided by the EJ Circular and the updated Title VI Circular will provide recipients with the guidance they need to properly incorporate both Title VI and environmental justice into their public transportation decision-making.

Because of the connection between EJ and Title VI, the consideration of EJ principles has sometimes been confused with the requirements of Title VI. Here is a summary of the key differences between the two:

Key Aspects of the Authorities	Title VI	Environmental Justice
What is the basis for the authority?	Title VI is a Federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving	The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to “make achieving environmental justice part of its mission.” The EO is intended to improve the internal management of the

Key Aspects of the Authorities	Title VI	Environmental Justice
	Federal financial assistance.	executive branch and not to create legal rights enforceable by a party against the U.S.
What is the purpose of the authority?	Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance.	EO 12898 calls on each Federal agency to achieve "environmental justice...by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...."
To whom does the authority apply?	Title VI is a Federal law that applies to recipients and subrecipients of Federal financial assistance (e.g., States, local governments, transit providers), and not to DOT itself.	EO 12898 applies to Federal agency actions, including DOT's and FTA's actions. Title VI is one of the tools used by Federal agencies to implement this directive.
What does the authority require, and of whom?	Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.	EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5610.2(a)).
What does the authority say with regard to negative effects or impacts?	In accordance with 49 CFR part 21 and Title VI case law, if an otherwise facially neutral program, policy, or activity will have a discriminatory impact on minority populations, that program, policy, or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy, or activity; (2) there are	In accordance with EO 12898 and the DOT Order on EJ, if a DOT program, policy, or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy, or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and

Key Aspects of the Authorities	Title VI	Environmental Justice
	no comparably effective alternative practices that would result in less-disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.	adverse effects are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.
Does the authority create any rights or remedies?	Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact claims may be filed with the Federal agency.	EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.

Thus, while Title VI is one tool for agencies to use to achieve the principles of environmental justice, it is important to recognize that Title VI imposes statutory and regulatory requirements that are broader in scope than environmental justice. Recipients are cautioned that while there may be overlap, engaging in an EJ analysis under Federal transportation planning and NEPA provisions will not satisfy Title VI requirements, as outlined in this Title VI Circular. Similarly, a Title VI analysis will not necessarily satisfy environmental justice, given that Title VI does not include low-income populations. Moreover, Title VI applies to all activities of Federal recipients, not solely those which may have disproportionately high and adverse human health or environmental effects on EJ populations.

For example, while a bus rehabilitation project may not impose disproportionately high or adverse health or environmental effects on minority or low-income populations, the *use* of those buses subsequent to the rehabilitation may be subject to a Title VI analysis to ensure that vehicles assigned to a particular area do not result in a disparate impact on the basis of

race, color, or national origin. In addition, if there are substantive changes to the service levels for which the rehabilitated or other buses will be used, i.e., the vehicles are deployed in such a way that the nature and quantity of service in a particular area is changed, then a service equity analysis must be conducted to determine whether this change results in a disparate impact on the basis of race, color, or national origin. The requirements for that particular analysis are part of the compliance determinations made for Federal transit recipients under chapter IV of this Circular.

CHAPTER II

PROGRAM OVERVIEW

1. **PROGRAM OBJECTIVES.** The direction, guidance and procedures in this document will help FTA recipients to:
 - a. Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
 - b. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
 - c. Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.
2. **STATUTORY AUTHORITY.** Section 601 of Title VI of the Civil Rights Act of 1964 states the following:

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

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are Federally funded. The term “program or activity” means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

Therefore, compliance with this Circular does not relieve a recipient from the requirements and responsibilities of the DOT Title VI regulation at 49 CFR part 21, or any other requirements under other Federal agencies’ Title VI regulations, as applicable. This Circular only provides guidance on the transit-related aspects of an entity’s activities. Recipients are responsible for ensuring that all of their activities are in compliance with Title VI. In other words, a recipient may engage in activities not described in the Circular, such as ridesharing programs, roadway incident response programs, or other programs not funded by FTA, and those programs must also be administered in a nondiscriminatory manner.

3. **REGULATORY AUTHORITY.** The U.S. Department of Justice (“DOJ”) Title VI regulations can be found at 28 CFR § 42.401 *et seq.*, and 28 CFR § 50.3. The U.S. Department of Transportation (“DOT”) Title VI implementing regulations can be found at 49 CFR part 21.

All programs receiving financial assistance from FTA are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and DOT’s implementing regulations. In addition, DOJ’s regulations require agencies such as DOT to issue guidelines to recipients to provide

detailed information on the requirements of Title VI. In order to assist recipients in carrying out the provisions of DOT's Title VI regulations, each of the requirements in this Circular includes a reference to the corresponding provision of 49 CFR part 21.

4. ADDITIONAL DOCUMENTS. In addition to the above-listed statute and regulations the following documents incorporate Title VI principles:
 - a. The Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.
 - b. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that recipients agree to comply, and assure the compliance of each subrecipient, lessee, third party contractor, or other participant at any tier of the Project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21. Except to the extent FTA determines otherwise in writing, recipients agree to follow all applicable provisions of the most recent edition of FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," and any other applicable Federal directives that may be issued. Unless FTA states otherwise in writing, the Master Agreement requires all recipients to comply with all applicable Federal directives.
5. REPORTING REQUIREMENTS. Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with [49 CFR part 21]." FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years. The Title VI Program must be approved by the direct or primary recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the Board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, in order to assist the primary recipient in its compliance efforts, on a schedule to be determined by the primary recipient. In the event an entity receives funds from more than one primary recipient, the subrecipient shall submit Title VI Programs to all primary recipients from which it receives funds. Chapters III, IV, V, and VI and appendices

detail the specific information that shall be included in Title VI Programs, based on recipient characteristics.

6. APPLICABILITY TO CONTRACTORS. Contractors and subcontractors are responsible for complying with the Title VI Program of the recipient with whom they are contracting. Contractors are not required to prepare or submit Title VI Programs. Recipients are responsible for ensuring that contractors are following the Title VI Program, and complying with Title VI.

CHAPTER III

GENERAL REQUIREMENTS AND GUIDELINES

1. **INTRODUCTION.** This chapter describes requirements that all FTA recipients must follow to ensure that their programs, policies, and activities comply with DOT's Title VI regulations.
2. **REQUIREMENT TO PROVIDE TITLE VI ASSURANCES.** In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA. Primary recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. The text of FTA's annual certifications and assurances is available on FTA's website.
3. **REQUIREMENTS FOR FIRST-TIME APPLICANTS.** First-time applicants must submit a Title VI Program that is compliant with this Circular, and submit an assurance (as noted in Section 2 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years. The summary shall include:
 - a. The purpose or reason for the review.
 - b. The name of the agency or organization that performed the review.
 - c. A summary of the findings and recommendations of the review.
 - d. A report on the status and/or disposition of such findings and recommendations. This information shall be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.

In addition, first-time applicants shall submit a brief description of any pending applications to other Federal agencies for assistance, and whether any Federal agency has found the applicant to be in noncompliance with any civil rights requirement.

4. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.** Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule]." FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State

DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts. Such Programs may be submitted and stored electronically at the option of the primary recipient. Subrecipients may choose to adopt the primary recipient's notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Operational differences between the primary recipient and subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan. Subrecipients shall develop and submit to the primary recipient a list of complaints, investigations, or lawsuits. Subrecipients that have transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees. Subrecipients must submit all the above information to the primary recipient on a schedule requested by the primary recipient. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

a. Contents. Every Title VI Program shall include the following information:

- (1) A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. A sample Title VI notice is in Appendix B.
- (2) A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in Appendix C, and a sample Title VI complaint form is in Appendix D.
- (3) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. See Appendix E for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.
- (4) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to

- include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
- (5) A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
 - (6) Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
 - (7) Primary recipients shall include a narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.
 - (8) If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.
 - (9) Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a fixed route transit provider, a State, or an MPO.
- b. Upload Title VI Program to TEAM. Direct and primary recipients must upload their Title VI Program into FTA's Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program shall be attached via the paper clip function on the Civil Rights screen, and not attached to a particular grant. Recipients must also notify their FTA Regional Civil Rights Officer via email that they have uploaded their Title VI Program to TEAM. The Title VI Program must be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program.
- c. Determinations. The status of a direct or primary recipient's Title VI Program will be noted in TEAM. The three status determinations are:
- (1) Concur. This status indicates that the recipients' Title VI Program meets the requirements as set out in this Circular. The recipient may receive grant funds.
 - (2) In review. This status indicates that the recipient's Title VI Program is being reviewed by FTA staff and a determination as to sufficiency has not yet been made. "In review" status is only effective for sixty days and grants may be processed while a Title VI Program has an "in review" status.
 - (3) Expired/Expiration. This status indicates that the recipients' Title VI Program has expired and that an updated Title VI Program must be submitted. A recipient with an expired Title VI Program may have its draw-down privileges suspended and grants may not be processed.

- d. Reporting Requirement Exemptions. Recipients whose only FTA funding is through FTA's University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or the Public Transportation on Indian Reservations program are exempt from submitting a Title VI Program to FTA. In addition, FTA may exempt a recipient, upon receipt of a request for a waiver submitted to the Director of the Office of Civil Rights, from the requirement to submit a Title VI Program, or from some elements of the Title VI Program. The absence of the requirement to submit a Title VI Program does not obviate the underlying obligations to comply with DOT's Title VI regulations. Furthermore, with the exception of the Public Transportation on Indian Reservation program, FTA may, at any time, request information from an exempt recipient in order to determine compliance with Title VI regulations and statutes.
5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI. Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles. A sample Title VI notice to the public is provided in Appendix B.
 - a. Contents. The Title VI notice shall include:
 - (1) A statement that the agency operates programs without regard to race, color, or national origin.
 - (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.
 - (3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.
 - b. Effective Practices for Fulfilling the Notification Requirement.
 - (1) Dissemination. Agencies shall inform the public of their rights under Title VI through such measures as posting the Title VI notice on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's discretion, as long as the type, timing, and frequency are sufficient to notify passengers and other interested persons of their rights under DOT's Title VI regulations with regard to the recipient's program.
 - (2) Document translation. Notices detailing a recipient's Title VI obligations and complaint procedures shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.

- (3) Subrecipients. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the primary recipient; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.
6. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM. In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures and complaint form developed by the primary recipient. Sample complaint procedure and complaint forms are located in Appendices C and D. See Chapter IX of this Circular for more information on complaints.
7. REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS. In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years. See Appendix E for an example of how to report this information.
8. PROMOTING INCLUSIVE PUBLIC PARTICIPATION. The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities). Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process. FTA has developed a Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," that includes many examples of effective strategies for engaging minority and low-income populations. FTA

encourages recipients to review that Circular for ideas when developing their public engagement strategy. Some of those effective practices include:

- a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- b. Employing different meeting sizes and formats.
- c. Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- e. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

Grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) and 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service). FTA/FHWA (Federal Highway Administration) joint planning regulations (23 CFR part 450) require States and MPOs engaged in planning activities to seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems, such as minority and LEP persons, who may face challenges accessing employment and other services, as States and MPOs develop and conduct their public involvement activities. Recipients engaged in planning and other decision-making activities at the local level should consider the principles embodied in the planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

9. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS. Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). This Circular contains only a summary of the LEP requirements as they apply to FTA recipients; recipients are encouraged to review DOT's LEP guidance for additional information (70 FR 74087, Dec. 14, 2005) <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>. Recipients are also encouraged to review DOJ's guidelines on self-assessment, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011), as well as other materials, available at www.lep.gov.

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

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

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

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

- (a) Use of bus and rail service;
- (b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;
- (c) Participation in public meetings;
- (d) Customer service interactions;
- (e) Ridership surveys;
- (f) Operator surveys.

(3) **The nature and importance of the program, activity, or service provided by the program to people's lives.** Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. The provision of public transportation is a vital service, especially for people without access to personal vehicles. An MPO's regional planning activities will impact every person in a region. Development of a coordinated plan to meet the specific

transportation needs of seniors and people with disabilities will often also meet the needs of LEP persons. A person who is LEP may have a disability that prevents the person from using fixed route service, thus making the person eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

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

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

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

- (a) Include the results of the Four Factor Analysis, including a description of the LEP population(s) served;
- (b) Describe how the recipient provides language assistance services by language;
- (c) Describe how the recipient provides notice to LEP persons about the availability of language assistance;
- (d) Describe how the recipient monitors, evaluates and updates the language access plan; and
- (e) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

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

After completing the Four Factor Analysis, a recipient may determine that an effective LEP plan for its community includes the translation of vital documents into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's programs and services. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; and notices advising LEP individuals of free language assistance services. Examples of vital documents include an ADA complementary paratransit eligibility application, a Title VI complaint form, notice of a person's rights under Title VI, and other documents that provide access to essential services. Failure to translate these vital documents could result in a recipient denying an eligible LEP person access to services and discrimination on the basis of national origin.

- c. Safe Harbor Provision. DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program.

10. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES. Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

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

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

12. MONITORING SUBRECIPIENTS. In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

- a. In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:
 - (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.
 - (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
 - (3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of

service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.

- b. When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a primary recipient, the subrecipient/direct recipient reports directly to FTA and the primary recipient/designated recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

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

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

of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

14. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST. FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

CHAPTER IV

REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS

1. **INTRODUCTION.** The requirements described in this chapter apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities. Contractors are responsible for following the Title VI Program(s) of the transit provider(s) with whom they contract. Transit providers that are subrecipients will submit the information required in this chapter to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. Direct and primary recipients will submit the information required in this chapter to FTA every three years. See Appendix L for clarification of reporting responsibilities by recipient category.

All transit providers—whether direct recipients, primary recipients or subrecipients—that receive financial assistance from FTA are also responsible for following the general requirements in Chapter III of this circular. The requirements in this chapter are scaled based on the size of the fixed route transit provider.

Providers of public transportation that only operate demand response service are responsible only for the requirements in Chapter III. Demand response includes general public paratransit, Americans with Disabilities Act complementary paratransit, vanpools, and Section 5310 non-profits that serve only their own clientele (closed door service). Providers of public transportation that operate fixed route and demand response service, or only fixed route service, are responsible for the reporting requirements in this chapter, but these requirements only apply to fixed route service.

Requirement	Transit Providers that operate fixed route service	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
Set system-wide standards and policies	Required	Required
Collect and report data	Not required	Required: <ul style="list-style-type: none"> • Demographic and service profile maps and charts • Survey data regarding customer demographic and travel patterns
Evaluate service and fare equity changes	Not required	Required
Monitor transit service	Not required	Required

a. If a transit provider:

- (1) Operates 50 or more fixed route vehicles in peak service and is located in an Urbanized Area (UZA) of 200,000 or more in population; or
- (2) Has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator,

Then the transit provider's Title VI Program must contain all of the elements described in this chapter.

- b. If a fixed route transit provider does not meet the threshold in paragraph a, then the transit provider is only required to set system-wide standards and policies, as further described below.
 - c. Threshold. FTA requires all transit providers to submit a Title VI Program to comply with DOT Title VI regulations; the threshold provides a distinction regarding the degree of evidence a fixed route transit provider must provide to demonstrate compliance with those regulations.
 - d. Determination. As of the effective date of this circular (4702.1B), those transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population, are required to meet all requirements of this chapter (i.e., setting service standards and policies, collecting and reporting data, monitoring transit service, and evaluating fare and service changes).
2. IMPLEMENTATION. Fixed route transit providers with Title VI Programs due between October 1, 2012 and March 31, 2013 must submit a Title VI Program that is compliant with this Circular by March 31, 2013. On or about October 1, 2012, FTA will publish a list of recipients that are in this group, and FTA will also reach out to each recipient to ensure awareness of the requirement.
- a. All fixed route transit providers with Title VI Programs that do not expire between October 1, 2012, and March 31, 2013, are required to develop or update their system-wide standards and policies and submit them into TEAM by March 31, 2013.
 - b. Title VI Programs due to expire on or after April 1, 2013, must comply with the reporting requirements of this Circular, 4702.1B.
 - c. Service Equity Analyses. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and have major service changes scheduled between October 1, 2012 and March 31, 2013, may follow the service equity analysis guidance provided in FTA Circular 4702.1A. A transit provider may conduct a service equity analysis consistent with the new Circular for major service changes occurring prior to April 1, 2013, but is not required to do so. All major service changes occurring on or after April 1, 2013 must be analyzed with the framework outlined in section 7 of this chapter.

- d. Surveys. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and that have not conducted passenger surveys in the last five years will have until December 31, 2013, to conduct these surveys.
3. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. As stated in Chapter III of this Circular, in order to ensure compliance with the reporting requirements of 49 CFR Section 21.9(b), FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all transit providers (including subrecipients), the Title VI Program must be approved by the transit provider's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Transit providers shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding, on a schedule to be determined by the primary recipient, in order to assist the primary recipient in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
 - a. Contents of the Title VI Program. Providers of fixed route public transportation shall include the following information in their Title VI Program.
 - (1) All fixed route transit providers shall submit:
 - (a) All general requirements set out in Section 4 of Chapter III of this Circular; and
 - (b) System-wide service standards and system-wide service policies, whether existing or new (i.e., adopted by the transit provider since the last submission) as described in this chapter.
 - (2) Transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall include the information in paragraph a(1) above, and will also include:
 - (a) A demographic analysis of the transit provider's service area. This shall include demographic maps and charts completed since submission of the last Title VI Program that contains demographic information and service profiles;
 - (b) Data regarding customer demographics and travel patterns, collected from passenger surveys;
 - (c) Results of the monitoring program of service standards and policies and any action taken, including documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results;

- (d) A description of the public engagement process for setting the “major service change policy” and disparate impact policy;
- (e) A copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the major service change policy and disparate impact policy.
- (f) Results of equity analyses for any major service changes and/or fare changes implemented since the last Title VI Program submission; and
- (g) A copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the equity analysis for any service or fare changes required by this circular.

4. REQUIREMENT TO SET SYSTEM-WIDE SERVICE STANDARDS AND POLICIES.

These requirements apply to all fixed route providers of public transportation service. Title 49 CFR Section 21.5 states the general prohibition of discrimination on the grounds of race, color, or national origin. Section 21.5(b)(2) specifies that a recipient shall not “utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.” Section 21.5(b)(7) requires recipients to “take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.” Finally, Appendix C to 49 CFR part 21 provides in Section (3)(iii) that “[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.”

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

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

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

- a. Effective Practices to Fulfill the Service Standard Requirement. FTA requires all fixed route transit providers to develop quantitative standards for all fixed route modes of operation for the indicators listed below. Providers of public transportation may set additional standards as appropriate or applicable to the type of service they provide. See Appendix G for an example of how to report this information.
- (1) Vehicle load for each mode. Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e., bus, express bus, bus rapid transit, light rail, heavy rail, commuter rail, passenger ferry, etc., as applicable), as the standard may differ by mode.
- (2) Vehicle headway for each mode. Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle headway standard is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Transit providers may set different vehicle headway standards for different modes of transit service. A vehicle headway standard might establish a minimum frequency of service by area based on population density. For example, service at 15-minute peak headways and 30-minute off-peak headways might be the standard for routes serving the most densely populated portions of the service area, whereas 30-minute peak headways and 45-minute off-peak headways might be the standard in less densely populated areas. Headway standards are also typically related to vehicle load. For example, a service standard might state that vehicle headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.
- (3) On-time performance for each mode. On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of

performance for the system. For example, a transit provider might define on-time performance as 95 percent of all runs system-wide or on a particular route or line completed within the allowed “on-time” window.

- (4) Service availability for each mode. Service availability is a general measure of the distribution of routes within a transit provider’s service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk of bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in less densely populated areas, and the percentage of the total population within a one-quarter mile walk of routes or lines might be higher in more densely populated areas than it would be in less densely populated areas. Commuter rail service or passenger ferry service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations or access to the terminal.

- b. Effective Practices to Fulfill the Service Policy Requirement. FTA requires fixed route transit providers to develop a policy for each of the following service indicators. Transit providers may set policies for additional indicators as appropriate. See Appendix H for an example of how to report this information.

- (1) Distribution of transit amenities for each mode. Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Transit providers may have different policies for the different modes of service that they provide. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This subparagraph is not intended to impact funding decisions for transit amenities. Rather, this subparagraph applies after a transit provider has decided to fund an amenity.

This policy does not apply to transit providers that do not have decision-making authority over the siting of transit amenities. Transit providers are not responsible for setting a policy for transit amenities that are solely sited by a separate jurisdiction (e.g., a city, town, or county) unless the transit provider has the authority to set policies to determine the siting of these amenities. Transit providers are responsible for setting a policy for transit amenities that are installed under a contract between the transit provider and a private entity. In these cases, the transit provider shall communicate its service policy to the private entity.

Transit providers shall submit their siting policy where the definition of transit amenities includes but is not limited to:

- (a) Seating (i.e., benches, seats at stops/stations)

- (b) Bus and rail shelters and rail platform canopies
 - (c) Provision of information:
 - i. Printed signs, system maps, route maps, and schedules.
 - ii. Digital equipment such as next vehicle arrival time signs along bus routes and at fixed guideway stations (i.e., electronic signage that depicts when a transit vehicle will next arrive at the station or stop).
 - (d) Escalators
 - (e) Elevators
 - (f) Waste receptacles (including trash and recycling)
- (2) Vehicle assignment for each mode. Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider's system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area.
5. REQUIREMENT TO COLLECT AND REPORT DEMOGRAPHIC DATA. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in Urbanized Areas (UZA) of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. Title 49 CFR Section 21.9(b) requires recipients to keep records and submit compliance reports (a Title VI Program) to FTA. Title VI Programs shall contain "such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part." In addition, 49 CFR 21.9(b) states that recipients "should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." In order to ensure compliance with the regulation, FTA requires these transit providers to prepare data regarding demographic and service profile maps and charts as well as customer demographics and travel patterns.
- In order to comply with the reporting requirements in 49 CFR Section 21.9(b), transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall collect and analyze racial and ethnic data as described below in order to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.
- a. Demographic and Service Profile Maps and Charts. Transit providers shall prepare demographic and service profile maps and charts after each decennial census and prior to proposed service reductions or eliminations. Transit providers may use decennial census

data to develop maps and charts until the next decennial census or they may use American Community Survey (ACS) data between decennial censuses. These maps and charts will help the transit provider determine whether and to what extent transit service is available to minority populations within the transit provider's service area. These maps may be prepared using Geographic Information System (GIS) technology, although transit providers without access to GIS technology may prepare the maps in alternative formats. FTA requires transit providers to prepare the following maps and charts:

- (1) A base map of the transit provider's service area that overlays Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities—including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings—as well as major activity centers or transit trip generators, and major streets and highways. Major activity centers and transit trip generators can include, but are not necessarily limited to, the central business district, outlying high employment areas, schools, and hospitals. This map shall overlay Census tract, block or block group data depicting minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways. Another map shall highlight those transit facilities that were recently replaced, improved or are scheduled (projects identified in planning documents) for an update in the next five years.
 - (2) A demographic map that plots the information listed in (1) above and also shades those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole. Transit providers may elect to produce maps that highlight separately the presence of specific minority populations if this information will assist the transit provider in determining compliance with Title VI and/or LEP. Transit providers shall also prepare a GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways.
 - (3) For purposes of addressing environmental justice, and in order to evaluate the impacts of major service changes on low-income populations, demographic maps shall also depict those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.
- b. Demographic Ridership and Travel Patterns. Fixed route providers of public transportation that meet the threshold in the Introduction section of this chapter shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders. Demographic information shall also be collected on fare usage by fare type amongst minority users and low-income users, in order to assist with fare equity

analyses. The demographic information shall be displayed in tabular format. An example of this analysis is depicted in Appendix I.

The information required in this subparagraph may be integrated into passenger surveys employed by transit providers on a schedule determined by the transit provider but no less than every five years and may be collected at the time that such surveys are routinely performed, such as customer satisfaction surveys and origin and destination surveys used to update travel demand models. Transit providers should contact FTA for further guidance on survey sample sizes, data expansion procedures, and data collection methods suitable to the transit provider's specific situation.

Transit providers shall take steps to translate customer surveys into languages other than English as necessary, or to provide translation services in the course of conducting customer surveys consistent with the DOT LEP guidance and the recipient's language assistance plan.

6. REQUIREMENT TO MONITOR TRANSIT SERVICE. This requirement applies only to providers of public transportation that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. In order to ensure compliance with DOT's Title VI regulations, FTA requires these transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e., vehicle load, vehicle assignment, transit amenities, etc.) not less than every three years using the following method:

- a. Transit providers shall use the minority transit route definition to implement this monitoring program. Transit providers shall select a sample of minority and non-minority routes from all modes of service provided, e.g., local bus, bus rapid transit, light rail, etc. The sample shall include routes that provide service to predominantly minority areas and non-minority areas. Transit providers should bear in mind that the greater the sample size, the more reliable the results.

As defined in Chapter I, a minority transit route is one in which at least one-third of the revenue miles are located in a Census block, Census block group, or traffic analysis zone where the percentage minority population exceeds the percentage minority population in the service area. Transit providers may supplement this with ridership data and adjust route designations accordingly. For example, a commuter bus that picks up passengers in generally non-minority areas and then travels through predominantly minority neighborhoods but does not pick up passengers who live closer to downtown might be more appropriately classified as a non-minority route, even if one-third of the route mileage is located in predominantly minority Census blocks or block groups. On the other hand, a light rail line may carry predominantly minority passengers to an area where employment centers and other activities are located, but the minority population in the surrounding Census blocks or block groups does not meet or exceed the area average. This route may be more appropriately classified as a minority transit route. Transit providers should ensure they have

adequate ridership data before making these determinations, and include that data in their analyses.

- b. Transit providers shall assess the performance of each minority and non-minority route in the sample for each of the transit provider's service standards and service policies.
- c. Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.
- d. For cases in which the observed service for any route exceeds or fails to meet the standard or policy, depending on the metric measured, the transit provider shall analyze why the discrepancies exist, and take steps to reduce the potential effects.
- e. Transit providers shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.
- f. Transit providers shall develop a policy or procedure to determine whether disparate impacts exist on the basis of race, color, or national origin, and apply that policy or procedure to the results of the monitoring activities;
- g. Transit providers shall brief and obtain approval from the transit providers' policy-making officials, generally the board of directors or appropriate governing entity responsible for policy decisions regarding the results of the monitoring program;
- h. Submit the results of the monitoring program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results to FTA every three years as part of the Title VI Program. See Appendix J for an example of how to report this information.

Transit providers shall undertake these periodic service monitoring activities to compare the level of service provided to predominantly minority areas with the level of service provided to predominantly non-minority areas to ensure the end result of policies and decision-making is equitable. A transit provider at its discretion may choose to conduct service monitoring more frequently than every three years.

If a transit provider determines, based on its monitoring activities, that prior decisions have resulted in a disparate impact on the basis of race, color, or national origin, the transit provider shall take corrective action to remedy the disparities to the greatest extent possible, and shall discuss in the Title VI Program these disparate impacts and actions taken to remedy the disparities.

7. REQUIREMENT TO EVALUATE SERVICE AND FARE CHANGES. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. These transit providers are required to prepare and submit service and fare equity analyses as described below. Transit providers not

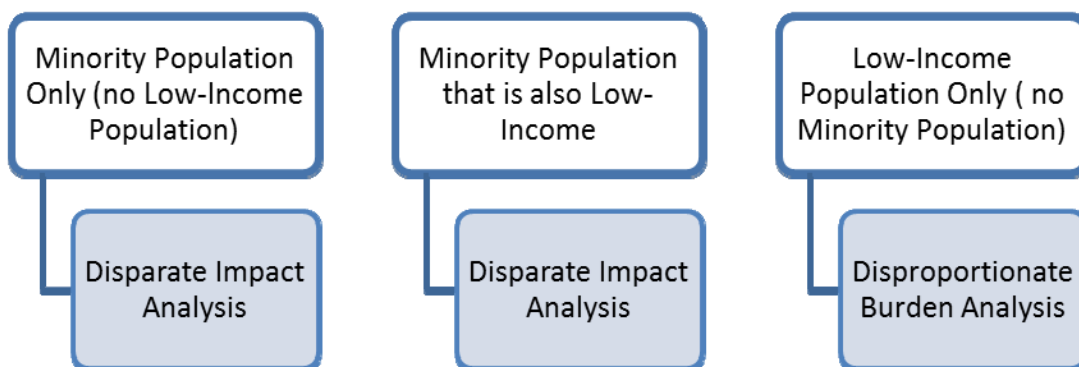
subject to this requirement are responsible for complying with the DOT Title VI regulations which prohibit disparate impact discrimination, and therefore should review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color,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

To further ensure compliance with 49 CFR Section 21.5(b)(2), 49 CFR Section 21.5(b)(7), and Appendix C to 49 CFR part 21, all providers of public transportation to which this Section applies shall develop written procedures consistent with this Section to evaluate, prior to implementation, any and all service changes that exceed the transit provider's major service change threshold, as well as all fare changes, to determine whether those changes will have a discriminatory impact based on race, color, or national origin. The written procedures and results of service and/or fare equity analyses shall be included in the transit provider's Title VI Program.

One purpose of conducting service and fare equity analyses prior to implementing service and/or fare changes is to determine whether the planned changes will have a disparate impact on the basis of race, color, or national origin.

The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The comparison population for a statistical measure of disparate impact is all persons who are either affected by the service or fare changes or who could possibly be affected by the service or fare change (e.g., potential passengers). When a transit provider uses ridership as the comparison population, the transit provider will compare the ridership of the affected route(s) with the ridership of the system. For example, if the ridership of affected route(s) is 60 percent minority and the system ridership is 40 percent minority, then changes to the route(s) may have a disparate impact. When a transit provider uses the population of the service area as the comparison population, it will compare the population in Census blocks or block groups served by the affected route(s) with the population in the service area. For example, if affected route(s) serves Census blocks that are 40 percent minority and the service area is 45 percent minority, there would likely not be a disparate impact. Examples of this analysis are provided in Appendix K.

Low-income populations are not a protected class under Title VI. However, recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes. As depicted below, when a minority population is present, the correct analysis is a disparate impact analysis:



Transit providers shall use tables similar to those provided in Appendix K to depict the results of the service and/or fare equity analysis. Transit providers should refer to the checklist and examples in the Appendix for additional technical assistance with service and fare equity analyses.

Upon completion of a service or fare equity analysis, the transit provider shall brief its board of directors, top executive, or appropriate governing entity or official(s) responsible for policy decisions regarding the service and/or fare change(s) and the equity impacts of the service and/or fare change(s). The transit provider shall submit documentation such as a board resolution, copy of meeting minutes, or similar documentation with the Title VI Program as evidence of the board or governing entity or official's consideration, awareness, and approval of the analysis.

a. Service Equity Analysis

FTA encourages transit providers to contact their FTA Regional Civil Rights Officer for technical assistance when they have determined that a service equity analysis is necessary. Upon request, FTA can provide technical assistance related to methodology and analysis prior to a transit provider's board of directors taking action.

Transit providers shall evaluate the impacts of their proposed service changes on minority and low-income populations separately, using the following methods:

(1) Service Equity Analysis for Minority Populations:

- (a) Major Service Change Policy. In order to begin the analysis, the transit provider must first identify what constitutes a "major service change" for its system, as only "major service changes" are subject to a service equity analysis. The transit provider must conduct a service equity analysis for those service changes that meet or exceed the transit provider's "major service change policy."

A major service change policy is typically presented as a numerical standard, such as a change that affects "x" percent of a route, "x" number of route miles or hours, or some other route-specific or system-wide change, or the number or concentration of people affected. The major service change policy will include

adding service and reducing service. The threshold for analysis shall not be set so high so as to never require an analysis; rather, agencies shall select a threshold most likely to yield a meaningful result in light of the transit provider's system characteristics.

A transit provider may exempt a temporary addition of service (e.g., demonstration projects), including those that would otherwise qualify as a major service change, from its definition of major service change. If a temporary service addition or change lasts longer than twelve months, then FTA considers the service addition or change permanent and the transit provider must conduct a service equity analysis if the service otherwise qualifies as a major service change.

- (b) Adverse Effects. The transit provider shall define and analyze adverse effects related to major changes in transit service. The adverse effect is measured by the change between the existing and proposed service levels that would be deemed significant. Changes in service that have an adverse effect and that may result in a disparate impact include reductions in service (e.g., elimination of route, shortlining a route, rerouting an existing route, increase in headways). Elimination of a route will generally have a greater adverse impact than a change in headways. Additions to service may also result in disparate impacts, especially if they come at the expense of reductions in service on other routes. Transit providers shall consider the degree of adverse effects, and analyze those effects, when planning their service changes.
- (c) Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impacts. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission.

For illustrative purposes only, here is an example: a transit provider adopts a disparate impact policy that provides any time there is a difference in adverse impacts between minority and non-minority populations of plus or minus ten percent, this is statistically significant, and such differences in adverse impacts are disparate. For example, if minorities make up 30 percent of the overall population, but would bear 45 percent of the impacts, and the non-minority group would bear 55 percent, there may be a disparate impact insofar as the minority group bears 15 percent more than its expected share, from 45 percent of the burden to 30 percent of the population; while the non-minority group bears 15 percent less than its expected share of 55 percent of burden compared to 70 percent of population—even though the absolute majority of the burden rests with the non-minority group. Applying the ten percent disparate impact policy, the provider will find a disparate impact and must therefore consider

modifying the proposed changes in order to avoid, minimize, or mitigate the disparate impacts of the proposed changes. [NOTE: Ten percent is not a suggested baseline or standard, and is used here solely as an example. As described above, each transit provider will adopt a disparate impact policy.]

- (d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the major service change policy and disparate impact policy.
- (e) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. For example, passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.
- (f) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on minority populations using the following framework:
 - (i) The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The population for a statistical measure of disparate impact is all persons that are either affected by the service or fare changes or that could possibly be affected by the service or fare change (e.g., potential passengers), thus the comparison population may vary depending on the type of change under evaluation. The transit provider shall include in the analysis the reason for the comparison population selected.

For example, when making headway changes, eliminating a route, or increasing service to an area currently served by the transit system, the appropriate comparison population would likely be ridership, and the transit provider would compare the ridership of the affected route(s) with the ridership of the system.

On the other hand, when proposing to provide new service to a neighborhood or corridor not served by the transit system, the appropriate comparison population would likely be the population of the service area, and the transit

provider would compare the population in Census blocks or block groups served by the proposed route(s) with the population in the service area.

Further, if a transit provider is proposing a major service change that involves both headway changes and new service to a neighborhood or corridor not served by the transit system, the transit provider would not have to use different comparison populations for the different types of changes. The transit provider would select either ridership or population of the service area and conduct an analysis using the same comparison population.

Transit providers are cautioned not to “mix and match” their comparison populations. Ridership of affected route(s) should be compared to ridership of the system, and Census blocks or block groups should be compared with the population of the service area.

In instances where a transit provider does not have adequate ridership data or is otherwise uncertain as to which population to use for comparison purposes, the transit provider should contact their FTA regional office for technical assistance.

- (ii) Ridership Data. When the transit provider determines that the correct population base is ridership, the transit provider shall document the reasons for selecting this population base and analyze any available information generated from ridership surveys to determine the minority and non-minority population ridership of the affected route(s) and the minority and non-minority ridership of the entire system.
- (iii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
- (iv) Determination of Disparate Impact. Each service change analysis must compare existing service to proposed changes, and calculate the absolute change as well as the percent change. The transit provider shall use its adverse effects definition and disparate impact threshold to determine whether the proposed major service change will result in adverse effects that are disproportionately borne by minority populations, by comparing the proportion of minorities adversely affected to the proportion of non-minorities adversely affected. The transit provider shall consider the degree of the adverse effects when doing this analysis. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.

(v) Analysis of Modifications. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize, or mitigate potential disparate impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.

(vi) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only* if:

- the transit provider has a substantial legitimate justification for the proposed service change, **and**
- the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

(vii) Examining Alternatives. If the transit provider determines that a proposed service change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification - that is, that the justification is not supported by demonstrable evidence - the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the service changes and make adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including the less discriminatory alternatives that may be available.

(2) Service Equity Analysis for Low-Income Populations. As noted above, low-income populations are not a protected class under Title VI. However,

recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes.

- (a) Major Service Change Policy. As described under the Service Equity Analysis for Minority Populations, the transit provider must first identify what constitutes a “major service change” for its system, as only “major service changes” are subject to a service equity analysis. The transit provider’s major service change policy will apply to both analyses.
- (b) Adverse Effects. As described under the Service Equity Analysis for Minority Populations, the transit provider shall define and analyze adverse effects related to major changes in transit service. The transit provider’s adverse effects policy will apply to both analyses.
- (c) Disproportionate Burden Policy. The transit provider shall develop a policy for measuring disproportionate burdens on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode.
- (d) Public Participation. The transit provider shall engage the public in the decision-making process to develop the disproportionate burden policy.
- (e) Selection of Comparison Population. Transit providers may use ridership data or population of the service area for the comparison population. If a transit provider uses ridership as the comparison population for the Title VI (minority populations) service equity analysis, the transit provider should use ridership as the comparison population for the low-income equity analysis. Similarly, if the transit provider uses the service area as the comparison population for the Title VI (minority populations) analysis, the provider should use the service area as the comparison population for the low-income analysis.
- (f) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, or traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. [NOTE: Census tract level may be used if that is the smallest geographic area available for income data]. For example,

passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.

- (g) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on low-income populations using the following method:
- (i) Ridership Data. When the transit provider determines that the correct comparison population is ridership, the transit provider shall document the reasons for selecting this comparison population and analyze any available information generated from ridership surveys to determine the low-income and non-low-income population ridership of the affected route(s) and the low-income and non-low-income ridership of the entire system.
 - (ii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured/rerouted, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.
 - (iii) Determination of Disproportionate Burden. Each service change analysis must compare existing service to proposed service, and calculate the absolute change as well as the percent change. The transit provider shall use its disproportionate burden threshold to determine whether the proposed change will result in adverse effects that are disproportionately borne by low-income populations, by comparing the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.
 - (iv) Avoid, Minimize, Mitigate. At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed major service change, the transit provider should take steps to avoid, minimize, or mitigate impacts where practicable. The provider should also describe alternatives available to low-income passengers affected by the service changes.
 - (v) FTA considers the disproportionate burden analysis for low-income populations described above to be important for planning and environmental justice analysis purposes; however, since low-income populations are not a protected class under Title VI, failure to complete this analysis will not result in a finding of noncompliance under Title VI.

b. Fare Equity Analysis

(1) Fare Changes. The fare equity analysis requirement applies to all fare changes regardless of the amount of increase or decrease. As with the service equity analysis, FTA requires transit providers to evaluate the effects of fare changes on low-income populations in addition to Title VI-protected populations.

(a) Exceptions.

- (i) “Spare the air days” or other instances when a local municipality or transit agency has declared that all passengers ride free.
- (ii) Temporary fare reductions that are mitigating measures for other actions. For example, construction activities may close a segment of a rail system for a period of time and require passengers to alter their travel patterns. A reduced fare for these impacted passengers is a mitigating measure and does not require a fare equity analysis.
- (iii) Promotional fare reductions. If a promotional or temporary fare reduction lasts longer than six months, then FTA considers the fare reduction permanent and the transit provider must conduct a fare equity analysis.

(2) Data Analysis. For proposed changes that would increase or decrease fares on the entire system, or on certain transit modes, or by fare payment type or fare media, the transit provider shall analyze any available information generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or payment media that would be subject to the fare change. Notably, Census data will not be effective data for fare analyses, since it is impossible to know, based on Census data, what fare media people are using. The transit provider shall describe the dataset(s) the transit provider will use in the fare change analysis. This section shall also describe what techniques and/or technologies were used to collect the data. The transit provider shall—

- (i) Determine the number and percent of users of each fare media being changed;
- (ii) Review fares before the change and after the change;
- (iii) Compare the differences for each particular fare media between minority users and overall users; and
- (iv) Compare the differences for each particular fare media between low-income users and overall users.

Please see Appendix K for a sample analysis.

(3) Assessing Impacts. Transit providers shall evaluate the impacts of their proposed fare changes (either increases or decreases) on minority and low-income populations separately, using the following framework:

- (a) Minority Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impact to determine whether minority riders are bearing a disproportionate impact of the change between the existing cost and the proposed cost. The impact may be defined as a statistical percentage. The disparate impact threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next Title VI Program submission.
- (b) Public Participation Process. The transit provider shall engage the public in the decision-making process to develop the disparate impact threshold.
- (c) Modification of Proposal. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize or mitigate those impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.
- (d) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed fare changes despite the disparate impact on minority ridership, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed fare change, the transit provider may implement the fare change only if:
- the transit provider has a substantial legitimate justification for the proposed fare change, **and**
 - the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

- (e) Examining Alternatives. If the transit provider determines that a proposed fare change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification—that is, that the justification is not supported by demonstrable evidence—the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the fare changes and make

adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including any less discriminatory alternatives that may be available.

- (f) Low-Income Disproportionate Burden Policy. The transit provider shall develop a policy for measuring the burden of fare changes on low-income riders to determine when low-income riders are bearing a disproportionate burden of the change between the existing fare and the proposed fare. The impact may be defined as a statistical percentage. The disproportionate burden threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next program submission.
 - (i) The transit provider shall engage the public in the decision-making process to develop the disproportionate burden threshold.
 - (ii) At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize or mitigate impacts where practicable. The transit provider should describe alternatives available to low-income populations affected by the fare changes.
- c. Service and Fare Equity Analysis for New Starts and Other New Fixed Guideway Systems. Transit providers that have implemented or will implement a New Start, Small Start, or other new fixed guideway capital project shall conduct a service and fare equity analysis. The service and fare equity analysis will be conducted six months prior to the beginning of revenue operations, whether or not the proposed changes to existing service rise to the level of “major service change” as defined by the transit provider. All proposed changes to parallel or connecting service will be examined. If the entity that builds the project is different from the transit provider that will operate the project, the transit provider operating the project shall conduct the analysis. The service equity analysis shall include a comparative analysis of service levels pre-and post- the New Starts/Small Starts/new fixed guideway capital project. The analysis shall be depicted in tabular format and shall determine whether the service changes proposed (including both reductions and increases) due to the capital project will result in a disparate impact on minority populations. The transit provider shall also conduct a fare equity analysis for any and all fares that will change as a result of the capital project.

CHAPTER V

REQUIREMENTS FOR STATES

1. **INTRODUCTION.** This chapter provides requirements for States. States that receive financial assistance from FTA are also responsible for following:
 - a. The general requirements in Chapter III of this Circular; and
 - b. The requirements in Chapter IV of this Circular if the State is a provider of fixed route public transportation.
2. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.** Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available “racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.” As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

For all recipients (including subrecipients), the Title VI Program must be approved by the recipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State’s Secretary of Transportation or equivalent. States shall submit a copy of the appropriate documentation demonstrating that the State’s Secretary of Transportation or equivalent official has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, in order to assist the State in its compliance efforts, on a schedule determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

States shall include the following information in their Title VI Program:

- a. All general requirements set out in section 4 of Chapter III of this Circular;
- b. All requirements for transit providers set out in Chapter IV of this Circular if the State is a provider of fixed route public transportation services;
- c. A demographic profile of the State that includes identification of the locations of minority populations in the aggregate;
- d. Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in

the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient;

- e. An analysis of impacts identified in paragraph d that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
 - f. A description of the statewide transportation planning process that identifies the transportation needs of minority populations;
 - g. A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner; and
 - h. A description of the procedures the State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.
3. PLANNING. All States are responsible for conducting planning activities that comply with 49 U.S.C. Section 5304, Statewide Transportation Planning, as well as subpart B of 23 CFR part 450, Statewide Transportation Planning and Programming. Since States “pass through” planning funds to the MPO, the State as primary recipient is responsible for collecting Title VI programs from MPOs on a schedule to be determined by the State. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient.

Self-certification of compliance with all applicable Federal requirements is required of all States, which is reviewed by FTA and the Federal Highway Administration (FHWA) in the joint Statewide Planning Finding, rendered at the time of update or amendment of the Statewide Improvement Program (STIP). The joint FTA/FHWA planning certification review includes a review of Title VI compliance. The self-certification and joint FTA/FHWA “Finding” include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review State-developed documentation to determine whether States have:

- a. Analyzed regional demographic data to identify minority populations within the non-urbanized areas of the State.
- b. Where necessary, provided local service providers and agencies with data to assist them in identifying minority populations in their service area.
- c. Ensured that members of minority communities are provided with full opportunities to engage in the Statewide Transportation Planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.

- d. Monitored the activities of subrecipients with regard to Title VI compliance, where the State passes funds through to subrecipients.

- 4. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, States shall document that they pass through FTA funds under the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program, the Formula Grants for Rural Areas (Section 5311) program, and any other FTA funds, to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

States shall prepare and maintain, but not report unless requested by FTA, the following information:

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the agency's criteria for selecting entities to participate in an FTA grant program.

When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a State, the subrecipient/direct recipient reports directly to FTA and the State as designated recipient is not responsible for monitoring compliance of that subrecipient/direct recipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the State as designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

CHAPTER VI

REQUIREMENTS FOR METROPOLITAN TRANSPORTATION PLANNING ORGANIZATIONS

1. **INTRODUCTION**. This chapter describes the procedures that metropolitan planning organizations (MPOs) shall follow in order to comply with the DOT's Title VI regulations. MPOs are also responsible for following the general requirements in Chapter III of this circular.

An MPO may serve many different roles depending on its "recipient" status, i.e., designated recipient, direct recipient, primary recipient, or subrecipient. This chapter describes the many roles an MPO may fill, and provides guidance on Title VI compliance for each of those roles.

2. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM**. Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA.

For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive Federal planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, on a schedule to be determined by the State, in order to assist the State in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

MPOs shall include the following information in their Title VI Programs.

- a. In its regional transportation planning capacity, the MPO shall submit to the State as the primary recipient, and also to FTA:
 - (1) All general requirements set out in section 4 of Chapter III of this Circular;
 - (2) A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate;
 - (3) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process;

- (4) Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient;
 - (5) An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.
- b. In its capacity as a direct recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter; and
 - (2) If the MPO is a provider of fixed route public transportation service, the information required under section 2 of chapter IV (Requirements and Guidelines for Fixed Route Transit Providers). The reporting requirements that the MPO must follow for the provision of public transportation service will be based on whether the MPO serves a large UZA with 200,000 or more in population and whether the number of fixed route vehicles in peak service is 50 or more.
- c. In its capacity as a primary recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter;
 - (2) A description of the procedures the MPO uses to pass through FTA financial assistance to subrecipients in a nondiscriminatory manner; and
 - (3) A description of the procedures the MPO uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

See Appendix L for clarification of reporting responsibilities by recipient category.

3. PLANNING. All MPOs are responsible for conducting planning activities that comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming, for a specified metropolitan planning area. Since States “pass through” planning funds to the MPO, MPOs are subrecipients of the State and must submit Title VI compliance reports for planning activities to the State in order to assist the State in demonstrating compliance with Title VI. The State is thus responsible for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient. If the MPO passes planning funds through to one or more subrecipients, the MPO is responsible for ensuring those subrecipients comply with Title VI.

All MPOs are required to self-certify compliance with all applicable Federal requirements. Planning certification reviews conducted jointly by FTA and FHWA of the metropolitan transportation planning processes of transportation management areas include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review MPO-developed documentation to determine whether MPOs have:

- a. Analyzed regional demographic data to identify minority populations within the region.
 - b. Where necessary, provided member agencies with regional data to assist them in identifying minority populations in their service area.
 - c. Ensured that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
 - d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPO passes funds through to subrecipients.
4. DESIGNATED RECIPIENT. MPOs sometimes serve the role of designated recipient. FTA apportions funds each year to the MPO as designated recipient, and the MPO, in turn, suballocates funds (without receiving the actual funds from FTA) to various entities and/or retains funds to carry out its own projects or activities, or to pass through to subrecipients. If the MPO as designated recipient simply suballocates the funds to other entities, and those entities apply to FTA directly for the funds, the MPO and each entity to which it suballocates funds enter into a “supplemental agreement.” Under a supplemental agreement, the direct recipient is responsible for demonstrating compliance with Federal law, including Title VI, and the MPO is not in any manner subject to or responsible for the direct recipient’s compliance with the DOT Title VI regulations.

However, the MPO as designated recipient is responsible for suballocating FTA funds without regard to race, color, or national origin. Suballocations must be based on project implementation priorities in the MTP, which includes a robust public participation process. Each MPO must have a locally developed process that establishes criteria for making determinations of funding priorities in a nondiscriminatory manner.

5. DIRECT RECIPIENT. An MPO that receives funding directly from FTA for its own activities is a direct recipient, and therefore must develop a Title VI Program and report Title VI compliance to FTA for those activities for which it is a direct recipient. As a direct recipient, an MPO may also pass through funds to subrecipients. When an MPO receives funds directly from FTA and then passes funds through to subrecipients, the MPO becomes a primary recipient under the DOT Title VI regulations and is responsible for monitoring the compliance of its subrecipients with Title VI, unless that subrecipient is also an FTA direct recipient. Refer to Appendix L for clarification of reporting responsibilities by recipient category.
6. REQUIREMENTS FOR PROGRAM ADMINISTRATION. In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass

through FTA funds under any FTA programs (e.g., 49 U.S.C. 5310, Enhanced Mobility for Seniors and Individuals with Disabilities), to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

MPOs shall prepare and maintain, but not report unless requested by FTA, the following information:

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

CHAPTER VII

EFFECTING COMPLIANCE WITH DOT TITLE VI REGULATIONS

1. **INTRODUCTION**. This chapter outlines procedures when FTA determines that a recipient is noncompliant with the DOT Title VI regulations. Title 49 CFR Section 21.13(a) states the following:

If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to: (1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the [Civil Rights] Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

2. **PROCEDURES FOR SECURING VOLUNTARY COMPLIANCE**. FTA may determine a recipient is noncompliant with DOT's Title VI regulations following a compliance review or after FTA completes an investigation in response to a Title VI complaint. Prior to taking measures to effect compliance, FTA will attempt to resolve noncompliance informally and by using the following procedures.

- a. **Notification to the Recipient**. When FTA has determined that a recipient is noncompliant with DOT's Title VI regulations, it will transmit a letter of finding to the recipient that describes FTA's determination and requests that the recipient voluntarily take corrective action(s) that FTA deems necessary and appropriate.
- b. **Recipient Response**. Within 30 days of receipt of FTA's letter of finding, the recipient must submit a remedial action plan, including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations. The recipient's plan shall:
 - (1) List all corrective action(s) accepted by the recipient.
 - (2) Describe how the corrective actions will be implemented, and provide a timeline for achieving compliance.
 - (3) Include a written assurance that the recipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan.
 - (4) A copy of the board resolution, meeting minutes, or similar documentation with evidence that the board of directors or appropriate governing entity or official(s) has approved the remedial action plan.

- c. Request for Reconsideration. A recipient may request that FTA reconsider its finding. A request for reconsideration shall provide a justification for the request to reconsider, including any evidence or information supporting such a request, and include a written assurance that on the basis of the requested reconsideration, the agency is or otherwise will come into compliance with DOT's Title VI regulations. This request shall be submitted within 30 days of FTA's notification to the recipient.
 - d. FTA Review of the Recipient Response. Within 30 days after receiving the recipient's response, FTA will review the submitted remedial action plan and any request for reconsideration and decide what remedial action(s) are necessary and appropriate to bring the recipient into compliance. If necessary, before making a decision, FTA may conduct a site visit to substantiate information or statements contained in the recipient's response. FTA will issue a decision, including its findings and recommendations, as part of a final remedial action plan. The final remedial action plan will be sent to the recipient for review and consent. Consent means the recipient agrees to initiate action(s) specified in the plan.
 - e. Conditions for Declining the Remedial Action Plan. The recipient has 15 days from the date of notification by FTA to agree or disagree with the final remedial action plan. If a recipient disagrees with this plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. Under those circumstances, the recipient will be considered in noncompliance, and FTA will schedule a meeting with the recipient within 30 days to resolve the disagreements.
3. PROCEEDINGS. When FTA and the recipient cannot agree on a final remedial action plan and the recipient continues to be in noncompliance with DOT Title VI regulations, in accordance with 49 CFR Section 21.13, FTA may suspend, terminate, or refuse to grant or continue Federal financial assistance to the recipient. This will generally occur when all means of informal resolution have failed to get the recipient to comply with the law. FTA may refer a matter to DOJ with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.
- a. Termination of or refusal to grant or to continue Federal financial assistance. In accordance with 49 CFR Section 21.13(c), FTA will not suspend, terminate, or refuse to grant or continue Federal financial assistance until:
 - (1) FTA has notified the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;
 - (2) FTA has found, after opportunity for a hearing, that the applicant or recipient has failed to comply with Title VI regulations;
 - (3) The action has been approved by the Secretary of Transportation; and
 - (4) 30 days have passed after FTA has filed with the Transportation and Infrastructure Committee of the House of Representatives; and the Banking, Housing and Urban

Affairs Committee of the Senate, a full written report of the circumstances and the grounds for such action.

- b. Other means authorized by law. In accordance with 49 CFR Section 21.13(d), FTA will not refer the matter to DOJ or take any other action to effect compliance until:
 - (1) FTA has determined that compliance cannot be secured by voluntary means;
 - (2) FTA has notified the recipient of its failure to comply and the action FTA intends to take; and
 - (3) At least 10 days have passed from the mailing of such notice to the recipient. During this 10-day period, FTA will make additional efforts to persuade the recipient to comply with the regulation and to take such corrective action as may be appropriate.
- c. Hearings. Whenever FTA has determined that it is appropriate to terminate or refuse to grant or continue Federal financial assistance, prior to such action FTA will provide the applicant or recipient with an opportunity for a hearing, in accordance with 49 CFR Section 21.15. FTA will provide reasonable notice of the hearing by registered or certified mail, return receipt requested, to the applicant or recipient. The notice will advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action. The notice will either:
 - (1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the FTA Administrator that the matter be scheduled for hearing; or
 - (2) Advise the applicant or recipient that the matter in question has been scheduled for a hearing at a stated place and time. The time and place will be reasonable and subject to change for cause.

The complainant, if any, shall be advised of the time and place of the hearing.
- d. Waiver of Hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under Section 602 of the Civil Rights Act of 1964 and 49 CFR Section 21.13(c), and consent to FTA making a decision on the basis of the available information.
- e. Time and Location of Hearing. Hearings will be held at the FTA Headquarters office in Washington, DC, at a time fixed by the FTA Administrator unless the convenience of the applicant or recipient or of FTA requires that another place be selected.

- f. Hearing officer. Hearings will be held before the Secretary of Transportation or before a hearing examiner appointed in accordance with Section 3105 of title 5, United States Code.
 - g. Right to counsel. In all proceedings carried out under the authority of 49 CFR Section 21.15, the applicant or recipient and FTA shall have the right to be represented by counsel.
 - h. Procedures, evidence, and record. Pursuant to 49 CFR 21.15(d), the hearing, decision, and any administrative review thereof shall be conducted in conformity with Sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper relating to the conduct of the hearing, giving of notices to the applicant or recipient, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. FTA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.
4. JUDICIAL REVIEW. When FTA issues a final order after a hearing on the record, such final action is subject to judicial review.

CHAPTER VIII

COMPLIANCE REVIEWS

1. **INTRODUCTION**. This chapter describes the review process FTA will follow when determining whether a recipient is compliant or noncompliant with DOT Title VI regulations, subsequent to the award of Federal financial assistance, and describes the information and actions expected from recipients that are subject to these reviews.
2. **COMPLIANCE PROCEDURES**. Title 49 CFR Section 21.11(a) requires FTA to conduct compliance reviews of its recipients. These reviews are separate from and may be in addition to a Triennial Review, State Management Review, or Planning Certification Review and will be conducted either as a desk audit or an on-site visit. The review may cover all or a portion of the recipient's compliance with Title VI. Such reviews are conducted at the discretion of FTA, and the scope of a review is defined on a case-by-case basis.
3. **CRITERIA**. The following list of factors will contribute to the selection of recipients for compliance reviews:
 - a. Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging the recipient is noncompliant with DOT Title VI regulations;
 - b. Alleged noncompliance brought to the attention of FTA by other Federal, State, or local agencies;
 - c. A recipient submitting an incomplete or insufficient Title VI Program; and
 - d. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI.
4. **SCOPE**. In general, compliance reviews will assess the following information:
 - a. The recipient's documented efforts to meet the requirements under Chapter III and the program-specific sections of this Circular.
 - b. Other information that is necessary and appropriate to make a determination that the recipient is in compliance with Title VI.
5. **DETERMINATIONS**. After reviewing the recipient's or subrecipient's efforts to meet the general reporting and program-specific reporting sections of the Circular, FTA will issue a compliance report that includes findings of no deficiency, deficiency, or noncompliance.
 - a. **Findings of no deficiency** are determinations that no deficiency was found in review of the recipient's Title VI Program or after the results of an investigation or compliance review. Agencies are not expected to take any corrective action in response to findings of no deficiency except with regard to advisory comments. Advisory comments are recommendations that the recipient undertake activities in a manner more consistent with

the guidance provided in the pertaining section of the Circular. FTA expects recipients to notify FTA as to whether the recipient will take action in response to the advisory comments.

- b. Findings of deficiency are determinations that the recipient has not complied with one or more of the pertinent provisions of this circular. Recipients are expected to take corrective actions in response to findings of deficiency and the compliance review will provide specific instructions to the recipient on how the corrective action shall be taken.
 - c. Findings of noncompliance are determinations that the recipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity; upon such determination, FTA will consider the recipient to be noncompliant with Title VI. If noncompliance cannot be corrected informally, the recipient may be subject to remedial action or proceedings under Chapter VII of this Circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.
6. RESULTS OF COMPLIANCE REVIEW ACTIVITIES. FTA will summarize the results of the review in a draft compliance report, which will include findings of no deficiency, findings of deficiency, and advisory comments, as appropriate. If findings of deficiency remain in the final compliance report, the recipient will be required to take corrective action, develop a timeline for compliance, and report on its progress to FTA on, at minimum, a quarterly basis. Once FTA determines that the recipient has satisfactorily responded to the review's findings, it will inform the recipient that the review process has ended and release it from further progress reporting in response to the review. FTA may follow up on a compliance review with additional reviews as necessary.
7. EFFECTING COMPLIANCE. Consistent with the provisions of 49 CFR Sections 21.13, 21.15, and 21.17, and as explained in Chapter VII of this Circular, if a recipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate proceedings that could result in action taken by the U.S. DOT to suspend, terminate, refuse to grant or continue Federal financial assistance to a recipient, or may make a referral to the Department of Justice (DOJ) with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

CHAPTER IX

COMPLAINTS

1. **INTRODUCTION.** This chapter describes how FTA will respond to complaints filed with FTA alleging that an FTA recipient has violated the DOT Title VI regulations. FTA will promptly investigate all complaints in accordance with 49 CFR Section 21.11. FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.
2. **RIGHT TO FILE A COMPLAINT.** Any person who believes himself, herself, or any specific class of persons to be subjected to discrimination on the basis of race, color, or national origin may by himself or by a representative file a written complaint with FTA. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.
3. **COMPLAINT ACCEPTANCE.** Once a complaint has been accepted by FTA for investigation, FTA will notify the recipient that it is the subject of a Title VI complaint and ask the recipient to respond in writing to the complainant's allegations. If the complainant agrees to release the complaint to the recipient, FTA will provide the agency with the complaint, which may have personal information redacted at the request of the complainant. If the complainant does not agree to release the complaint to the recipient, FTA may choose to close the complaint.
4. **INVESTIGATIONS.** FTA will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with DOT's Title VI regulations. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with DOT's Title VI regulations occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with DOT's Title VI regulations.
5. **LETTERS OF FINDING.** After FTA has concluded the investigation, FTA's Office of Civil Rights will transmit to the complainant and the recipient one of the following letters based on its findings:
 - a. A letter of finding indicating FTA did not find a violation of DOT's Title VI regulations. This letter will include an explanation of why FTA did not find a violation. If applicable, the letter may include a list of procedural violations or concerns, which will put the recipient on notice that certain practices are questionable and that without corrective steps, a future violation finding is possible.
 - b. A letter of finding indicating the recipient is in violation of DOT's Title VI regulations. The letter will include each violation referenced to the applicable regulation, a brief description of proposed remedies, notice of the time limit on coming into compliance, the consequences of failure to achieve voluntary compliance, and an offer of assistance to the recipient in devising a remedial plan for compliance, if appropriate.

6. ADMINISTRATIVE CLOSURE. FTA will administratively close Title VI complaints before a resolution is reached where (1) the complainant decides to withdraw the case; (2) the complainant is not responsive to FTA's requests for information or to sign a consent release form; (3) FTA has conducted or plans to conduct a related compliance review of the agency against which the complaint is lodged; (4) litigation has been filed raising similar allegations involved in the complaint; (5) the complaint was not filed within 180 days of the alleged discrimination; (6) the complaint does not indicate a possible violation of 49 CFR part 21; (7) the complaint is so weak, insubstantial, or lacking in detail that FTA determines it is without merit, or so replete with incoherent or unreadable statements that it, as a whole, cannot be considered to be grounded in fact; (8) the complaint has been investigated by another agency and the resolution of the complaint meets DOT regulatory standards; (9) the complaint allegations are foreclosed by previous decisions of the Federal courts, the Secretary, DOT policy determinations, or the U.S. DOT's Office of Civil Rights; (10) FTA obtains credible information that the allegations raised by the complaint have been resolved; (11) the complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that have been found factually or legally insubstantial by FTA; (12) the same complaint allegations have been filed with another Federal, state, or local agency, and FTA anticipates that the recipient will provide the complainant with a comparable resolution process under comparable legal standards; or (13) the death of the complainant or injured party makes it impossible to investigate the allegations fully.

INTRODUCTION TO TECHNICAL APPENDICES

The following Appendices A through M provide sample checklists, templates, standards, policies, tables and maps for FTA recipients to consult when preparing their Title VI Programs. FTA is issuing these appendices in order to provide technical assistance and guidance and thereby increase the level of clarity, organization, and uniformity across Title VI Programs. The samples are provided as guidance; recipients may revise as appropriate for their purposes.

APPENDIX A

TITLE VI PROGRAM CHECKLIST

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Subrecipients shall submit the information below to their primary recipient (the entity from whom the subrecipient receives funds directly), on a schedule to be determined by the primary recipient.

General Requirements (Chapter III)

All recipients must submit:

- ☐ Title VI Notice to the Public, including a list of locations where the notice is posted
- ☐ Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- ☐ Title VI Complaint Form
- ☐ List of transit-related Title VI investigations, complaints, and lawsuits
- ☐ Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- ☐ Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- ☐ A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- ☐ Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- ☐ A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- ☐ A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- ☐ Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

Requirements of Transit Providers (Chapter IV)

All Fixed Route Transit Providers must submit:

- ☐ All requirements set out in Chapter III (General Requirements)
- ☐ Service standards

- Vehicle load for each mode
- Vehicle headway for each mode
- On time performance for each mode
- Service availability for each mode
- ☐ Service policies
 - Transit Amenities for each mode
 - Vehicle Assignment for each mode

Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:

- ☐ Demographic and service profile maps and charts
- ☐ Demographic ridership and travel patterns, collected by surveys
- ☐ Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
- ☐ A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- ☐ Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) considered, was aware of, and approved the results of the analysis

Requirements of States (Chapter V)

States must submit:

- ☐ All requirements set out in Chapter III (General Requirements)
- ☐ The requirements set out in Chapter IV (Transit Provider) if the State is a provider of fixed route public transportation
- ☐ Demographic profile of the State
- ☐ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- ☐ Analysis of the State’s transportation system investments that identifies and addresses any disparate impacts
- ☐ A description of the Statewide planning process that identifies the transportation needs of minority populations
- ☐ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance
- ☐ Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations

Requirements of MPOs (Chapter VI)

Metropolitan Planning Organizations and other planning entities must submit:

- ☐ All requirements set out in Chapter III (General Requirements)

- ☐ The requirements set out in Chapter IV (Transit Provider) if the MPO is a provider of fixed route public transportation
- ☐ Demographic profile of the metropolitan area
- ☐ A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
- ☐ Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- ☐ Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts
- ☐ Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested)
- ☐ Description of the procedures the agency uses to provide assistance to potential subrecipients in a nondiscriminatory manner (if requested)

APPENDIX B**TITLE VI NOTICE TO THE PUBLIC (GENERAL REQUIREMENT)****Background**

A Title VI Notice to the Public must be displayed to inform a recipient's customers of their rights under Title VI. At a minimum, recipients must post the notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Many agencies display their Title VI Notices in transit facilities (e.g., headquarters, transit shelters and stations, etc.), and on transit vehicles (e.g., buses, rail cars, etc.). The Title VI Notice is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the Notice should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, this statement in the Notice—"If information is needed in another language, then contact [phone number]"—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.

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

SAMPLE Title VI Notification to the Public

Notifying the Public of Rights Under Title VI
THE CITY OF USA

- The City of USA operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- For more information on the City of USA's civil rights program, and the procedures to file a complaint, contact 800-555-1212, (TTY 800-555-1111); email title.vi.complaint@city.ca.us; or visit our administrative office at 1234 Center Street, City of USA, State 11111. For more information, visit www.city.ca.us
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 800-555-1212.
 - *MAKE SURE THE SENTENCE ABOVE IS ALSO PROVIDED IN ANY LANGUAGE(S) SPOKEN BY LEP POPULATIONS THAT MEET THE SAFE HARBOR THRESHOLD*

APPENDIX C

TITLE VI COMPLAINT PROCEDURE (GENERAL REQUIREMENT)

Background

Recipients' Title VI Programs must include a copy of the agency's Title VI complaint procedure. The complaint procedure and complaint form shall be available on the recipient's website. The Title VI Complaint Procedure is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the complaint procedure should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, the complaint procedure should include a notice—"If information is needed in another language, then contact [phone number]"—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.

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

SAMPLE Title VI Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of USA Transit Authority (hereinafter referred to as "the Authority") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The City of USA Transit Authority investigates complaints received no more than 180 days after the alleged incident. The Authority will process complaints that are complete.

Once the complaint is received, the Authority will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The Authority has XX days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has XX business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within XX business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has XX days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

APPENDIX D**SAMPLE TITLE VI COMPLAINT FORM (GENERAL REQUIREMENT)****Background**

Recipients must create and make available a Title VI Complaint Form for use by customers who wish to file a Title VI complaint. The complaint form shall be available on the recipient's website. A recipient's Title VI Complaint Form shall specify the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. The Title VI Complaint Form is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the procedure should be provided in English *and* in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

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

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information				

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

Section IV

Have you previously filed a Title VI complaint with this agency?

Yes

No

Section V

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

☐ Yes

☐ No

If yes, check all that apply:

☐ Federal Agency: _____

☐ Federal Court _____

☐ State Court _____

☐ State Agency _____

☐ Local Agency _____

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

Name:

Title:

Agency:

Address:

Telephone:

Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

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

Signature and date required below

Signature

Date

Please submit this form in person at the address below, or mail this form to:

City of USA Title VI Coordinator

1234 Center Street

City of USA, State 11111

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

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

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

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

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

SAMPLE List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

APPENDIX F**TABLE DEPICTING MINORITY REPRESENTATION ON COMMITTEES AND COUNCILS SELECTED BY THE RECIPIENT (GENERAL REQUIREMENT)****Background**

Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the membership of those committees broken down by race, and a description of efforts made to encourage the participation of minorities on such committees.

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

SAMPLE Table Depicting Membership of Committees, Councils, Broken Down by Race

Body	Caucasian	Latino	African American	Asian American	Native American
Population	46%	28%	14%	8%	4%
Access Committee	60%	23%	10%	7%	0%
Citizens Advisory Council	40%	25%	20%	10%	5%
Bicycle Pedestrian Committee	45%	30%	15%	5%	5%

APPENDIX G**SERVICE STANDARDS (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)****Background**

FTA requires all fixed route transit providers of public transportation to develop *quantitative* standards for the following indicators. Individual public transportation providers will set these standards; therefore, these standards will apply to each individual agency rather than across the entire transit industry.

- *Vehicle load for each mode*: Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. Transit providers can specify vehicle loads for peak vs. off-peak times, and for different modes of transit.
- *Vehicle headways for each mode*: The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- *On-time performance for each mode*: A measure of runs completed as scheduled.
- *Service availability for each mode*: A general measure of the distribution of routes within an agency's service area.

The samples below are provided for the purposes of guidance only.

SAMPLE Standards***SAMPLE Vehicle Load Standards******1. Expressed in writing***

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which are 30 passengers for a 15' mini-bus, 51 passengers for low-floor 40-foot buses, 60 passengers for standard 40-foot buses, and 133 passengers on a light rail car.

2. Expressed in tabular format

Vehicle Type	Average Passenger Capacities			
	Seated	Standing	Total	Maximum Load Factor
15' Mini-Bus	28	2	30	1.1
40' Low Floor Bus	39	12	51	1.3
40' Standard Bus	43	17	60	1.4
Light Rail Vehicle	64	69	133	2.1

SAMPLE Vehicle Headway Standards***1. Expressed in writing***

Service operates on regional trunk lines every 15 minutes or better from early morning to late in the evening, seven days a week. On weekdays, 15 minute or better service should begin no later than 6:00 a.m. and continue until 10:30 p.m. On weekends, 15 minute or better service should begin by 8:00 a.m. and continue until 10:30 p.m.

Scheduling involves the consideration of a number of factors including: ridership productivity, transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to the *Regional Transportation Plan*, relationship to major transportation developments, land use connectivity, and transportation demand management.

2. Expressed in tabular format**POLICY HEADWAYS AND PERIODS OF OPERATION**

WEEKDAY	Peak	Base	Evening	Night
Regional Trunk	10	15	15	30
Urban Radial	15	15	30	60
Cross-Town	15	15	30	--
Secondary Radial	30	30	60	--
Feeder	30	30	60	--
Peak Express	30	--	--	--
Employer Feeder	60	--	--	--

* Peak: 7-9 am and 4-6 pm; Base 9am - 4pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;

-- means no service is provided during that time period.

SATURDAY	Day	Evening	Night
Regional Trunk	15	30	30
Urban Radial	30	60	--
Cross-Town	15	30	--
Secondary Radial	60	60	--
Feeder	60	60	--
Peak Express	--	--	--
Employer Feeder	--	--	--

* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm - Midnight;

-- means no service is provided during that time period.

SUNDAY	Day	Evening	Night
Regional Trunk	30	60	--
Urban Radial	30	60	--
Cross-Town	30	--	--
Secondary Radial	--	--	--
Feeder	--	--	--
Peak Express	--	--	--
Employer Feeder	--	--	--

* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;
 "--" means no service is provided during that time period.

SAMPLE On-Time Performance Standards

Expressed in writing

- Sample 1:
 - Ninety-five (95) percent of the City of USA's transit vehicles will complete their established runs no more than 5 minutes early or late in comparison to the established schedule/published timetables.
- Sample 2:
 - A vehicle is considered on time if it departs a scheduled timepoint no more than 1 minute early and no more than 5 minutes late. The City of USA's on-time performance objective is 90% or greater. The City of USA continuously monitors on-time performance and system results are published and posted as part of monthly performance reports covering all aspects of operations.

SAMPLE Service Availability Standards

Expressed in writing

The City of USA will distribute transit service so that 90% of all residents in the service area are within a ¼ mile walk of bus service or within a ½ mile walk of rail service.

AND/OR

Local bus stops will be not more than 3 blocks apart. Express bus stops will be one-half to three-quarters of a mile apart.

APPENDIX H

SERVICE POLICIES (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)

Background

FTA requires that all providers of fixed route public transportation develop *qualitative* policies for the following procedures. These policies are to be set by individual transit providers; therefore, these policies will apply to individual agencies rather than across the entire transit industry.

- Vehicle Assignment
- Transit Amenities

The samples below are provided for the purposes of guidance only.

Policies

SAMPLE Vehicle Assignment Policy

Expressed in writing

Vehicles will be assigned to the South, North, and East depots such that the average age of the fleet serving each depot does not exceed “x” years. Low-floor buses are deployed on frequent service and other high-ridership lines, so these buses carry a higher share of ridership than their numerical proportion of the overall bus fleet. Low-floor buses are also equipped with air conditioning and automated stop announcement systems.

All rail cars are equipped with air conditioning, and high-floor rail cars are always paired with a low-floor car to provide accessibility.

Bus assignments take into account the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route. Local routes with lower ridership may be assigned 30-foot buses rather than the 40-foot buses. Some routes requiring tight turns on narrow streets are operated with 30-foot rather than 40-foot buses.

SAMPLE Transit Amenities Policy

Expressed in writing

Installation of transit amenities along bus and rail routes are based on the number of passenger boardings at stops and stations along those routes.

APPENDIX I

DEMOGRAPHIC PROFILE AND TRAVEL PATTERNS (REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)

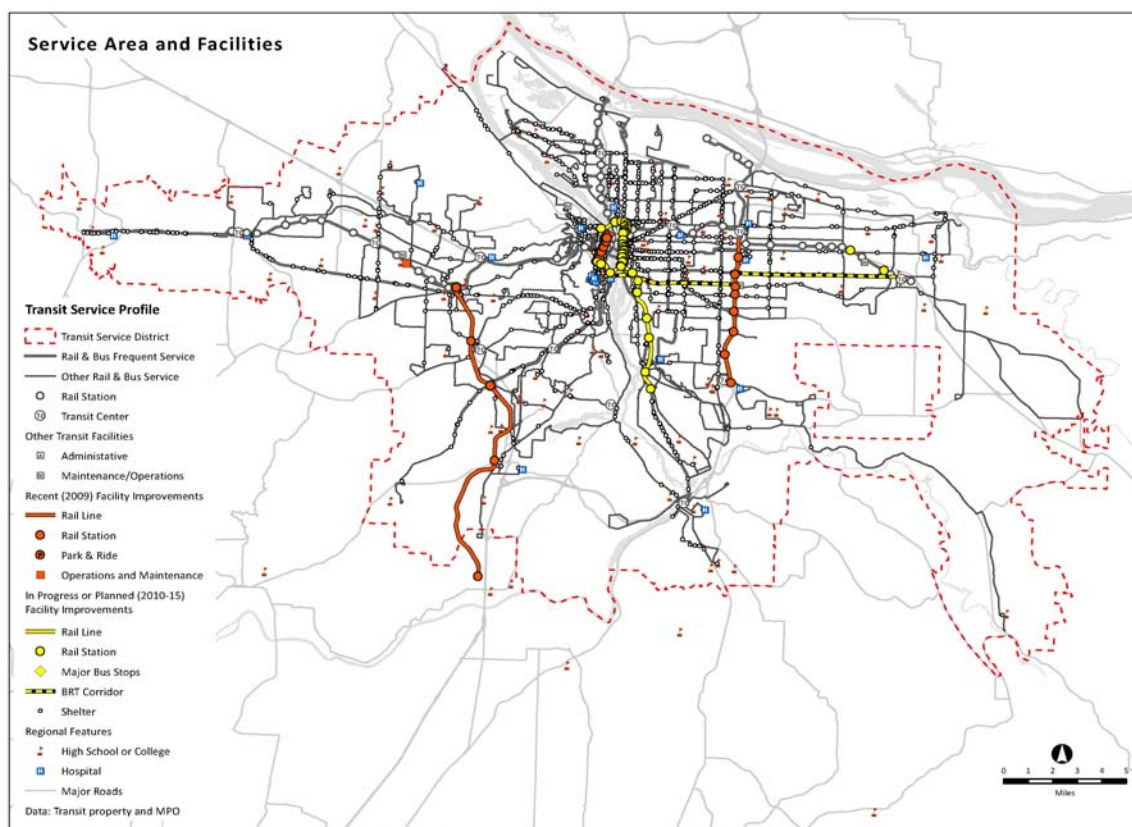
Background

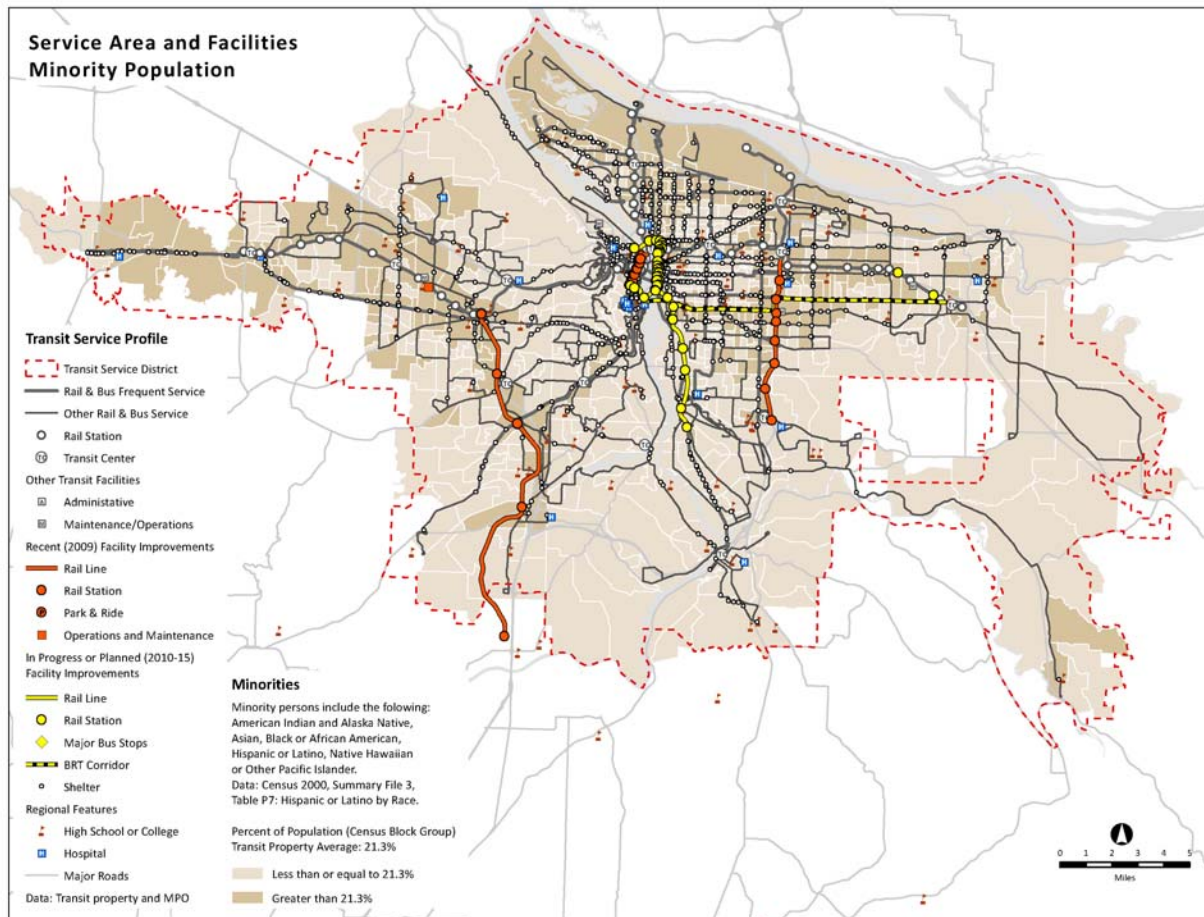
Transit service providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, are required to prepare demographic and service profile maps and charts to determine whether and to what extent transit service is available to minority populations within the recipient's service area. Transit providers shall include charts and tables summarizing data in their Title VI Programs. Transit providers shall not send raw data to FTA unless requested.

The aforementioned transit providers are also required to prepare data regarding customer demographics and travel patterns.

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

SAMPLE Demographic and Service Profile Maps and Charts





Additional guidance

FTA will publish additional guidance, and/or update this appendix, with detailed approaches to data collection, surveys, and analysis methods.

APPENDIX J

REQUIREMENT TO MONITOR TRANSIT SERVICE (REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)

Background

FTA requires transit providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, to monitor their service standards and policies. Service standards and policies provide the framework for monitoring and assessment of service to compare service provided in areas with a percentage of minority population that exceeds the percentage of minority population in the service area to service provided in areas with a percentage of minority populations that is below the percentage of minority population in the service area.

The following tables and maps are provided as examples of how to assess the performance of service on minority and non-minority routes for each of the transit provider's service standards and service policies. Providers of fixed route public transportation should follow these examples for submitting data in their Title VI Programs. Transit providers should assess transit service and compare actual/observed service to the established service policies and standards. The standards and policies that must be monitored are:

- Standards
 - Vehicle Load for each mode
 - Vehicle Headway for each mode
 - On-Time Performance for each mode
 - Service Accessibility for each mode
- Policies
 - Vehicle Assignment for each mode
 - Distribution of Transit Amenities (Policy and Standards) for each mode

The samples below are provided for the purposes of guidance only.

SAMPLE Methodology

This section describes a sample methodology to determine the minority populations served by each bus and rail line, and provides a framework for comparisons.

For each individual bus and/or rail line, calculate the percentages of all persons residing in areas served by the line who are minority persons. Define a unique geographic area of coverage for each line by including all Census Block Groups within one-quarter mile walking distance of bus stops and/or within one-half mile walking distance of rail stations served by that line. For each

line, calculate the number of minority persons residing in all Block Groups served, and determine the percentage of minority persons among all persons served by the line.

SAMPLE Monitoring of Service Standards

SAMPLE Vehicle Load Monitoring

Table 1 below shows passenger capacities for buses and light rail cars as the average maximum number of persons seated and standing during the peak one-hour in the peak direction. Maximum load factors represent the maximum achievable capacity, and are calculated by dividing the total seated and standing capacity by the seated capacity of the vehicle.

Table 1. SAMPLE Passenger Capacities

Average Passenger Capacity					
Vehicle Type	Seated	Standing	Total	Load Standard	Maximum Load Factor
30' Bus	28	2	30	1.1	1.5
40' Low-Floor Bus	39	12	51	1.3	1.6
40' Standard Bus	43	17	60	1.4	1.7
Light Rail Vehicle	64	69	133	2.1	2.5

Assessment: Average weekday loads on each line were determined for the following time periods and directions of travel:

- AM in peak direction (7-9 a.m.)
- PM in peak direction (4-6 p.m.)
- Midday in both directions (9 a.m. – 4 p.m.)

Transit providers may create a more sensitive set of analyses by breaking routes into quartiles to determine the highest concentration or they may simply compare minority routes with non-minority routes. Either way they must compare the minority routes with non-minority routes in order to monitor the routes compared to the standards and policies.

Table 2 below shows the average vehicle loads by time period for lines in each quartile, for minority lines, for non-minority lines, and for all lines in the system.

In this example the transit provider uses quartiles to identify all Census Block Groups served by bus lines within $\frac{1}{4}$ mile walking distance from bus stops and $\frac{1}{2}$ mile walking distance from rail stations. The agency calculated the percentage and number of minority and non-minority populations served by the line. Then, staff ranked all lines by the highest percentage of minority populations and further subdivided the list into four quartiles; Q1, Q2, Q3, Q4; and Q1 being the lines with the lowest percentage of minority populations served and Q4 being the lines with the

highest percentage of minority populations served. The breakpoint for Q4 and Q3 were determined by comparing the percent minority with the median percentage of these populations within the agencies service area.

Table 2. Vehicle Loads for Minority and Non-Minority Lines

Shaded Cells Represent Lines Serving Areas with Minority Populations Above the Service Area Average

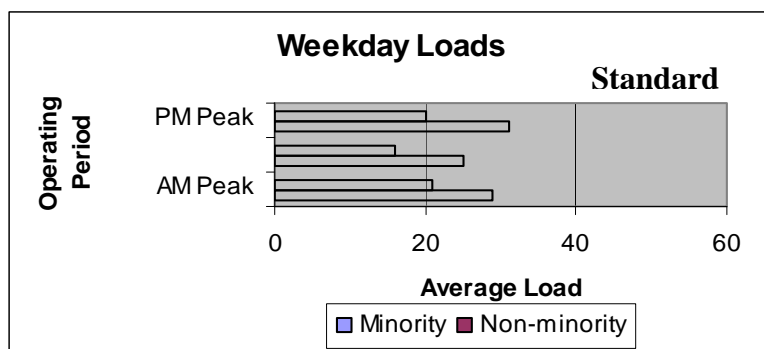
Lines and System	AM Peak IB		Midday IB & OB		PM Peak OB	
	Load/Seats	Avg Load	Load/Seats	Avg Load	Load/Seats	Avg Load
4th Quartile (Minority Population > 29%)	0.62	34	0.55	28	0.65	37
3rd Quartile (Minority Population > 21.6%)	0.60	24	0.54	21	0.62	24
2nd Quartile (Minority Population > 16.6%)	0.59	23	0.49	18	0.59	22
1st Quartile (Minority Population < 16.6%)	0.49	18	0.39	14	0.48	18
Minority Lines (3rd and 4th Quartiles)	0.61	29	0.54	25	0.64	31
Non-Minority Lines (1st and 2nd Quartiles)	0.54	21	0.44	16	0.54	20
System	0.58	25	0.49	21	0.59	26

Currently, no line exceeds the standard.

The average load factors in the AM peak were .61 for minority lines and .54 for non-minority lines. The average load factors in the PM peak were .64 for minority lines and .54 for non-minority lines. No lines exceeded the vehicle load standard during the peak periods.

Figure 1 below depicts the average loads for minority and non-minority lines for PM peak, midday, and AM peak as shown in Table 2 above, in comparison to the maximum capacity of 62 passengers for a 40-foot bus.

Figure 1. Vehicle Loads for Minority and Non-Minority Lines by Peak Period



SAMPLE Vehicle Headway Monitoring

SAMPLE Assessment: Table 3 below shows the average headway in minutes for minority and non-minority lines for AM peak, midday, PM peak, evening, and night periods, for weekday, Saturday, and Sunday, respectively. The average span of service in hours and tenths of hours is shown for minority and non-minority lines for weekdays, Saturdays, and Sundays, respectively.

Table 3. Weekday, Saturday and Sunday Headways and Span of Service on Weekdays, Saturdays, and Sundays, for Minority and Non-Minority Lines

WEEKDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	AM Peak Headway	Midday Headway	PM Peak Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	25	100%	5	3	5:14 a	26	28	27	31	41	9:48 p	16.6
3rd Quartile (Minority Population > 21.6%)	24	100%	6		5:14 a	21	26	22	30	44	10:52 p	17.6
2nd Quartile (Minority Population > 16.6%)	24	100%	3		5:33 a	27	39	27	38	42	8:56 p	15.4
1st Quartile (Minority Population < 16.6%)	24	100%	2		5:45 a	30	38	31	45	53	8:13 p	14.5
Minority Lines (3rd and 4th Quartiles)	49	100%	11		5:14 a	24	27	24	30	43	10:19 p	17.1
Non-Minority Lines (1st and 2nd Quartiles)	48	100%	5		5:39 a	29	38	29	41	47	8:36 p	14.9
System	97	100%	16		5:26 a	26	32	27	34	44	9:29 p	16.0

SATURDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	Daytime Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	18	72%	5	3	5:35 a	33	37	36	10:22 p	16.8
3rd Quartile (Minority Population > 21.6%)	19	79%	6		5:52 a	25	38	45	12:00 a	18.1
2nd Quartile (Minority Population > 16.6%)	16	67%	3		6:50 a	43	48	48	8:56 p	14.1
1st Quartile (Minority Population < 16.6%)	11	46%	2		7:50 a	37	45	50	9:11 p	13.3
Minority Lines (3rd and 4th Quartiles)	37	76%	11		5:43 a	29	38	42	11:13 p	17.5
Non-Minority Lines (1st and 2nd Quartiles)	27	56%	5		7:15 a	40	47	49	9:02 p	13.8
System	64	66%	16		6:21 a	34	41	44	10:19 p	16.0

SUNDAY	Lines Operating	% Operating	Freq Lines	Rail Lines	Service Begins	Daytime Headway	Evening Headway	Night Headway	Service Ends	Span (Hours)
4th Quartile (Minority Population > 29%)	17	68%	5	3	6:08 a	34	39	33	10:38 p	16.5
3rd Quartile (Minority Population > 21.6%)	19	79%	6		6:27 a	32	46	46	11:33 p	17.1
2nd Quartile (Minority Population > 16.6%)	13	54%	3		7:02 a	45	48	48	9:55 p	14.9
1st Quartile (Minority Population < 16.6%)	7	29%	2		7:57 a	34	40	45	8:52 p	12.9
Minority Lines (3rd and 4th Quartiles)	37	76%	11		6:18 a	33	43	42	11:07 p	16.8
Non-Minority Lines (1st and 2nd Quartiles)	27	56%	5		7:21 a	41	46	47	9:33 p	14.2
System	64	66%	16		6:40 a	36	44	44	10:33 p	15.9

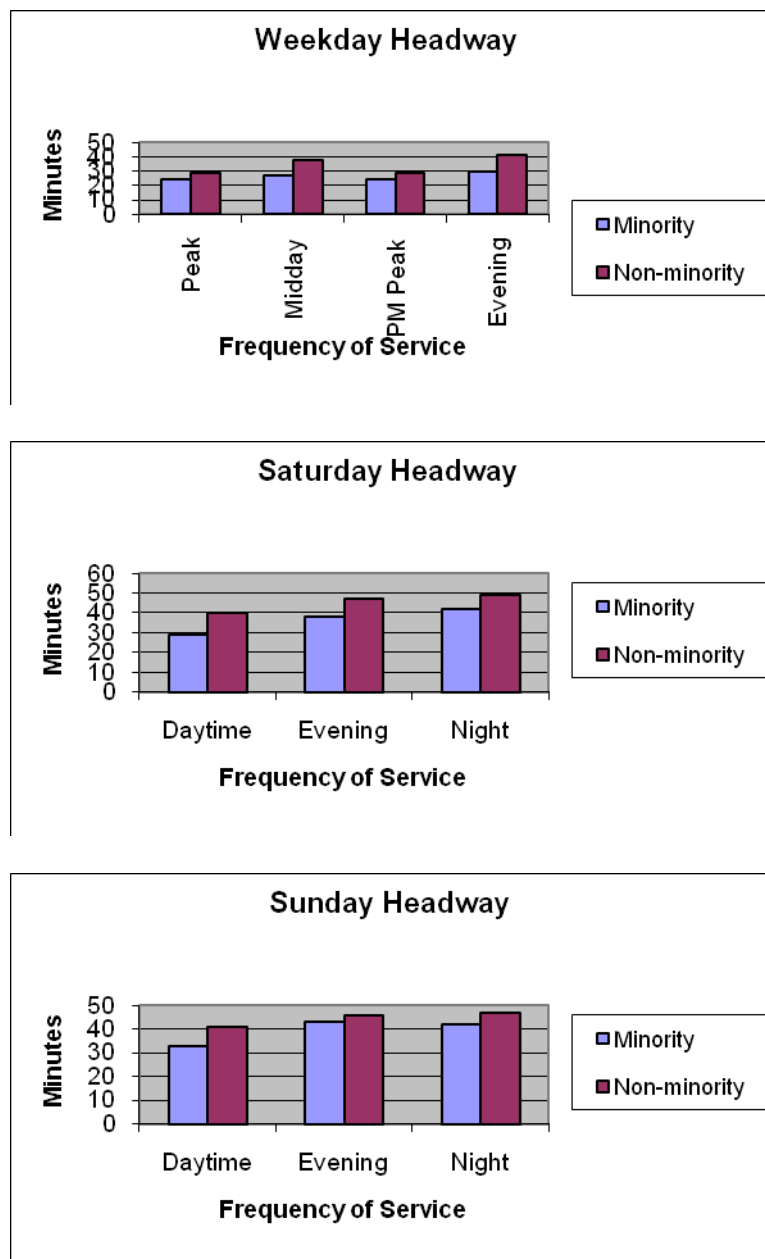
Shaded cells represent minority lines.

On weekdays, Saturdays, and Sundays, eleven (11) minority lines and five (5) non-minority lines were designated as Frequent Service lines (i.e., Freq Lines). On weekdays, the average AM and PM peak headway on minority lines was 24 minutes, versus 29 minutes on non-minority lines. Average headways on minority lines during weekday midday, evening, and night periods were lower (i.e., provided more frequent service) than on non-minority lines. Minority lines had an average weekday span of service of 17.1 hours, as compared with a 14.9 span of service on non-minority lines.

On Saturdays and Sundays, average daytime headways on minority lines were 29 and 33 minutes, respectively, versus 40 and 41 minutes, respectively, for non-minority lines. Average headways on minority lines during Saturday and Sunday evening and night periods were lower (i.e., provided more frequent service) than on non-minority lines. Minority lines had average Saturday and Sunday span of service of 17.5 and 16.8 hours, respectively, as compared with a 13.8 and 14.2 span of service on non-minority lines.

Figure 2 below depicts weekday headways for minority and non-minority lines for AM peak, midday, PM peak, and evening. Saturday and Sunday headways for minority and non-minority lines are shown for daytime, evening, and night periods. In all days and time periods, average frequency of service on minority lines exceeded frequency of service on non-minority lines (i.e., the average headway in minutes was lower on minority lines).

Figure 2. Headways for Minority and Non-Minority Lines on Weekdays, Saturdays, and Sundays by Time Period

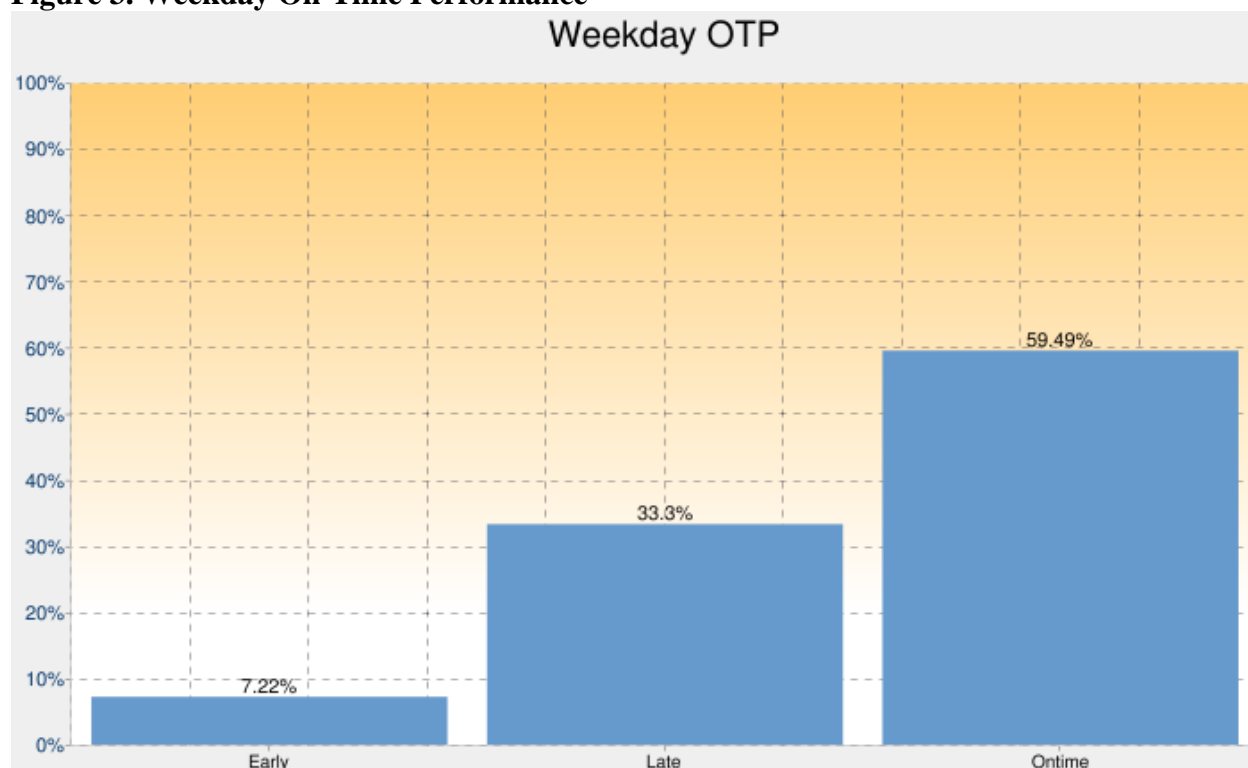


SAMPLE On-Time Performance Monitoring

- SAMPLE Figure:*** Figure 3 below shows that 59.49% of transit vehicles passed time points on time, 7.22% passed time points early, and 33.3% passed time points late. This

information would be compared with the On-Time Performance Standard and analyzed to determine potential disparate impacts.

Figure 3. Weekday On-Time Performance



Courtesy of ACE Transit

- SAMPLE Assessment:** The City of USA initiated a random spot check program to assess a variety of performance measures, including on-time performance. This “Mystery Rider” program completed a total 77 observations during the past fiscal year. Of the 77 bus trips observed, approximately five (5) percent were found departing a schedule time point late (i.e., more than 5 minutes after the departure time in the printed schedule). These routes on which late departures were observed were:

- B07
 - R10
 - R24
 - B48

Of these four routes, three (B07, R10, and R24) have a greater-than-average proportion of route miles in minority Census blocks. These findings suggest that additional monitoring of on-time performance to assess potential disparate impacts is warranted. The City of USA will initiate additional on-time performance monitoring as part of the “Mystery Rider” spot check program.

SAMPLE Service Availability Monitoring

SAMPLE Assessment: Table 4 below shows the percentages of minority and non-minority households served. The percentage of minority households within a ½ mile walk of stops and/or

stations was 86.6%. The percentage of non-minority households within a ½ mile walk of stops and/or stations was 76.8%.

Table 4. Service Availability for Minority and Non-Minority Residents

Households	Within ½ Mile	More than ½ Mile
Minority	86.6%	13.4%
Non-Minority	76.8%	23.2%
System	78.5%	21.5%

Source: 2000 Census Block Group Data

All residents of Census Block Groups where geographic center of the Block Group is within ½-mile walk of a bus stop and/or rail station are considered within ½-mile of service.

SAMPLE Monitoring of Service Policies

SAMPLE Vehicle Assignment Monitoring

SAMPLE Assessment: Table 5 below shows the average age of buses in relation to minority population served. In this case, all rail lines are minority lines, so rail vehicle age is excluded from the calculation of average vehicle age. Buses on minority lines had an average age of 12.1 years, compared to the system bus fleet average age of 12.7 years.

SAMPLE Table:

Table 5. Vehicle Assignment

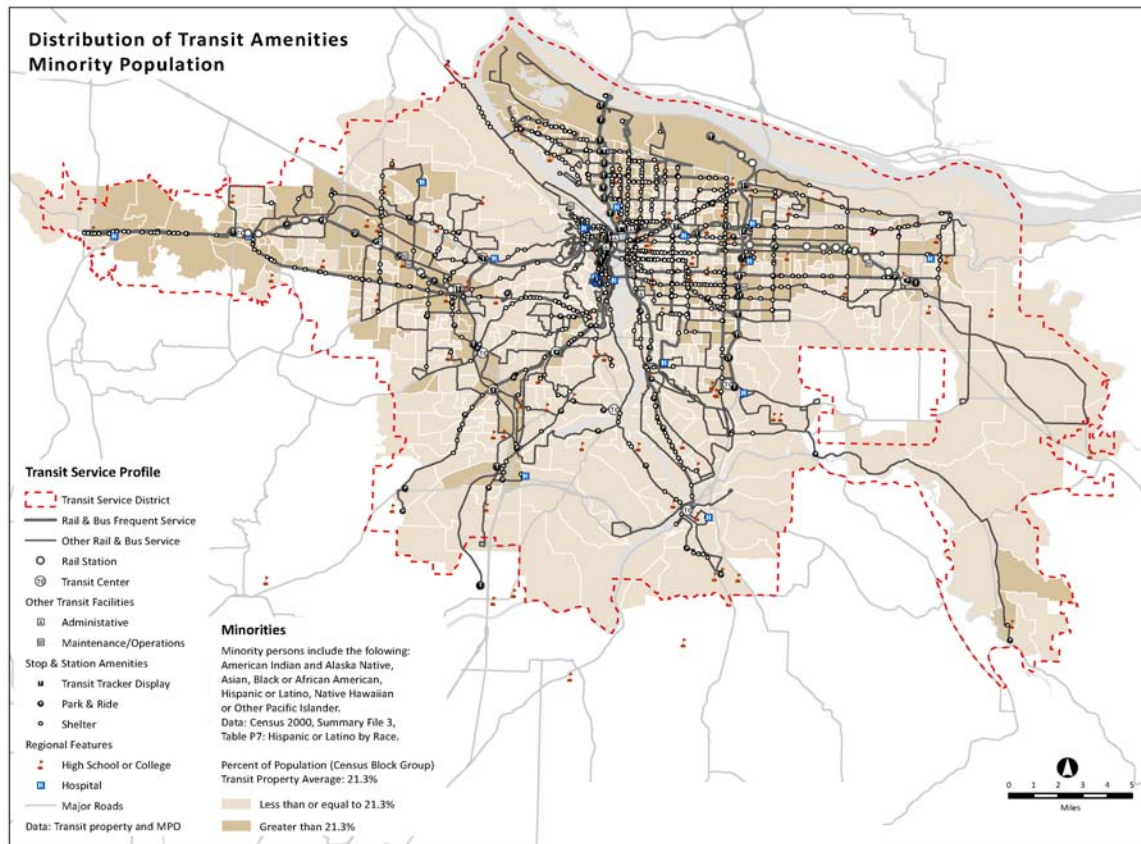
Shaded Cells Represent Lines Serving Areas with Minority Percentages Above the Median

Average Vehicle Age	Avg Date of Purchase	Avg Age of Buses	Lines with Low Floor Buses
4 th Quartile (Minority Population > 29%)	1994.4	13.1	8
3 rd Quartile (Minority Population > 21.6%)	1996.3	11.2	9
2 nd Quartile (Minority Population > 16.6%)	1994.3	13.2	4
1 st Quartile (Minority Population < 16.6%)	1994.3	13.2	5
Minority Lines (3 rd and 4 th Quartiles)	1995.4	12.1	17
Non-Minority Lines (1 st and 2 nd Quartiles)	1994.3	13.2	9
System	1994.8	12.7	26

SAMPLE Transit Amenities Monitoring

The overlay map below shows the locations of many of the transit agency's amenities, including park and ride facilities, transit centers, pedestrian improvements, and bus shelters, relative to the locations of bus and rail routes and the locations of minority and non-minority populations. Such a map is one way to demonstrate how amenities are distributed across the transit system.

Figure 4. Transit Amenities Overlay Map



APPENDIX K**SERVICE AND FARE EQUITY ANALYSIS QUESTIONNAIRE CHECKLIST
(REQUIREMENT FOR TRANSIT PROVIDERS THAT OPERATE 50 OR MORE
FIXED ROUTE VEHICLES IN PEAK SERVICE AND ARE LOCATED IN
URBANIZED AREAS (UZA) OF 200,000 OR MORE PEOPLE, OR THAT
OTHERWISE MEET THE THRESHOLD DEFINED IN CHAPTER IV)****Background**

Transit providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, must conduct a Title VI equity analysis whenever they plan a fare change and/or a major service change. Equity analyses are required regardless of whether proposed changes would cause positive or negative impacts to riders. In other words, transit providers must conduct an equity analysis for all fare changes and for major service reductions and major service expansions. Financial exigencies and other special circumstances (e.g., economic hardships, size of transit provider's service area or staff) do not exempt transit providers from the requirement to conduct equity analyses.

The checklist below is provided for the purposes of guidance only.

Service and Fare Equity Questionnaire Checklist**(1) Considerations for Service Equity Analysis*****A. Major Service Change Policy***

- ☐ We have briefly and clearly stated our Major Service Change Policy.
- ☐ We have briefly and clearly explained how this particular service change meets or exceeds our Major Service Change Policy.
- ☐ Our Major Service Change Policy is presented as a numerical standard, applies to both service reductions and service increases, and is not set so high as to never require an analysis.
- ☐ We have included a description of the public engagement process for setting the major service change policy.
- ☐ We have included a copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the major service change policy.

B. Adverse Effects

- ☐ We have defined and analyzed adverse effects related to major service changes, paying attention to the fact that elimination of a route will likely have a greater adverse effect than a reduced frequency (headway change) in service. We have analyzed service between the existing and proposed service, and have considered the degree of the adverse effects when planning service changes.

C. Disparate Impact Policy

- ☐ We have briefly and clearly stated our policy to determine when a “disparate impact” occurs in the context of major service changes, including both service reductions and/or expansions. In particular, our agency has established a threshold for determining whether adverse effects are borne disproportionately by minority populations.
- ☐ Our agency applies the disparate impact policy uniformly to all major service changes, regardless of mode.
- ☐ Our policy describes how we engaged the public in developing our policy for measuring disparate impacts.
- ☐ We have included a copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the disparate impact policy.

D. Disproportionate Burden Policy

- ☐ We have briefly and clearly stated our policy to determine when a disproportionate burden occurs in the context of major service changes. In particular, our agency has established a threshold for determining whether adverse effects are borne disproportionately by low-income populations.
- ☐ Our agency applies the disparate impact policy uniformly to all major service changes, regardless of mode
- ☐ Our policy describes how we engaged the public in developing the disproportionate burden policy.
- ☐ We have included a copy of board meeting minutes or a resolution demonstrating the board’s or governing entity or official(s)’s consideration, awareness, and approval of the disproportionate burden policy.

E. Analysis Framework

- ☐ We have described the dataset(s) used in the analysis and provided the reason for the dataset(s) selected, as well as the techniques and/or technologies used to collect the data.
- ☐ If using general population for the comparison population, we have described the geographic level (e.g., Census block, Census block group, TAZ, etc.) at which we have measured minority and low-income concentrations.
- ☐ If using ridership as the comparison population, we have described how we determined the minority and low-income ridership of affected routes and the system as a whole.

F. Assessing Impacts

- ☐ We have shown how the proposed major service changes would impact minority and low-income populations at the geographic level by including the following:
 - **Overlay maps** showing proposed service changes as well as demographic data in order to study the affected population
 - **Tables** showing impacts associated with each type of route or service change (e.g., routing, frequency, span of service, addition or elimination of routes).
- ☐ We have used our adverse effects definition and our disparate impact policy and compared the proportion of minorities adversely affected to the proportion of non-minorities adversely affected.
- ☐ We have provided a step-by-step description of the analytical methodology we followed to determine whether the proposed change(s) would have a disparate impact on minority populations.
- ☐ We have identified whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists, we have considered modifying our proposal to remove these impacts. If we modified our proposal, we have analyzed the modified proposal to determine whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists and we will make the service changes despite these impacts, we have also:
 - Clearly demonstrated that we have a substantial legitimate justification for the proposed service changes; and

- Clearly demonstrated that we analyzed alternatives to determine whether the proposed service changes are the least discriminatory alternative.
- ☐ We have used our adverse effects definition and our disproportionate burden policy and compared the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected.
- ☐ We have provided a step-by-step description of the analytical methodology we followed to determine whether the proposed change(s) would have a disproportionate burden on low-income populations.
- ☐ We have identified whether low-income populations will experience disproportionate burdens.
- ☐ If we have determined that a disproportionate burden exists, we have also taken steps to avoid, minimize, or mitigate impacts where practicable. We have also described alternatives available to low-income passengers affected by the service changes.
 - Note: Alternatives could include the availability of other lines or services, potentially involving transfers and/or other modes, which connect affected riders with destinations that they commonly access. Depending on the nature of impacts, service-related mitigation could include strategies such as alignment or frequency changes to nearby lines or services to offer more convenient access to affected areas.
- ☐ If we are proposing a service improvement, we have analyzed accrual of benefits for minority populations as compared to non-minority populations, and low-income populations as compared to non-low-income populations, using the comparison population we selected (i.e., ridership or service area).
- ☐ If service is proposed to be increased and/or expanded, but minority and/or low-income populations are not expected to benefit from the expansion as much as non-minority and/or non-low-income populations, then we have explained how our agency plans to improve service to the minority and/or low-income populations.
- ☐ We have described any plans our agency has developed to restore service as additional funds become available.

*Exhibit 1.***SAMPLE reporting of proposed headway change based on ridership.**

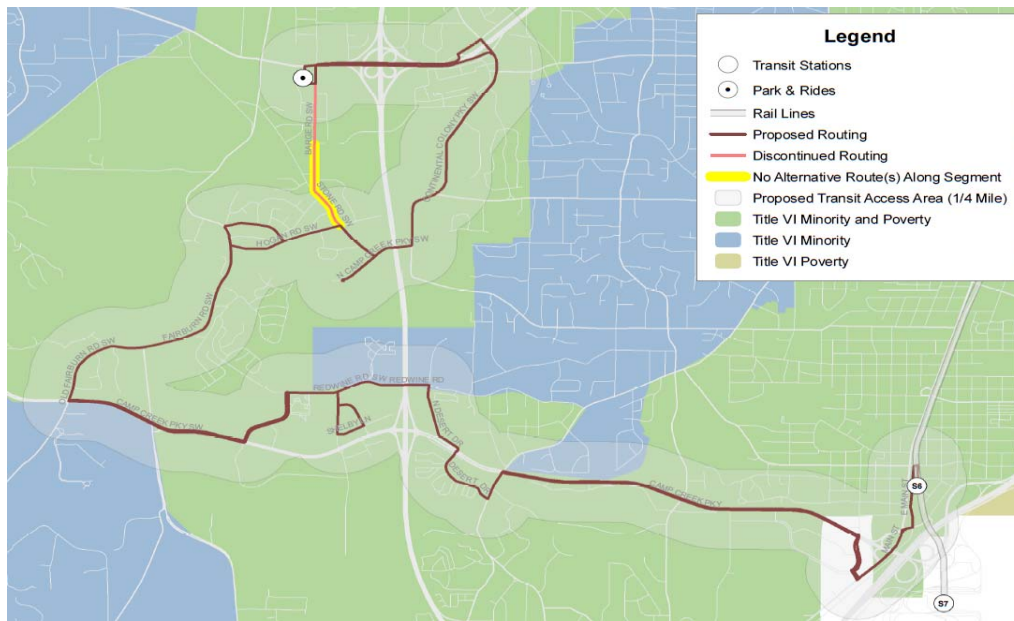
Impact of Potential Service Adjustments on Minority and Low Income Passengers								
Weekly Numbers								
Bus Lines	Wkly Ons	Under20k	Minority	%<20k	% Min	Impacted Ons	Under20k	Minority
1	50,340	25,081	21,602	50%	43%	1,453	724	624
2	56,929	20,727	10,639	36%	19%	4,623	1,683	864
3	39,479	15,902	7,414	40%	19%	2,396	965	450
4	18,396	7,309	4,509	40%	25%	688	273	169
5	52,845	21,450	13,172	41%	25%	1,572	638	392
6	952	446	248	47%	26%	237	111	62
7	4,562	679	2,012	15%	44%	659	98	291
8	1,781	455	414	26%	23%	280	71	65
9	13,596	4,177	4,093	31%	30%	1,161	357	349
10	19,346	7,186	4,965	37%	26%	1,014	377	260
11	65,337	33,005	22,653	51%	35%	998	402	187
12	19,406	7,565	3,864	39%	20%	378	150	93
13	21,728	7,379	4,359	34%	20%	931	378	232
Ridership Adjusted Lines	364,697	151,360	99,943	42%	28%	16,390	6,228	4,037
Total Percent impacted							38%	25%
Ridership All Bus Lines	1,266,568	527,728	381,169	42%	30%			

“Impacted Ons” is calculated by taking the number of trips eliminated in a given hour times the number of passengers per trip during that hour and adding up the number of passengers impacted in a week.

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

Notably, assessing the cumulative impacts of the route changes appears to reduce the impacts of some of the changes, while increasing the impacts of other changes. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy.

If the cumulative impact analysis showed a different result, i.e., a higher percent of minority or low-income populations being impacted than their presence in the overall ridership, the transit provider would likely want to take another look at the routes with high passenger counts and higher-than-system-average minority and/or low-income passengers in order to adjust the changes and reduce the adverse effects.

*Exhibit 2.***SAMPLE GIS map depicting proposed route changes and nearby minority and low-income concentrations.**

Type of Service Change	Minority Proportion of Population		Low-Income Proportion of Population	
	Census blocks along routes	Average population in service area	Census blocks along routes	Average population in service area
Changes in Routing	38.9%	34.3%	13.7%	12.2%
Headway Changes	27.5%	34.3%	11.0%	12.2%
Route discontinuation	30.6%	34.3%	12.8%	12.2%

In the table above, the transit provider has analyzed the cumulative impacts of each type of service change on minority populations and low-income populations in its service area. The analysis is based on block-level Census demographic data and therefore does not represent ridership directly.

The changes in routing appear to affect minority populations more adversely than the population as a whole, and the changes in routing and route discontinuations appear to affect low-income populations more adversely than the population as a whole. The transit provider's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

*Exhibit 3.***SAMPLE Population Comparison**

Table 1 - Regional Population Data				
Total Population of Service Area	Minority Population	Percent Minority	Low-income Population	Percent Low-Income
242,916	50,829	21%	43,000	18%

Table 2 - Affected Census Block Area Population Data						
Route #	Change type	Total Population affected Census blocks	Minority Population	Percent Minority	Low-Income Population	Percent Low-Income
Route 6	Discontinued	5870	800	14%	250	4%
Route 7	Discontinued	9500	2500	26%	2100	22%
Total		15370	3300	21%	2350	15%

Here, the transit provider is proposing elimination of two routes, and is using population data, not ridership data. The affected population is the Census blocks with access to the route, generally defined as a one-quarter mile walk to a bus stop or a one-half mile walk to a rail station. While the elimination of Route 7 appears to affect low-income and minority populations more adversely than the population as a whole, the provider's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Notably, assessing the cumulative impacts of the two route changes appears to reduce the impacts of the elimination of Route 7. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy. See the example on the next page for a different result.

*Exhibit 4.***SAMPLE Ridership Comparison**

Table 3 - Regional Ridership Data				
Total System-wide Riders	Minority Riders	Percent Minority	Low-Income Riders	Percent Low-Income
3,224,000	1,346,000	42%	1,235,000	38%

Table 4 - Affected Route Ridership Data					
	Discontinued Segment - Ridership	Minority Riders	% Minority Riders	Low-Income Riders	% Low-Income Riders
Route 1	20,800	6,000	29%	4,700	23%
Route 2	72,600	33,400	46%	31,200	43%
Total	93,400	39,400	42%	35,900	38%

Here, the transit provider is proposing eliminating segments of two different routes (shortlining). The elimination of a segment of Route 2 appears to affect minority and low-income passengers more adversely than ridership of the system as a whole; however, the provider's ultimate determination of disparate impact on minority passengers or disproportionate burden on low-income passengers would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Here, assessing the cumulative impacts of two shortlined routes appears to increase the adverse effects of the change to Route 1, and decrease the effects of the change to Route 2. Transit providers should consider whether to evaluate changes to routes separately or cumulatively and include this in their disparate impact policy.

*Exhibit 5.***SAMPLE Impacts to passengers**

Type of Service Change	Ridership of affected route			Ridership of system	
	Total Boardings	% Minority	% Low-Income	% Minority	% Low-Income
Service span (reduction of entire trips)	24	83%	17%	73.7%	10%

Here, a transit provider that operates service into the late evening has proposed to discontinue trips that begin after 10:00 p.m. In this example, the provider's ridership is the basis of the analysis, not the population of adjacent Census blocks. The table shows that both minority populations and low-income populations would bear a disproportionate share of the service change, when comparing the ridership of the affected route with the ridership of the system as a whole. However, the ridership that is affected is relatively small, particularly if it is divided over a number of trips.

As with the other examples, the provider's ultimate determination of disparate impact on minority passengers or disproportionate burden on low-income passengers would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

When changes are disproportionately borne by minority passengers, and the provider determines there is a disparate impact based on its policy, the transit provider can make the change as long as it can clearly demonstrate that it has a substantial legitimate justification for the proposed service changes; and the transit provider clearly demonstrates that it analyzed alternatives to determine whether the proposed service changes are the least discriminatory alternative.

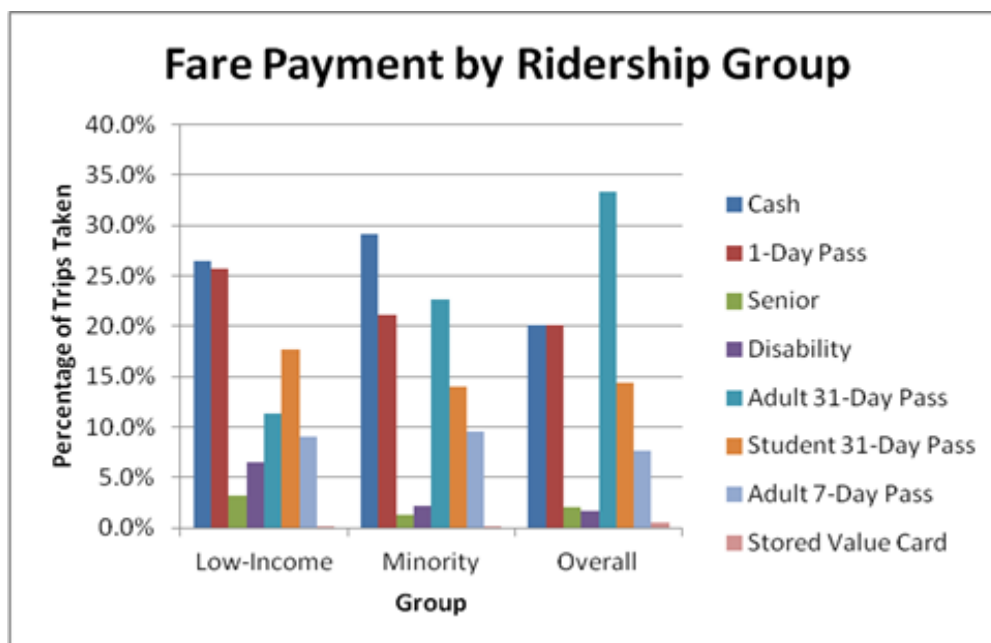
If the transit provider determines there is a disproportionate burden on low-income passengers, the transit provider should review alternatives to see if the impacts on the low-income passengers can be avoided, minimized, or mitigated.

(2) Considerations for a Fare Equity Analysis

- ☐ We have briefly and clearly stated our policy to determine when a “disparate impact” occurs in the contexts of fare changes. In particular, our agency has developed policy thresholds (in terms of absolute numbers or proportions) for identifying disparate impacts.
- ☐ Our policy specifies how we engaged the public in developing our policy for measuring disparate impacts.
- ☐ We have briefly and clearly stated our disproportionate burden policy, and our policy describes how we engaged the public in developing the disproportionate burden policy.
- ☐ We have analyzed the fare media generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or fare media that would be subject to the fare increase or decrease (see sample, page K-12).
- ☐ We have determined the number and percent of users of each fare media proposed for increase or decrease.
 - Our analysis includes a profile of fare usage by group—minority, low-income, and overall ridership—as shown below.
 - If the proposed changes would only affect certain fare media, the analysis should address whether focusing changes on those fare media may lead to a disparate impact or disproportionate burden.
- ☐ We have clearly depicted the information in tabular format.
 - The table depicts the fare media comparing the existing cost, the percent change, and the usage of minority groups as compared to overall usage and low-income groups as compared to overall usage. We have clearly analyzed fare media for minority groups distinct from low-income.
- ☐ We have compared the differences in impacts between minority users and overall users.
- ☐ We have compared the differences in impacts between low-income users and overall users.
- ☐ We have analyzed any alternative transit modes, fare payment types, or fare media available for people affected by the fare change.
 - Analysis compared the fares paid by the proposed changes with fares that would be paid through available alternatives.

- Analysis shows whether vendors that distribute/sell the fare media are located in areas that would be convenient to impacted populations.
- ☐ We have identified whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists, we have considered modifying our proposal to remove these impacts. If we modified our proposal, we have analyzed the modified proposal to determine whether minority populations will experience disparate impacts.
- ☐ If we have determined that a disparate impact exists and we will make the fare changes despite these impacts, we have also:
 - Clearly demonstrated that we have a substantial legitimate justification for the proposed fare changes; and
 - Clearly demonstrated that we analyzed alternatives to determine whether the proposed fare changes are the least discriminatory alternative.
- ☐ If we have documented a disparate impact or a disproportionate burden, we have explored alternatives and mitigation, including the timing of implementing the fare increases, providing discounts on passes to social service agencies that serve the impacted populations, and other alternatives as appropriate.

Charting fare payment by ridership group (as shown on the next page) can be a useful early step in a fare equity analysis to understand how fare media usage varies between low-income riders, minority riders, and overall ridership. Comparing fare payment patterns for minority versus non-minority and low-income versus higher-income riders can yield even clearer depictions of differences that should be considered when developing fare change proposals.



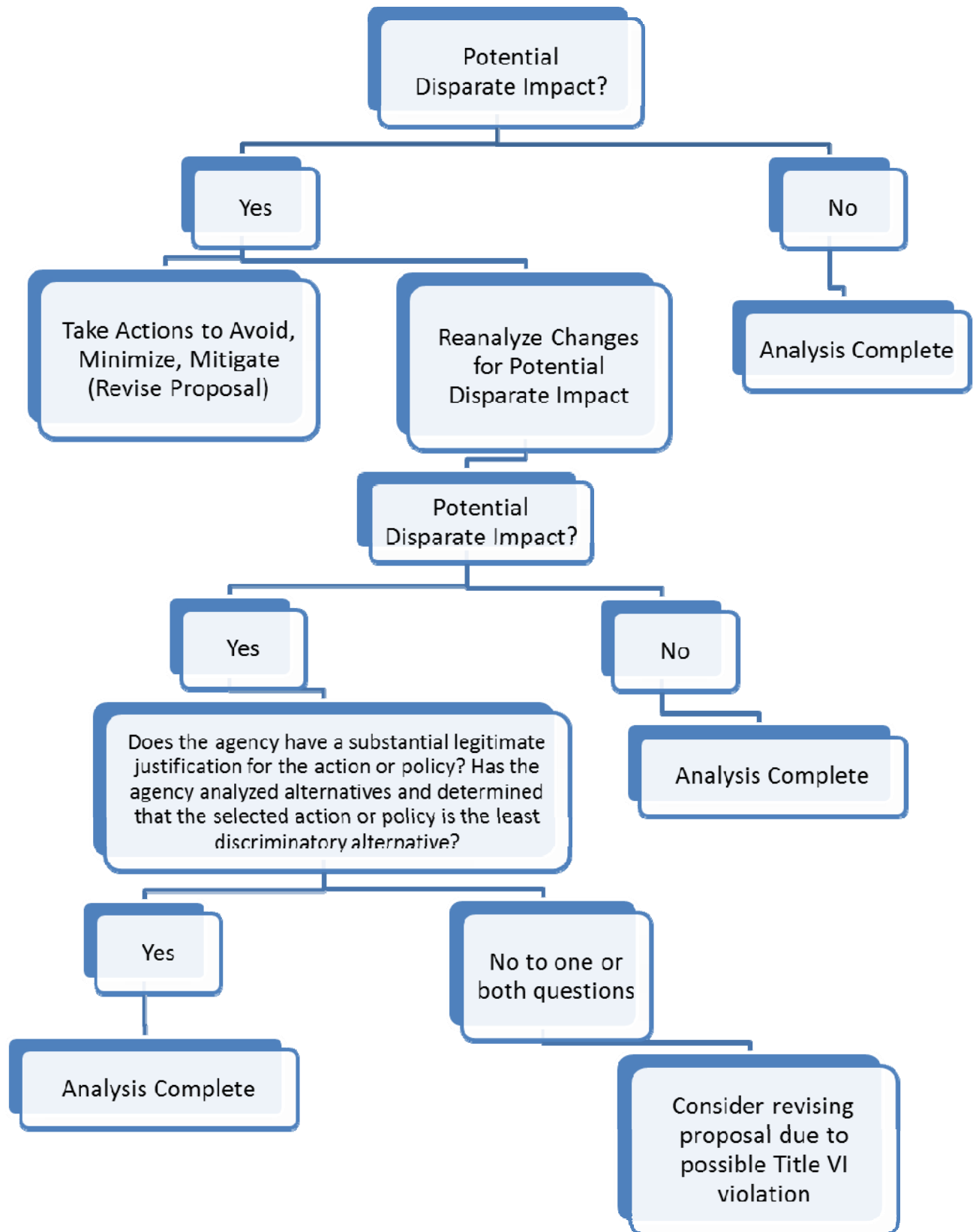
SAMPLE Fare Equity Analysis

Count	Cost		Change		Usage by Group		
Fare type	Existing	Proposed	Absolute	Percentage	Low-Income	Minority	Overall
Cash	\$1.50	\$2.00	\$0.50	33.3%	308,287	402,021	451,152
1-Day Pass	\$4.50	\$5.50	\$1.00	22.2%	299,880	290,456	448,907
Senior	\$0.50	\$0.75	\$0.25	50.0%	37,536	17,681	46,077
Disability	\$0.50	\$1.00	\$0.50	100.0%	75,440	29,280	38,600
Adult 31-Day Pass	\$57.00	\$63.00	\$6.00	10.5%	132,720	311,225	746,769
Student 31-Day Pass	\$30.00	\$35.00	\$5.00	16.7%	205,708	192,661	323,150
Adult 7-Day Pass	\$15.00	\$17.00	\$2.00	13.3%	105,831	132,135	170,300
10-Ride Card	\$13.50	\$18.00	\$4.50	33.3%	184	780	11,400
Total					1,165,586	1,376,239	2,236,355

% of Total	Cost		Change		Usage by Group		
Fare type	Existing	Proposed	Absolute	Percentage	Low-Income	Minority	Overall
Cash	\$1.50	\$2.00	\$0.50	33.3%	26.4%	29.2%	20.2%
1-Day Pass	\$4.50	\$5.50	\$1.00	22.2%	25.7%	21.1%	20.1%
Senior	\$0.50	\$0.75	\$0.25	50.0%	3.2%	1.3%	2.1%
Disability	\$0.50	\$1.00	\$0.50	100.0%	6.5%	2.1%	1.7%
Adult 31-Day Pass	\$57.00	\$63.00	\$6.00	10.5%	11.4%	22.6%	33.4%
Student 31-Day Pass	\$30.00	\$35.00	\$5.00	16.7%	17.6%	14.0%	14.4%
Adult 7-Day Pass	\$15.00	\$17.00	\$2.00	13.3%	9.1%	9.6%	7.6%
Stored Value Card	\$13.50	\$18.00	\$4.50	33.3%	0.0%	0.1%	0.5%
Total					100.0%	100.0%	100.0%

Here, an agency has presented a fare increase proposal and determined fare media usage for low-income, minority and overall ridership from a rider survey. Although a price increase is proposed for all fare media, certain media used disproportionately by low-income and/or minority riders (such as cash fares, one-day passes, and disability fares) are proposed for more substantial price increases than other media used more commonly by other riders (particularly the adult 31-day pass). In order to make an appropriate assessment of disparate impact or disproportionate burden, the transit provider must compare the survey data, and show the number and percent of minority riders and low-income riders using a particular fare media. While the changes appear to affect low-income and minority riders more adversely than other riders, the agency's ultimate determination of disparate impact on minority riders or disproportionate burden on low-income riders would depend on the disparate impact and disproportionate burden threshold policies developed by the transit provider through a public participation process.

Disparate Impact Analysis



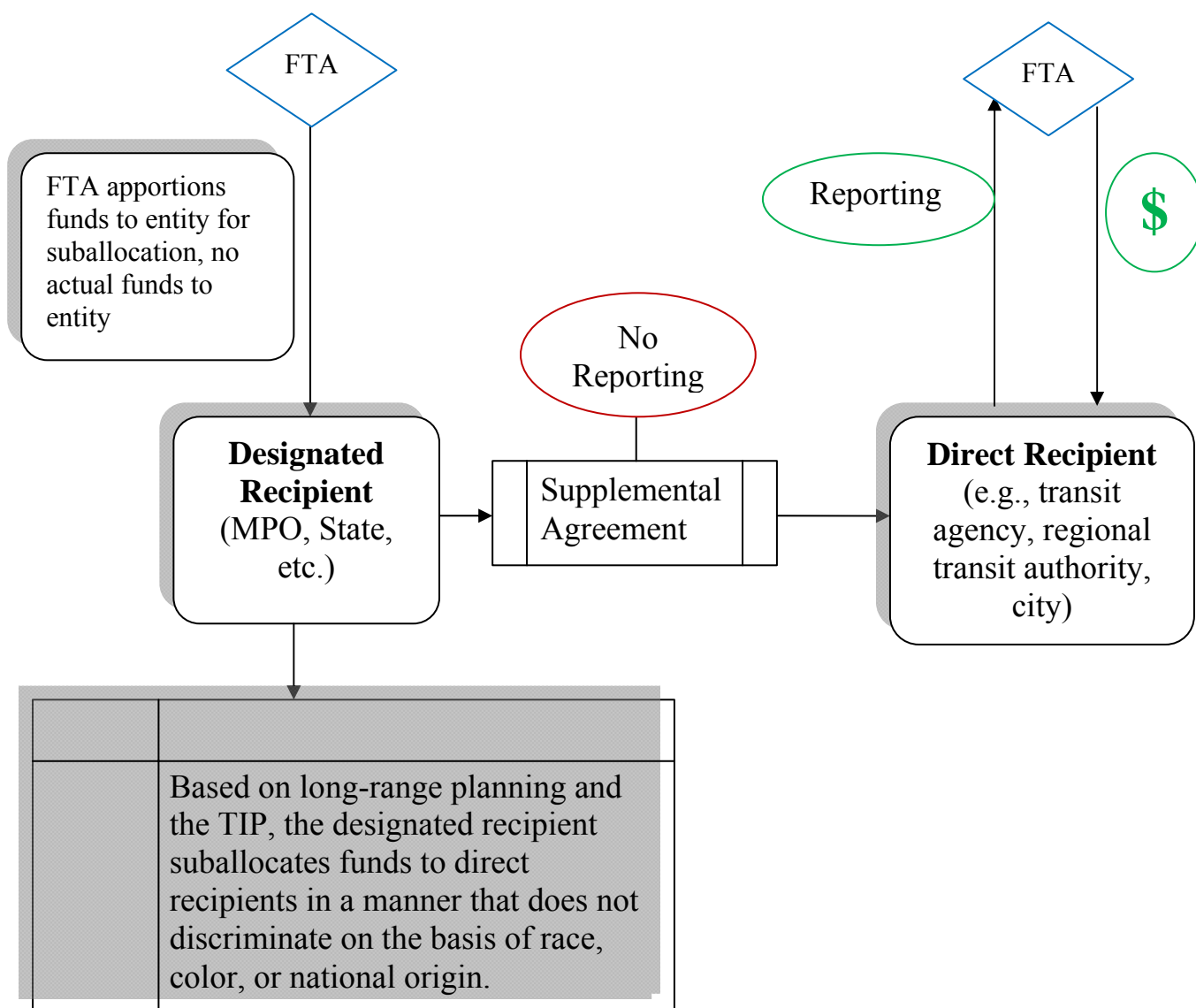
APPENDIX L

REPORTING REQUIREMENTS

1. RECIPIENT TYPE. This circular defines many types of recipients of Federal financial assistance: designated recipients, direct recipients, primary recipients and subrecipients. The reporting and monitoring requirements vary depending on what role an entity serves. One entity could be all four types of recipients, and therefore have many different reporting and monitoring requirements. The following questions are designed to assist recipients in determining what their responsibilities are:
 - a. Have you been designated by the Governor of your State or other local officials to receive and apportion funds from FTA? If yes, you are a ***designated recipient***.
 - b. Do you apply to FTA for funds for programs you operate/manage? If yes, you are a ***direct recipient***. You will submit a Title VI Program directly to FTA.
 - c. Do you pass through funds you receive directly from FTA to subrecipients? If yes, then you are a ***primary recipient*** and you must monitor your subrecipients' compliance with Title VI requirements, and collect Title VI Programs from them.
 - d. Do you receive funds from another FTA recipient, that is, are funds "passed through" to you from an entity that received those funds from FTA or another recipient? If yes, then you are a ***subrecipient***. You must submit a Title VI Program to the entity that passed funds through to you.
 - e. Do you suballocate funds to recipients that apply directly to FTA for their funds (i.e., direct recipients)? If yes, have you signed a supplemental agreement? If yes, you do not have any responsibility to monitor the Title VI Program of direct recipients, even if you also "pass through" funds to those recipients (i.e., subrecipients).
 - f. Do you receive discretionary, specialized funding (e.g., TIGER, Livability Urban Circulator)? If yes, do you regularly apply for funds from FTA, i.e., are you a traditional recipient of FTA funds? If you are not a traditional recipient of FTA funds, or are a first-time applicant for FTA funds, special rules may apply.

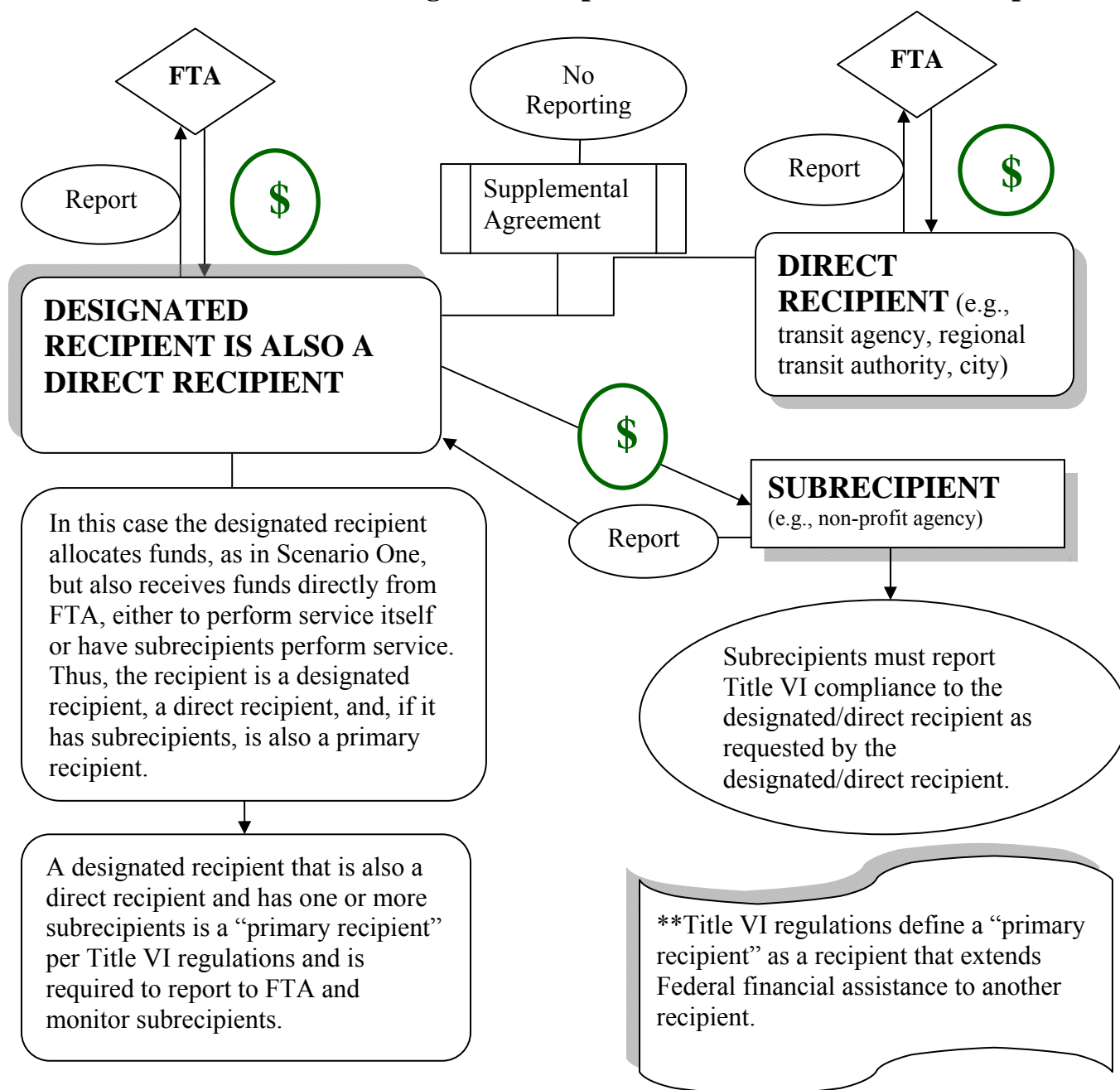
On the following pages are flowcharts that demonstrate the reporting requirements of various types of entities.

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

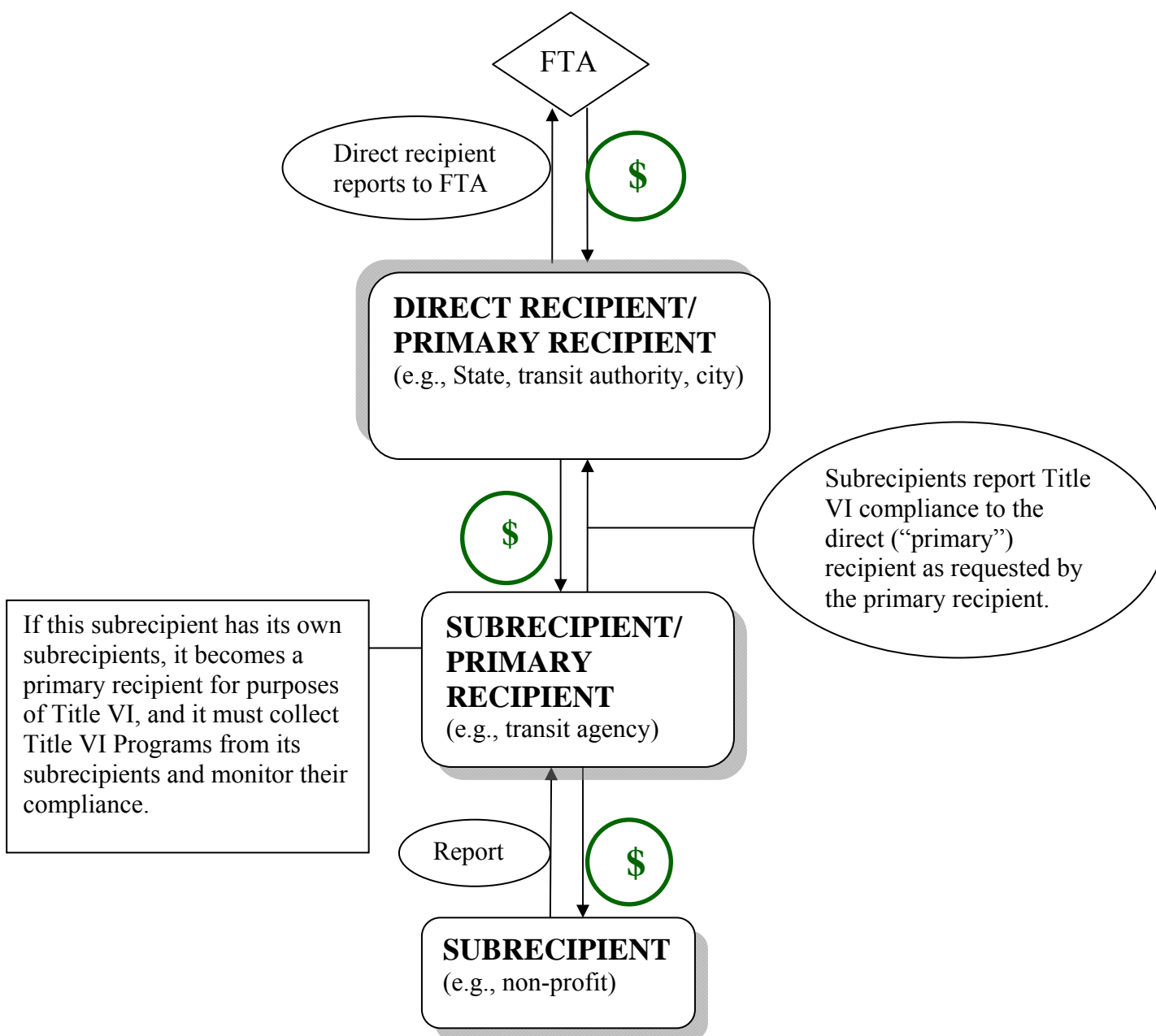


Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives no funding from FTA; it only receives notice of an apportionment and then suballocates funds to direct recipients; therefore, the designated recipient has no oversight responsibility for direct recipients that receive their funding directly from FTA. Direct recipients submit Title VI reports to FTA.

Scenario Two—Designated Recipients That Are Also Direct Recipients

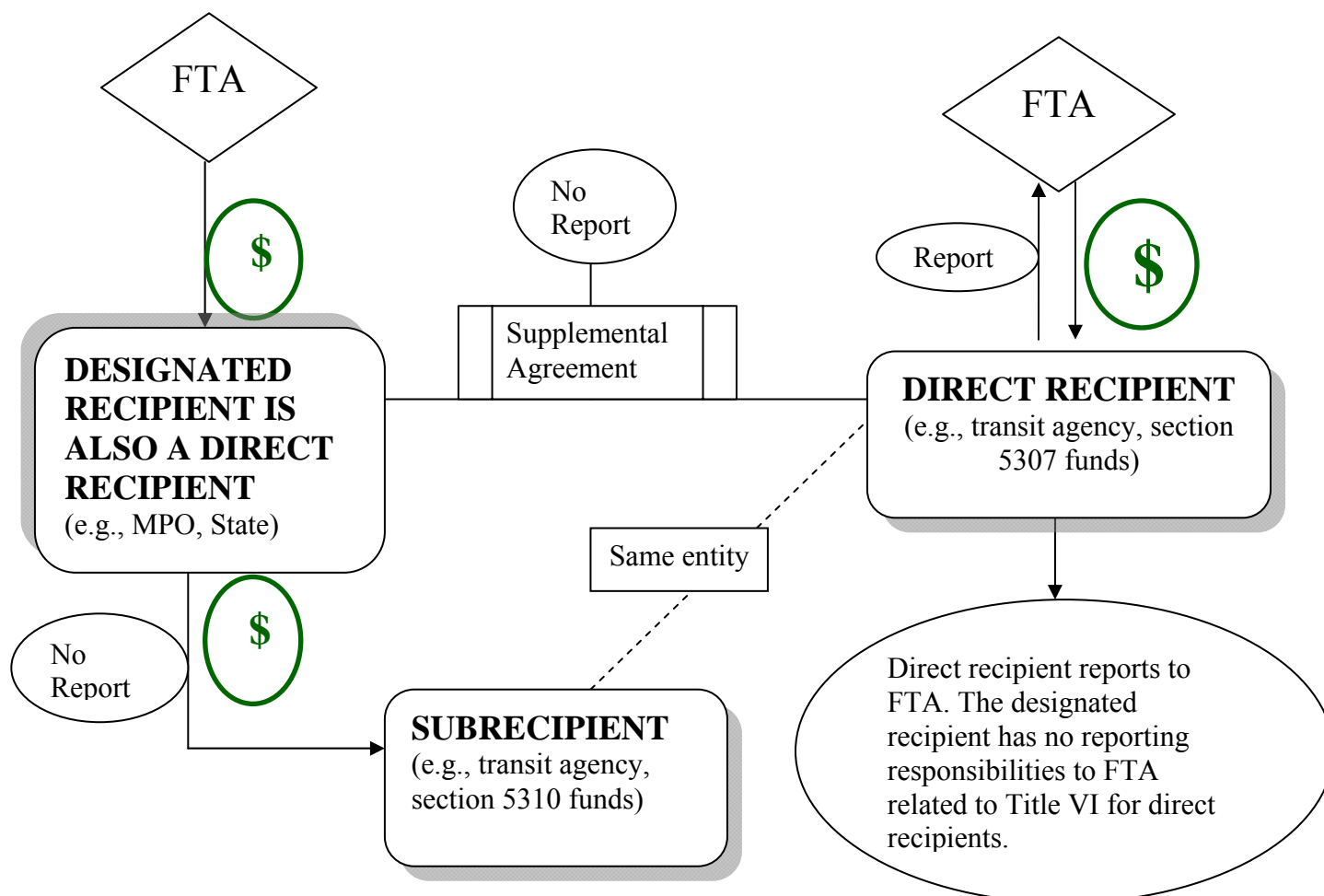


Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives funding from FTA; therefore the designated recipient submits a Title VI Program to FTA and includes a description of how it monitors subrecipients. The designated recipient does not collect Title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

Scenario Three—Direct Recipients, Including States

Reporting requirements follow the source of Federal funds. In this case, the direct (primary) recipient submits a Title VI Program to FTA and monitors subrecipients at all tiers.

Scenario Four—Designated Recipients That Pass Funds Through to Direct Recipients That Are Covered by a Supplemental Agreement

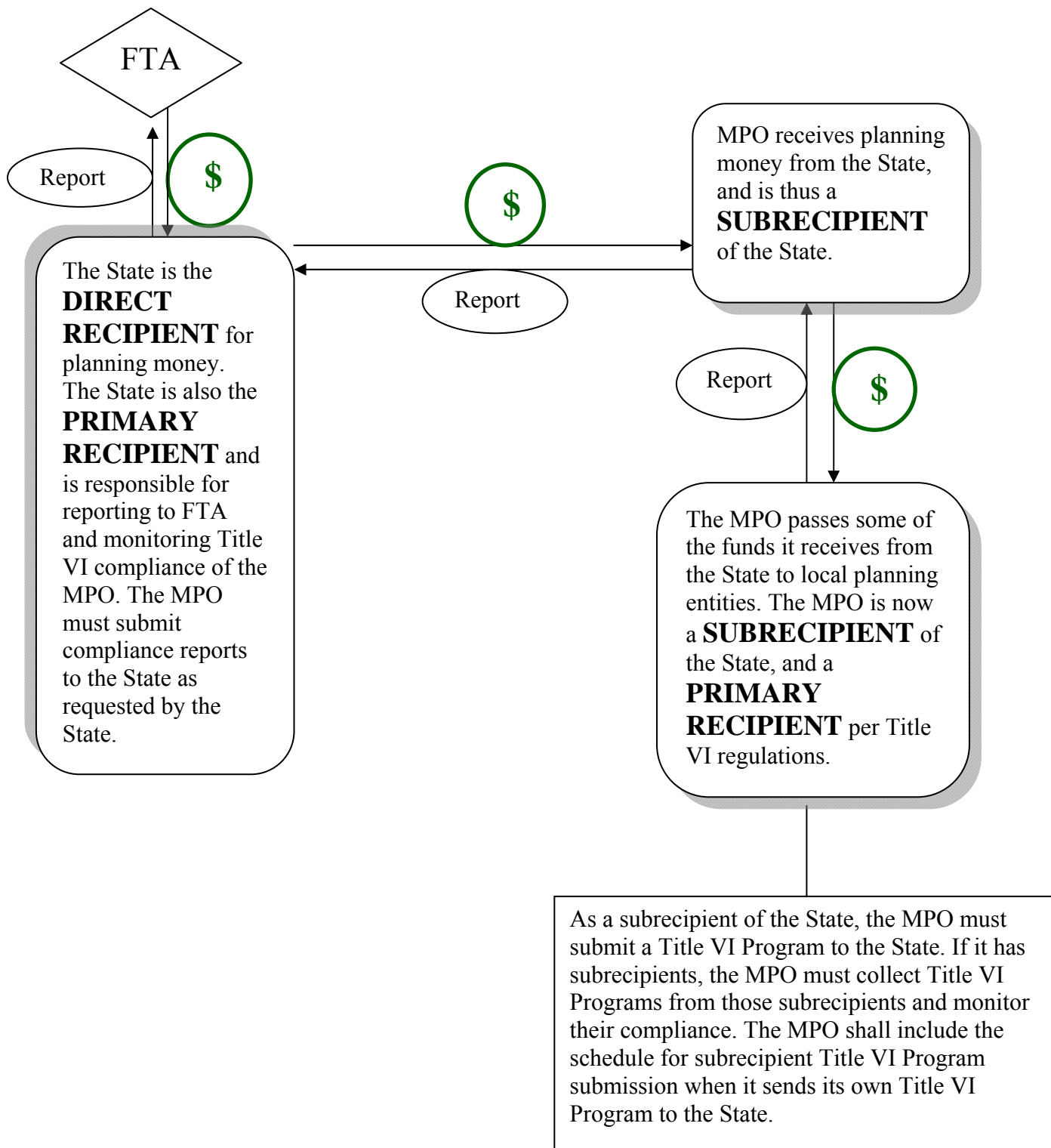


A subrecipient that is also a direct recipient is required to have an FTA approved Title VI Program in place, and the funds the subrecipient receives through the designated recipient must be utilized in accordance with that Title VI Program. Since the subrecipient/direct recipient must report compliance to FTA, it is not required to report to the designated recipient, and the designated recipient, consistent with the supplemental agreement, is not required to oversee the subrecipient's Title VI Program.

NOTE: If the direct recipient relationship with FTA changes, such that the entity becomes only a subrecipient of the designated recipient, then the subrecipient will report to the designated recipient, and the designated recipient will report to FTA.

NOTE also that while the designated recipient is not reporting to FTA for the direct/subrecipient, when the designated recipient is also a direct recipient it will report directly to FTA, and it may also have other reporting responsibilities, as when the designated recipient is an MPO or provides transit service itself.

**Scenario Five—Role of MPOs and States With Regard to Planning Funds
(Other Scenarios May Also Apply)**



APPENDIX M**TITLE VI AND LIMITED ENGLISH PROFICIENCY TECHNICAL ASSISTANCE RESOURCES**

The following resources should help recipients integrate the guidance and procedures of this circular into their planning and operations. Recipients seeking additional resources that may have been published subsequent to the date of this circular may inquire with their local FTA Regional Office or FTA's Office of Civil Rights. Technical assistance resources will be published on the FTA Office of Civil Rights website, http://www.fta.dot.gov/civil_rights.html, on an ongoing basis.

1. **Relevant Websites.** Recipients and subrecipients are encouraged to review information on the following websites:
 - a. **FTA's Title VI Website.** www.fta.dot.gov/civilrights/civil_rights_5088.html. This website provides an overview of FTA's Title VI activities, including links to recent compliance reviews of recipients, related websites, policy guidance and procedures, and instructions on how to file a Title VI complaint.
 - b. **Federal Interagency Working Group on Limited English Proficiency.** www.lep.gov promotes a cooperative understanding of the importance of language access to Federal programs and Federally-assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and Federally-assisted programs, and other stakeholders.
 - c. **U.S. Department of Justice Civil Rights Division.** <http://www.justice.gov/crt/> The Civil Rights Division of the Department of Justice, established in 1957, is the program institution within the Federal government responsible for coordinating the implementation and enforcement of Federal statutes prohibiting discrimination on the basis of race, color, national origin, and other protected classes.
 - d. **Community Impact Assessment Website.** <http://www.ciatrans.net>. The Community Impact Assessment (CIA) website seeks to inform transportation officials and the general public about the potential impacts of proposed transportation actions on communities and their subpopulations.
 - e. **United We Ride.** www.unitedweride.gov. United We Ride is an interagency Federal national initiative that supports States and their localities in developing coordinated human service delivery systems originating from the Office of Program Management or the Federal Transit Administration. In addition to State coordination grants, United We Ride provides State and local agencies a transportation-coordination and planning self-assessment tool, help along the way, technical assistance, and other resources to help their communities succeed.

2. Technical Assistance Products. Recipients and subrecipients are encouraged to review information on the following technical assistance products. Interested parties can access these products through the relevant website or by contacting FTA's Office of Civil Rights.
 - a. "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision-making." <http://www.fhwa.dot.gov/hep/lowlim/>. This report documents "best practices" in identifying and engaging low-literacy and limited-English-proficiency populations in transportation decision-making. These "best practices" were collected during telephone interviews with individuals in 30 States.
 - b. "Disaster Response and Recovery Resource for Transit Agencies" <http://transit-safety.volpe.dot.gov/Publications/order/singledoc.asp?docid=437>. This resource provides local transit agencies and transportation providers with useful information and best practices in emergency preparedness and disaster response and recovery, including information on how to respond to the needs of low-income persons, limited English proficient persons, persons with disabilities, and older adults.

REFERENCES

- a. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000d.
- b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
- c. National Environmental Policy Act of 1969, as amended, 42 U.S.C. Section 4321 *et seq.*
- d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Section 4601, *et seq.*
- e. U.S. Department of Justice regulations, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs,” 28 CFR part 42, Subpart F.
- f. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21.
- g. Joint FTA/Federal Highway Administration (FHWA) regulations, “Environmental Impact and Related Procedures,” 23 CFR part 771 and 49 CFR part 622.
- h. Joint FTA/FHWA regulations, “Planning Assistance and Standards,” 23 CFR part 450 and 49 CFR part 613.
- i. Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” Feb. 11, 1994, 59 FR 7629 (Feb. 16, 1994).
- j. Executive Order 13166, “Improving Access to Services for Persons With Limited English Proficiency,” Aug. 11, 2000, 65 FR 50121 (Aug. 16, 2000).
- k. U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations, 62 FR 18377 (Apr. 15, 1997).
- l. U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087 (Dec. 14, 2005).
- m. FTA Master Agreement, FTA MA (17), Oct. 1, 2010.

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