

PART III

APPENDIXES

Appendix A

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**Non-Discrimination in Federally-
Assisted Programs of the Department of Transportation**

**PART 21—NONDISCRIMINATION IN
FEDERALLY-ASSISTED PROGRAMS
OF THE DEPARTMENT OF TRANS-
PORTATION—EFFECTUATION OF
TITLE VI OF THE CIVIL RIGHTS ACT
OF 1964**

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AUTHORITY: Sec. 602, 42 U.S.C. 2000d-1.

SOURCE: 35 FR 10080, June 18, 1970, unless otherwise noted.

§21.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that 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 otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.

§21.3 Application of this part.

(a) This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department, including the federally assisted programs and activities listed in appendix A to this part. It also applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this

part pursuant to an application approved before that effective date. This part does not apply to:

- (1) Any Federal financial assistance by way of insurance or guaranty contracts;
- (2) Money paid, property transferred, or other assistance extended under any such program before the effective date of this part, except where such assistance was subject to the title VI regulations of any agency whose responsibilities are now exercised by this Department;
- (3) Any assistance to any individual who is the ultimate beneficiary under any such program; or
- (4) Any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in §21.5(c).

The fact that a program or activity is not listed in appendix A to this part shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to appendix A to this part.

(b) In any program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part shall extend to any facility located wholly or in part in that space.

§21.5 Discrimination prohibited.

(a) *General.* 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 otherwise subjected to discrimination under, any program to which this part applies.

(b) Specific discriminatory actions prohibited:

- (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

(vii) 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.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, 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.

(3) In determining the site or location of facilities, a recipient or appli-

cant 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.

(4) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) Examples demonstrating the application of the provisions of this section to certain programs of the Department of Transportation are contained in appendix C of this part.

(7) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where prior discriminatory practice or usage tends, on the grounds of race, color, or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient must take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected 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.

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(c) Employment practices:

(1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by the Department which have as a primary objective the providing of employment include those set forth in appendix B to this part.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of paragraph (c)(1) of this section shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individ-

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uals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

[35 FR 10080, June 18, 1970, as amended by Amdt. 72-2, 38 FR 17997, July 5, 1973]

§ 21.7 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. The Secretary shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required

of subgrantees, contractors and sub-contractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the Secretary, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies (including

the programs listed in appendix A to this part) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application: (1) Contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

§21.9 Compliance information.

(a) *Cooperation and assistance.* The Secretary shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall 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 part. In the case of any program under which 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. In general 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.

(c) *Access to sources of information.* Each recipient shall permit access by the Secretary during normal business

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hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Secretary finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

[35 FR 10080, June 18, 1970, as amended by Amdt. 72-2, 38 FR 17997, July 5, 1973]

§21.11 Conduct of investigations.

(a) *Periodic compliance reviews.* The Secretary shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

(c) *Investigations.* The Secretary will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. 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 this part occurred, and other factors relevant to a determination as to

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whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Secretary will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in §21.13.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section the Secretary will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

[35 FR 10080, June 18, 1970, as amended by Amdt. 72-2, 38 FR 17997, July 5, 1973]

§21.13 Procedure for effecting compliance.

(a) *General.* 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 Act), or any assurance or other contractual undertaking,

and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with §21.7.* If an applicant fails or refuses to furnish an assurance required under §21.7 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph. However, subject to §21.21, the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until:

(1) The Secretary has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Secretary pursuant to §21.17(e); and

(4) The expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.

Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with title VI of the Act by any other means au-

thorized by law shall be taken by this Department until:

(1) The Secretary has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§21.15 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by §21.13(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall 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, and 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 Secretary that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the 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 under this paragraph 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 Act and §21.13(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a

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time fixed by the Secretary unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the Secretary, or at his discretion, before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) 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 (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department 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.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

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(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute non-compliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with §21.17.

§21.17 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Secretary for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Secretary may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Secretary.

(b) *Decisions on record or review by the Secretary.* Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the Secretary conducts the hearing, the applicant or

recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a written copy of the final decision of the Secretary shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to §21.15, a decision shall be made by the Secretary on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision by an official of the Department, other than the Secretary personally, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary personally, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely af-

ected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the Secretary determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Secretary denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying who it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Secretary. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section.

While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§21.19 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§21.21 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions issued before the effective date of this part by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the grounds of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to

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any applicant for a recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part may be considered to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction before the effective date of this part. Nothing in this part, however, supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp., p. 167) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Secretary shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 21.17), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the Secretary of this Department.

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§ 21.23 Definitions.

Unless the context requires otherwise, as used in this part:

(a) *Applicant* means a person who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

(b) *Facility* includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(c) *Federal financial assistance* includes:

- (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 which has as one of its purposes the provision of assistance.

(d) *Primary recipient* means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) *Program* includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or

other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) *Recipient* may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) *Secretary* means the Secretary of Transportation or, except in §21.17 (e), any person to whom he has delegated his authority in the matter concerned.

APPENDIX A TO PART 21—ACTIVITIES TO WHICH THIS PART APPLIES

1. Use of grants made in connection with Federal-aid highway systems (23 U.S.C. 101 *et seq.*).

2. Use of grants made in connection with the Highway Safety Act of 1966 (23 U.S.C. 401 *et seq.*).

3. Use of grants in connection with the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391-1409, 1421-1425).

4. Lease of real property and the grant of permits, licenses, easements and rights-of-way covering real property under control of the Coast Guard (14 U.S.C. 93 (n) and (o)).

5. Utilization of Coast Guard personnel and facilities by any State, territory, possession, or political subdivision thereof (14 U.S.C. 141(a)).

6. Use of Coast Guard personnel for duty in connection with maritime instruction and

training by the States, territories, and Puerto Rico (14 U.S.C. 148).

7. Use of obsolete and other Coast Guard material by sea scout service of Boy Scouts of America, any incorporated unit of the Coast Guard auxiliary, and public body or private organization not organized for profit (14 U.S.C. 641(a)).

8. U.S. Coast Guard Auxiliary Program (14 U.S.C. 821-832).

9. Use of grants for the support of basic scientific research by nonprofit institutions of higher education and nonprofit organizations whose primary purpose is conduct of scientific research (42 U.S.C. 1891).

10. Use of grants made in connection with the Federal-aid Airport Program (secs. 1-15 and 17-20 of the Federal Airport Act, 49 U.S.C. 1101-1114, 1116-1120).

11. Use of U.S. land acquired for public airports under:

a. Section 16 of the Federal Airport Act, 49 U.S.C. 1115; and

b. Surplus Property Act (sec. 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(g), and sec. 3 of the Act of Oct. 1, 1949, 50 U.S.C. App. 1622b).

12. Activities carried out in connection with the Aviation Education Program of the Federal Aviation Administration under sections 305, 311, and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1352, and 1354(a)).

13. Use of grants and loans made in connection with Urban Mass Transportation Capital Facilities Grant and Loan Program—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602).

14. Use of grants made in connection with Urban Mass Transportation Research and Demonstration Grant Program—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605).

15. Use of grants made in connection with Urban Mass Transportation Technical Studies Grant Program—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607a).

16. Use of grants made in connection with Urban Mass Transportation Managerial Training Grant Program—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607b).

17. Use of grants made in connection with Urban Mass Transportation Grants for Research and Training Programs in Institutions of Higher Learning—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607c).

18. Use of grants made in connection with the High Speed Ground Transportation Act, as amended (49 U.S.C. 631-642).

APPENDIX B TO PART 21—ACTIVITIES TO WHICH THIS PART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

1. Appalachia Regional Development Act of 1965 (40 U.S.C. App. 1 *et seq.*).

APPENDIX C TO PART 21—APPLICATION OF PART 21 TO CERTAIN FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF TRANSPORTATION

NONDISCRIMINATION ON FEDERALLY ASSISTED PROJECTS

(a) *Examples.* The following examples, without being exhaustive, illustrate the application of the nondiscrimination provisions of this part on projects receiving Federal financial assistance under the programs of certain Department of Transportation operating administrations:

(1) *Federal Aviation Administration.* (i) The airport sponsor or any of his lessees, concessionaires, or contractors may not differentiate between members of the public because of race, color, or national origin in furnishing, or admitting to, waiting rooms, passenger holding areas, aircraft tiedown areas, restaurant facilities, restrooms, or facilities operated under the compatible land use concept.

(ii) The airport sponsor and any of his lessees, concessionaires, or contractors must offer to all members of the public the same degree and type of service without regard to race, color, or national origin. This rule applies to fixed base operators, restaurants, snack bars, gift shops, ticket counters, baggage handlers, car rental agencies, limousines and taxis franchised by the airport sponsor, insurance underwriters, and other businesses catering to the public at the airport.

(iii) An aircraft operator may not be required to park his aircraft at a location that is less protected, or less accessible from the terminal facilities, than locations offered to others, because of his race, color, or national origin.

(iv) The pilot of an aircraft may not be required to help more extensively in fueling operations, and may not be offered less incidental service (such as windshield wiping), than other pilots, because of his race, color, or national origin.

(v) No pilot or crewmember eligible for access to a pilot's lounge or to unofficial communication facilities such as a UNICOM frequency may be restricted in that access because of his race, color, or national origin.

(vi) Access to facilities maintained at the airport by air carriers or commercial operators for holders of first-class transportation tickets or frequent users of the carrier's or

operator's services may not be restricted on the basis of race, color, or national origin.

(vii) Passengers and crewmembers seeking ground transportation from the airport may not be assigned to different vehicles, or delayed or embarrassed in assignment to vehicles, by the airport sponsor or his lessees, concessionaires, or contractors, because of race, color, or national origin.

(viii) Where there are two or more sites having equal potential to serve the aeronautical needs of the area, the airport sponsor shall select the site least likely to adversely affect existing communities. Such site selection shall not be made on the basis of race, color, or national origin.

(ix) Employment at obligated airports, including employment by tenants and concessionaires shall be available to all regardless of race, creed, color, sex, or national origin. The sponsor shall coordinate his airport plan with his local transit authority and the Urban Mass Transportation Administration to assure public transportation, convenient to the disadvantaged areas of nearby communities to enhance employment opportunities for the disadvantaged and minority population.

(x) The sponsor shall assure that the minority business community in his area is advised of the opportunities offered by airport concessions, and that bids are solicited from such qualified minority firms, and awards made without regard to race, color, or national origin.

(2) *Federal Highway Administration.* (i) The State, acting through its highway department, may not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, property management, and fee contracts and other commitments with person for services and expenses incidental to the acquisition of right-of-way.

(ii) The State may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.

(iii) Federal-aid contractors may not discriminate in their selection and retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid highway construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment.

(iv) The State may not discriminate against the traveling public and business users of the federally assisted highway in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation,

and vehicle servicing) constructed on, over or under the right-of-way of such highways.

(v) Neither the State, any other persons subject to this part, nor its contractors and subcontractors may discriminate in their employment practices in connection with highway construction projects or other projects assisted by the Federal Highway Administration.

(vi) The State shall not locate or design a highway in such a manner as to require, on the basis of race, color, or national origin, the relocation of any persons.

(vii) The State shall not locate, design, or construct a highway in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis of race, color, or national origin.

(3) *Urban Mass Transportation Administration.* (i) Any person who is, or seeks to be, a patron of any public vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.

(ii) No person who is, or seeks to be, an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.

(iii) 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.

(iv) 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.

(b) *Obligations of the airport operator—* (1) *Tenants, contractors, and concessionaires.* Each airport operator shall require each tenant, contractor, and concessionaire who provides any activity, service, or facility at the airport under lease, contract with, or franchise from the airport, to covenant in a form specified by the Administrator, Federal Aviation Administration, that he will comply with the nondiscrimination requirements of this part.

(2) *Notification of beneficiaries.* The airport operator shall: (i) Make a copy of this part available at his office for inspection during

normal working hours by any person asking for it, and (ii) conspicuously display a sign, or signs, furnished by the FAA, in the main public area or areas of the airport, stating that discrimination based on race, color, or national origin is prohibited on the airport.

(3) *Reports.* Each airport owner subject to this part shall, within 15 days after he receives it, forward to the Area Manager of the FAA Area in which the airport is located a copy of each written complaint charging discrimination because of race, color, or national origin by any person subject to this part, together with a statement describing all actions taken to resolve the matter, and the results thereof. Each airport operator shall submit to the area manager of the FAA area in which the airport is located a report for the preceding year on the date and in a form prescribed by the Federal Aviation Administrator.

[35 FR 10080, June 18, 1970, as amended by Amdt. 21-1, 38 FR 5875, Mar. 5, 1973; Amdt. 21-3, 40 FR 14318, Mar. 31, 1975]

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SCHEDULE A—INFORMATION FOR DETERMINING MINORITY BUSINESS ENTERPRISE ELIGIBILITY

SCHEDULE B—INFORMATION FOR DETERMINING JOINT VENTURE ELIGIBILITY

—AUTHORITY: 42 U.S.C. 200d *et seq.*; 49 U.S.C. 47107 and 47123; Executive Order 12138, 3 CFR, 1979 Comp., p. 393.

Federal law for the USDOT to ensure programs they provide federal assistance to properly enforce Title VI of the Civil Rights Act of 1964. A copy of Title 49 Subtitle A Part 21 can be found at:

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl

Appendix B

**Circular FTA C 4702.1B
Title VI Requirements and Guidelines for Federal
Transit Administration Recipients
October 1, 2012**



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

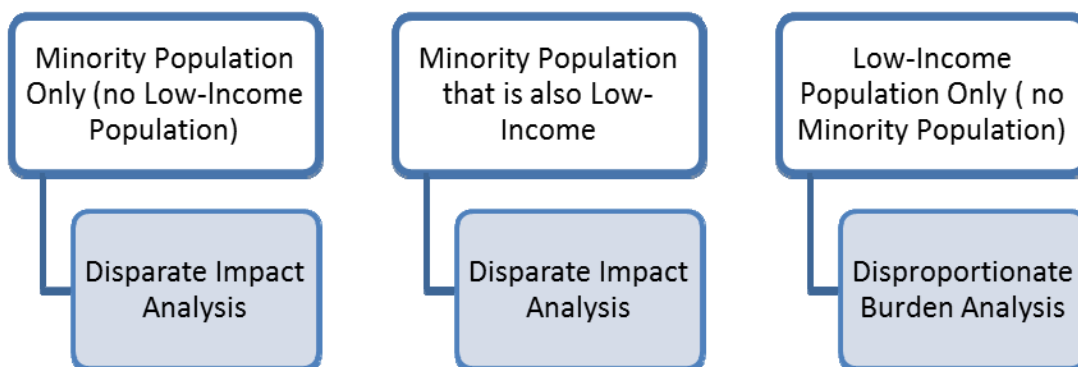
subject to this requirement are responsible for complying with the DOT Title VI regulations which prohibit disparate impact discrimination, and therefore should review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color, 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):				
[] Race [] Color [] 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 Agency _____

State Court _____ 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)

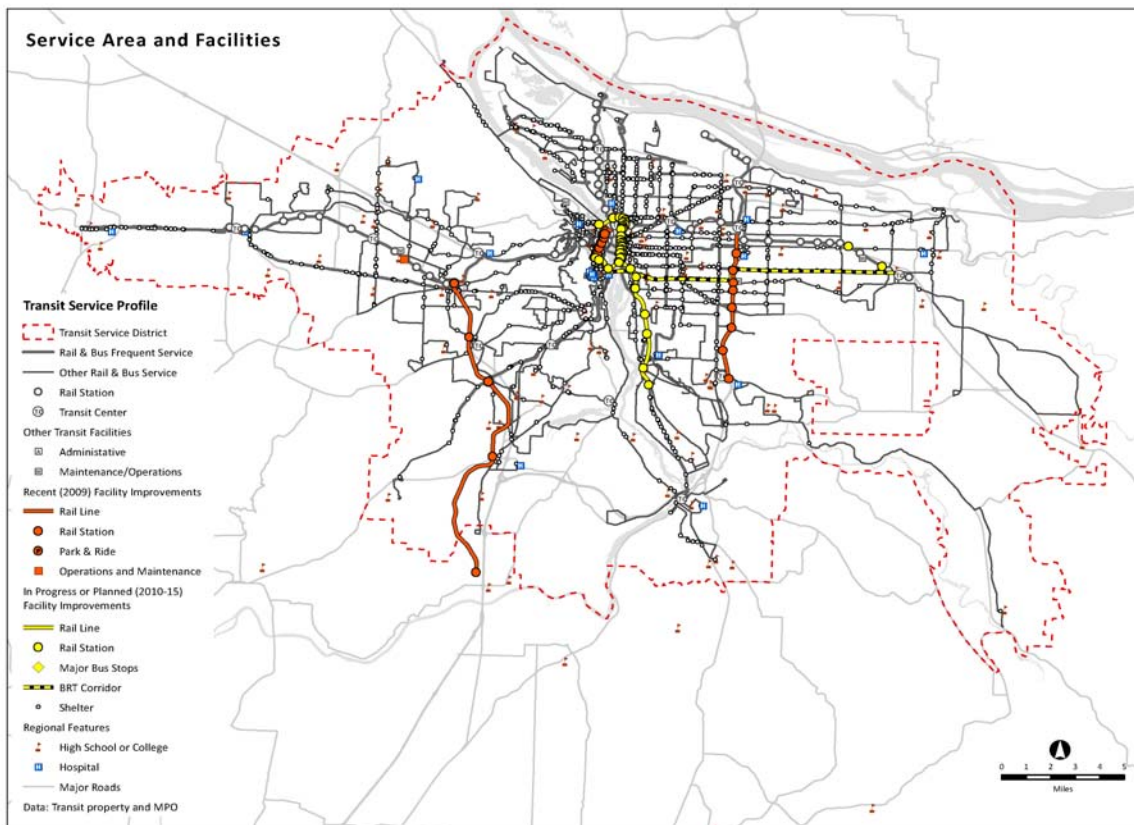
Background

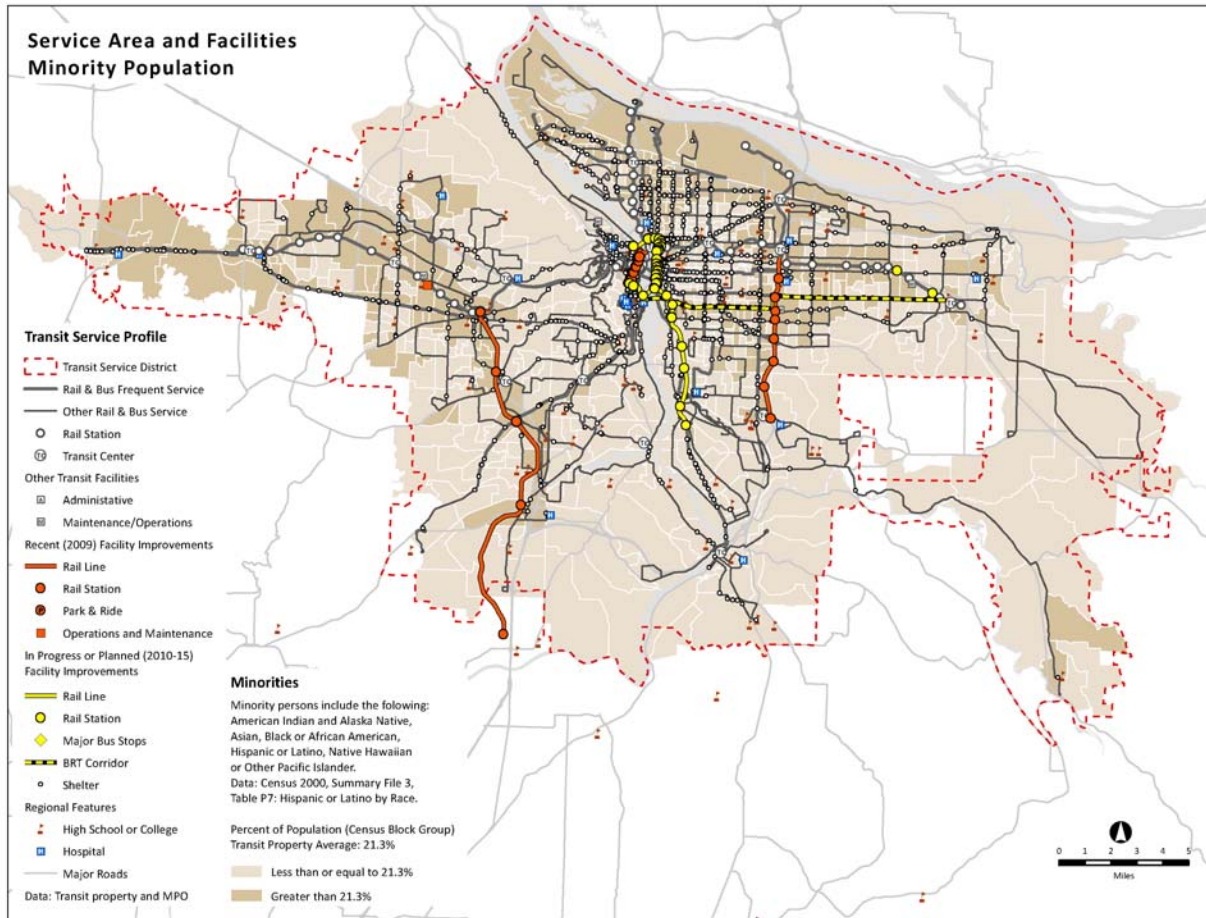
Transit service providers that operate 50 or more fixed route vehicles in peak service and are located in urbanized areas (UZA) of 200,000 or more people, or that otherwise meet the threshold defined in Chapter IV, are required to prepare demographic and service profile maps and charts to determine whether 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

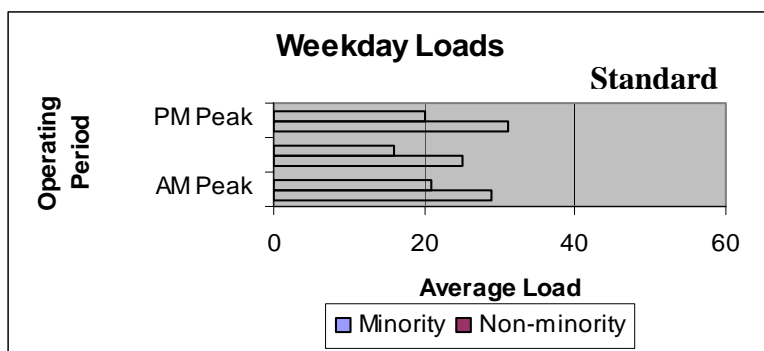
Lines and System	AM Peak IB		Midday IB & OB		PM Peak OB	
	Load/Seats	Avg Load	Load/Seats	Avg Load	Load/Seats	Avg Load
4th Quartile (Minority Population > 29%)	0.62	34	0.55	28	0.65	37
3rd Quartile (Minority Population > 21.6%)	0.60	24	0.54	21	0.62	24
2nd Quartile (Minority Population > 16.6%)	0.59	23	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	8:35 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

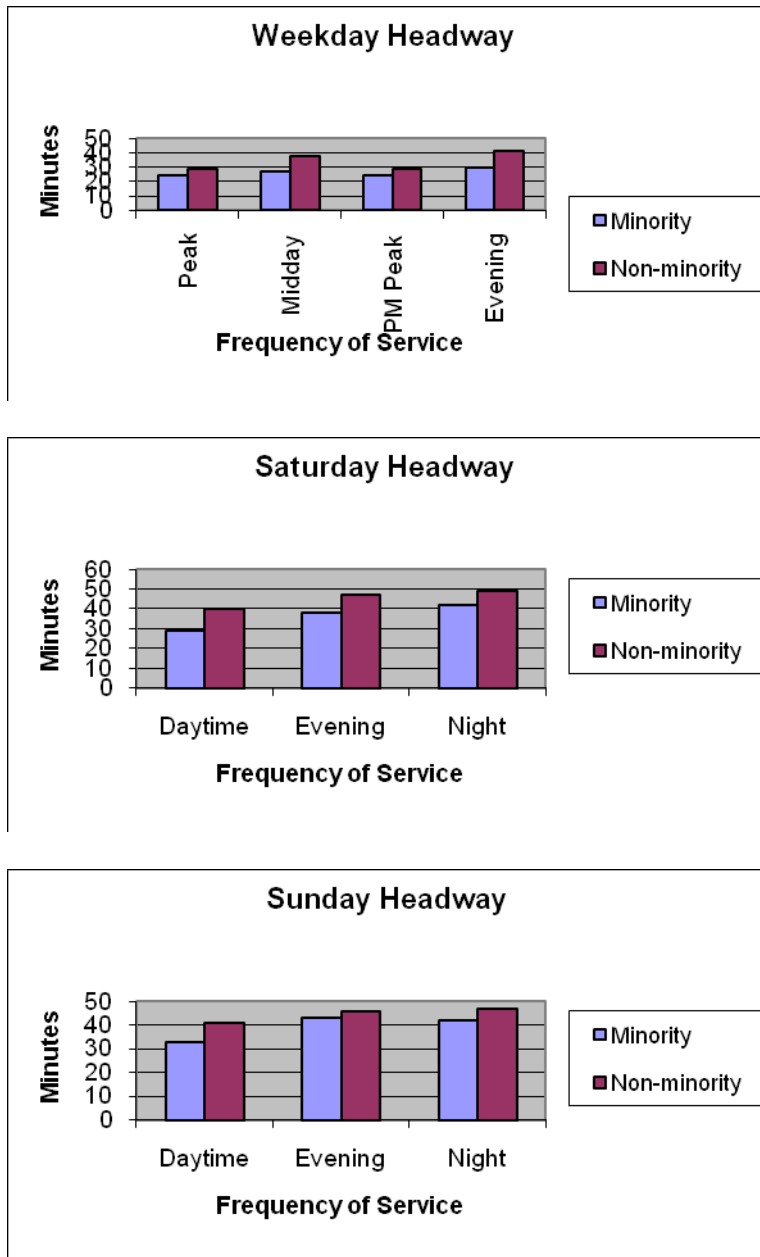
Shaded cells represent minority lines.

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

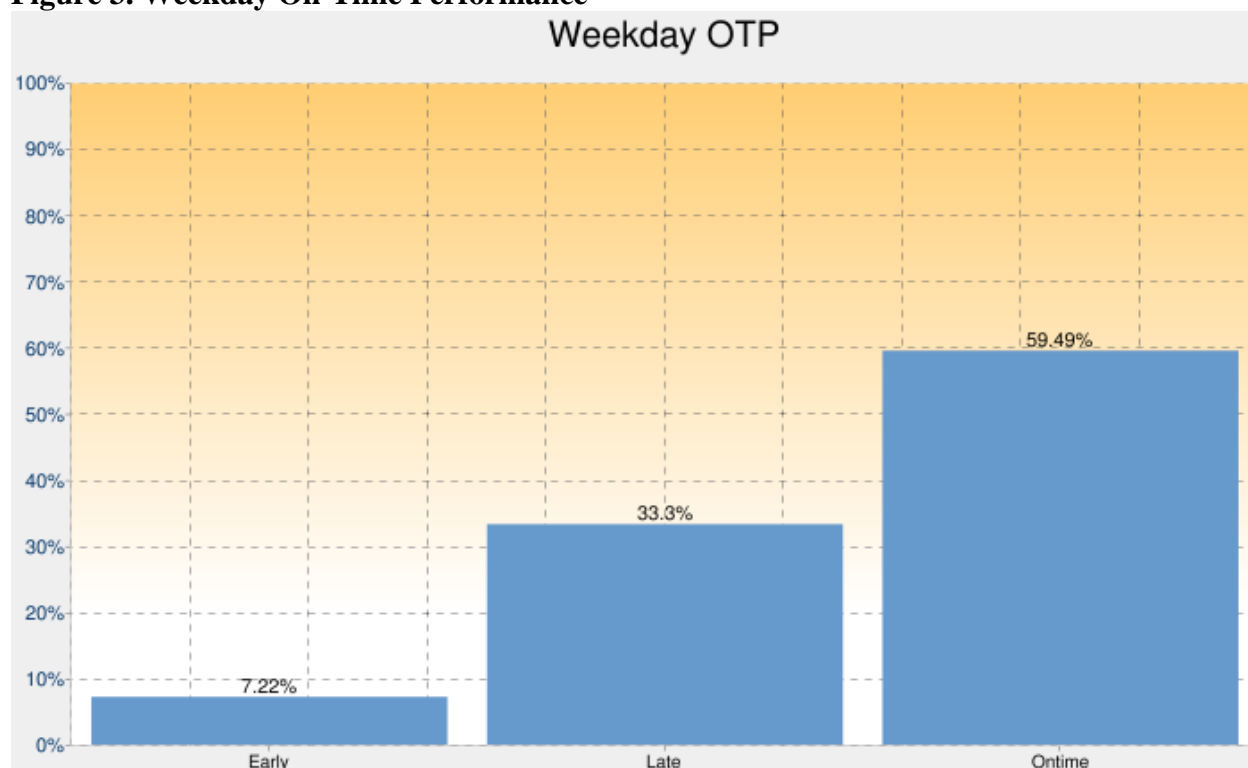


SAMPLE On-Time Performance Monitoring

- 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

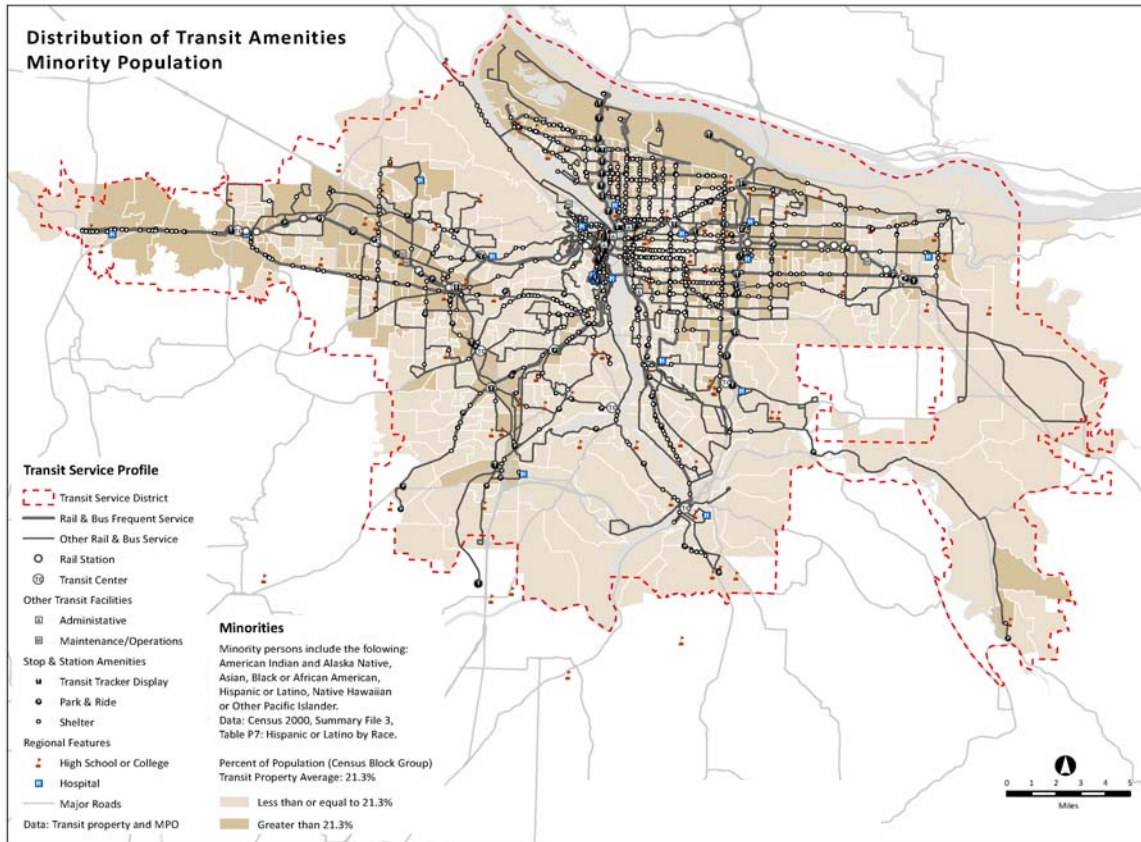
Shaded Cells Represent Lines Serving Areas with Minority Percentages Above the Median

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.

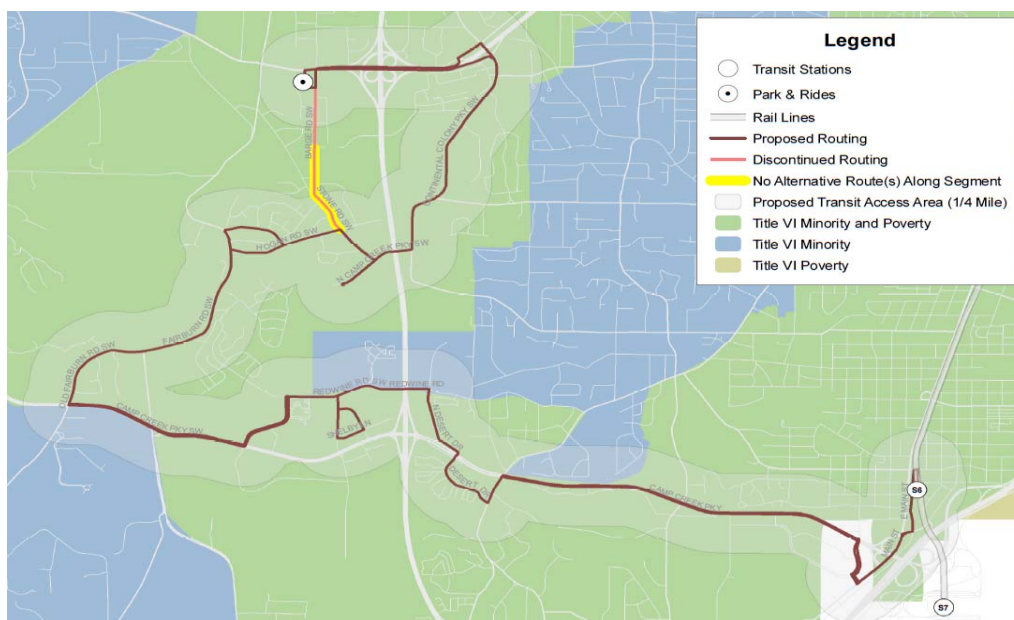
In the table above, an agency has assessed how proposed reductions in service frequency (headway changes) would impact minority and low-income passengers on a bus-only system. Here, the cumulative proposed reduction in service frequency will impact minority and low-income passengers slightly less than 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.

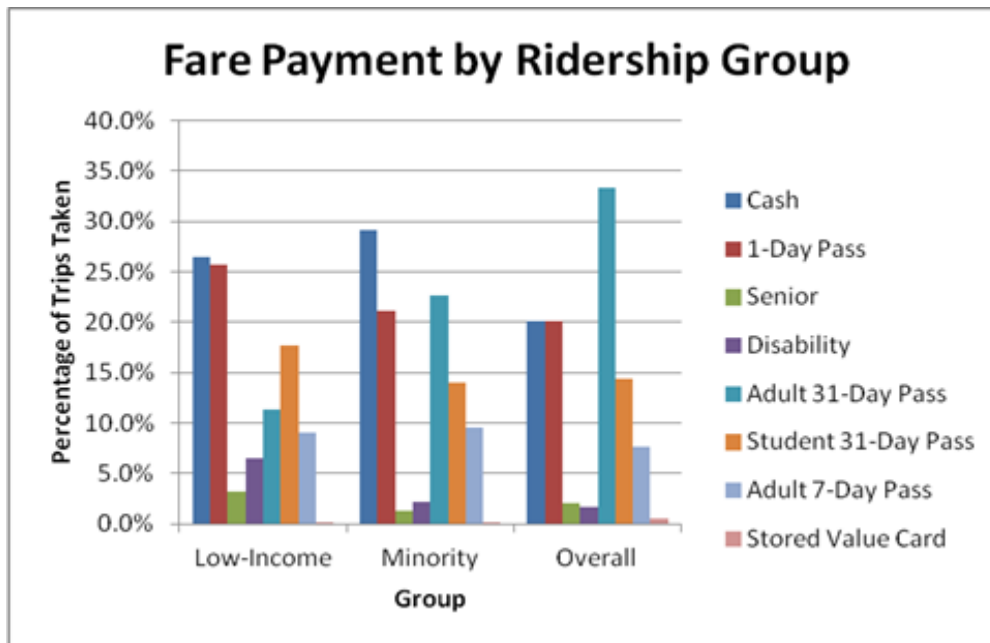
If the transit provider determines there is a disproportionate burden on low-income passengers, the transit provider should review alternatives to see if the impacts on the low-income passengers can be avoided, minimized, or mitigated.

(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.



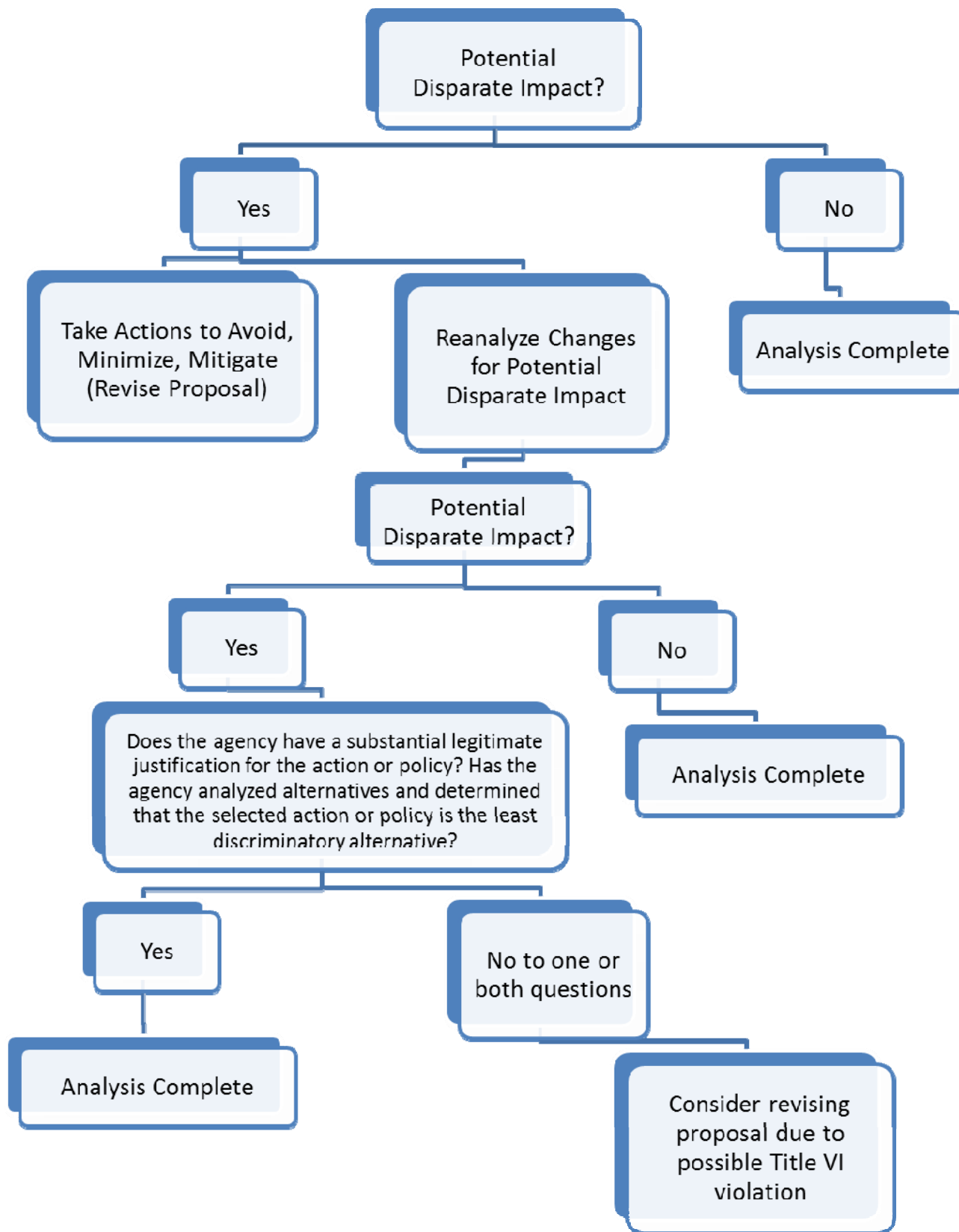
SAMPLE Fare Equity Analysis

Count	Cost		Change		Usage by Group		
	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		
	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



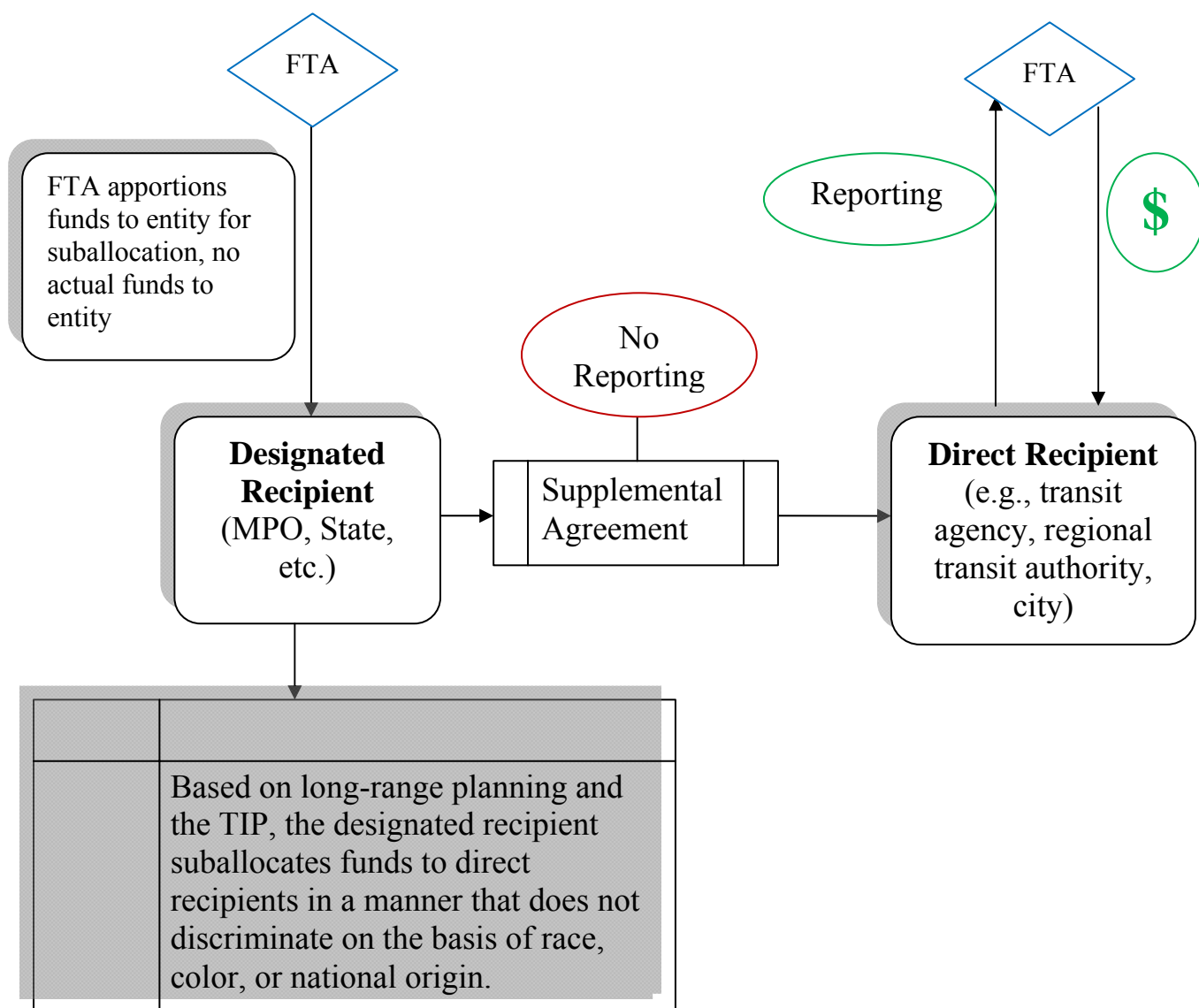
APPENDIX L

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.

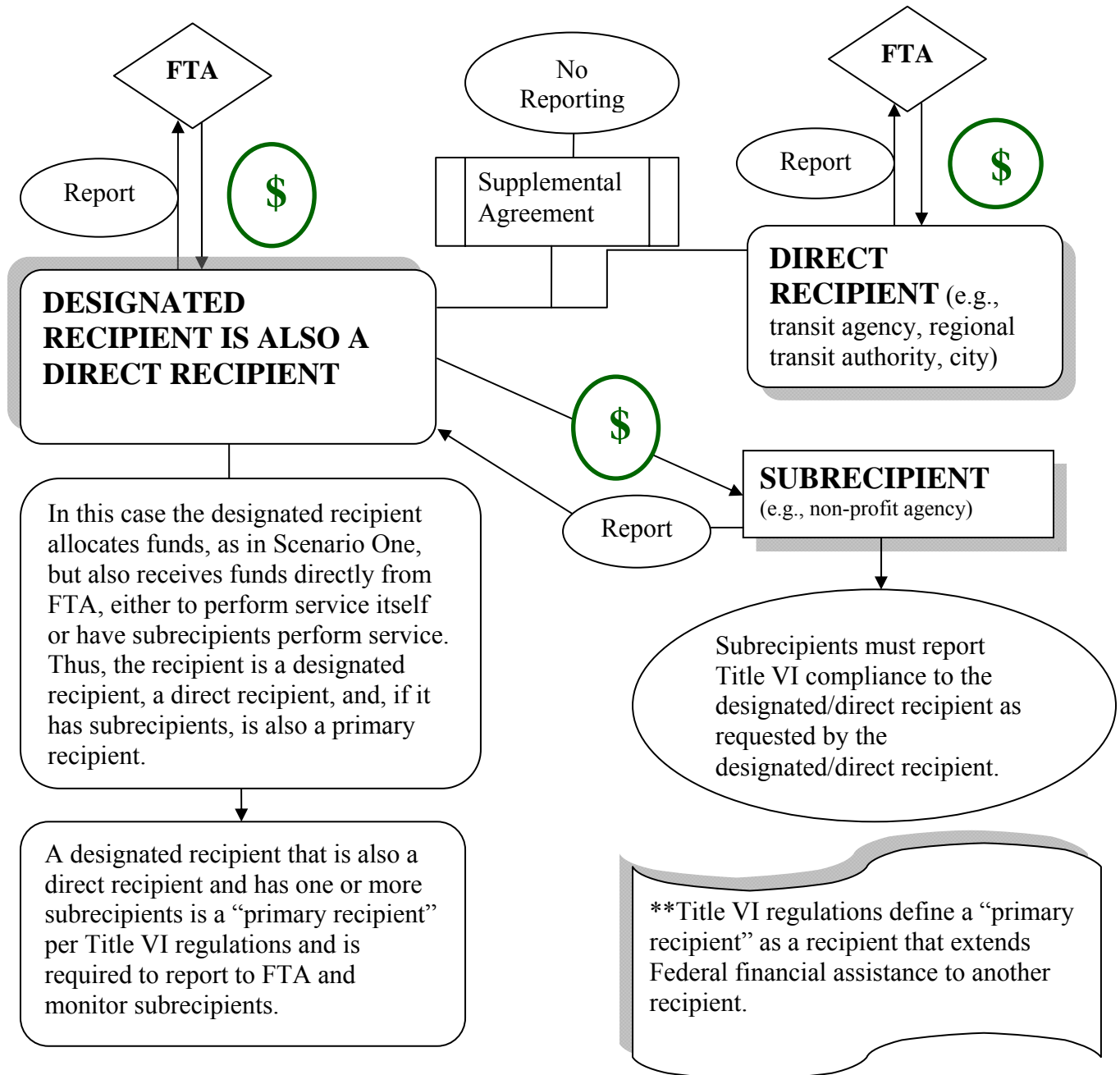
On the following pages are flowcharts that demonstrate the reporting requirements of various types of entities.

Scenario One—States, Designated Recipients, MPOs, and Other Entities That Suballocate FTA Funds



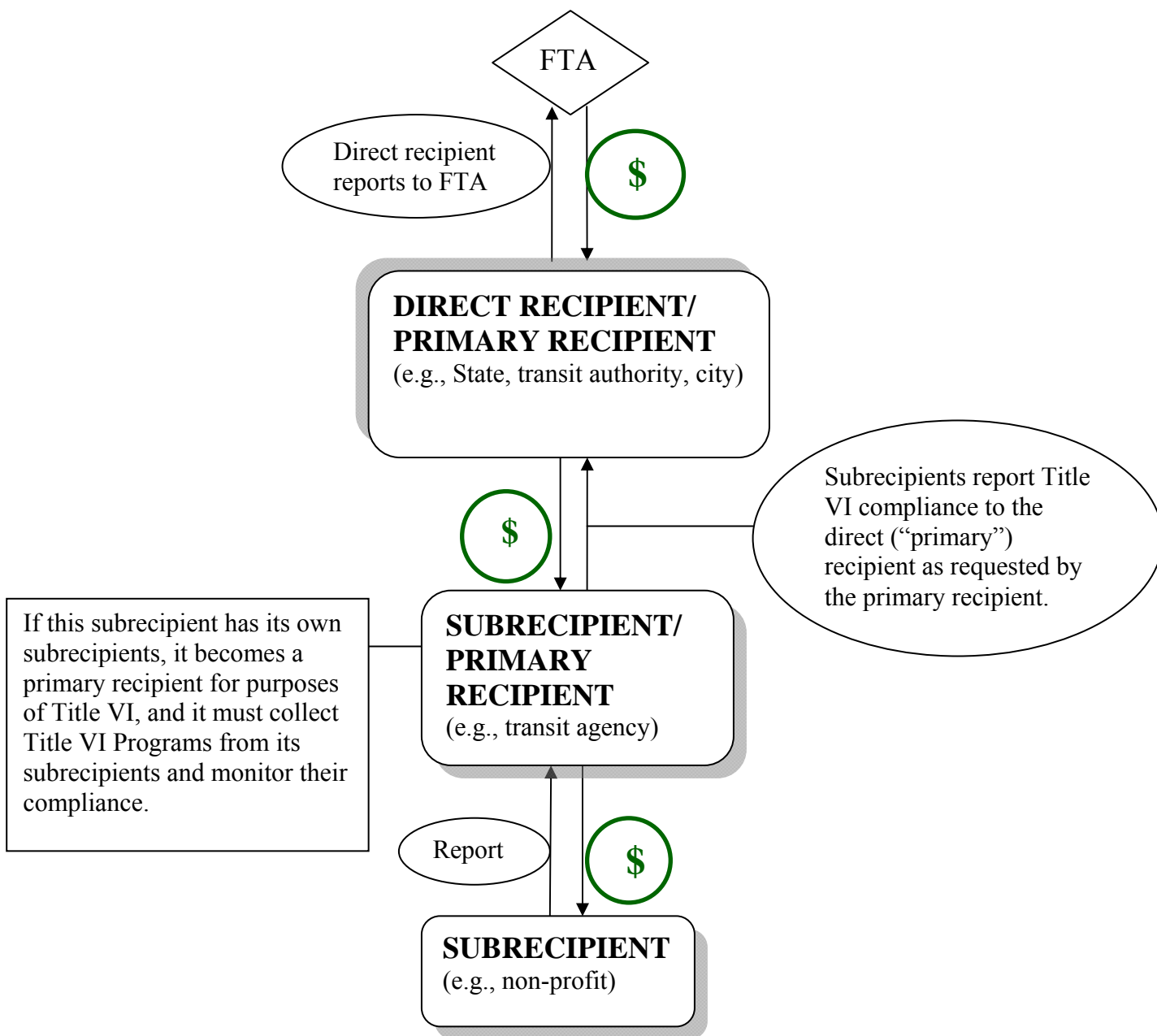
Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives no funding from FTA; it only receives notice of an apportionment and then suballocates funds to direct recipients; therefore, the designated recipient has no oversight responsibility for direct 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



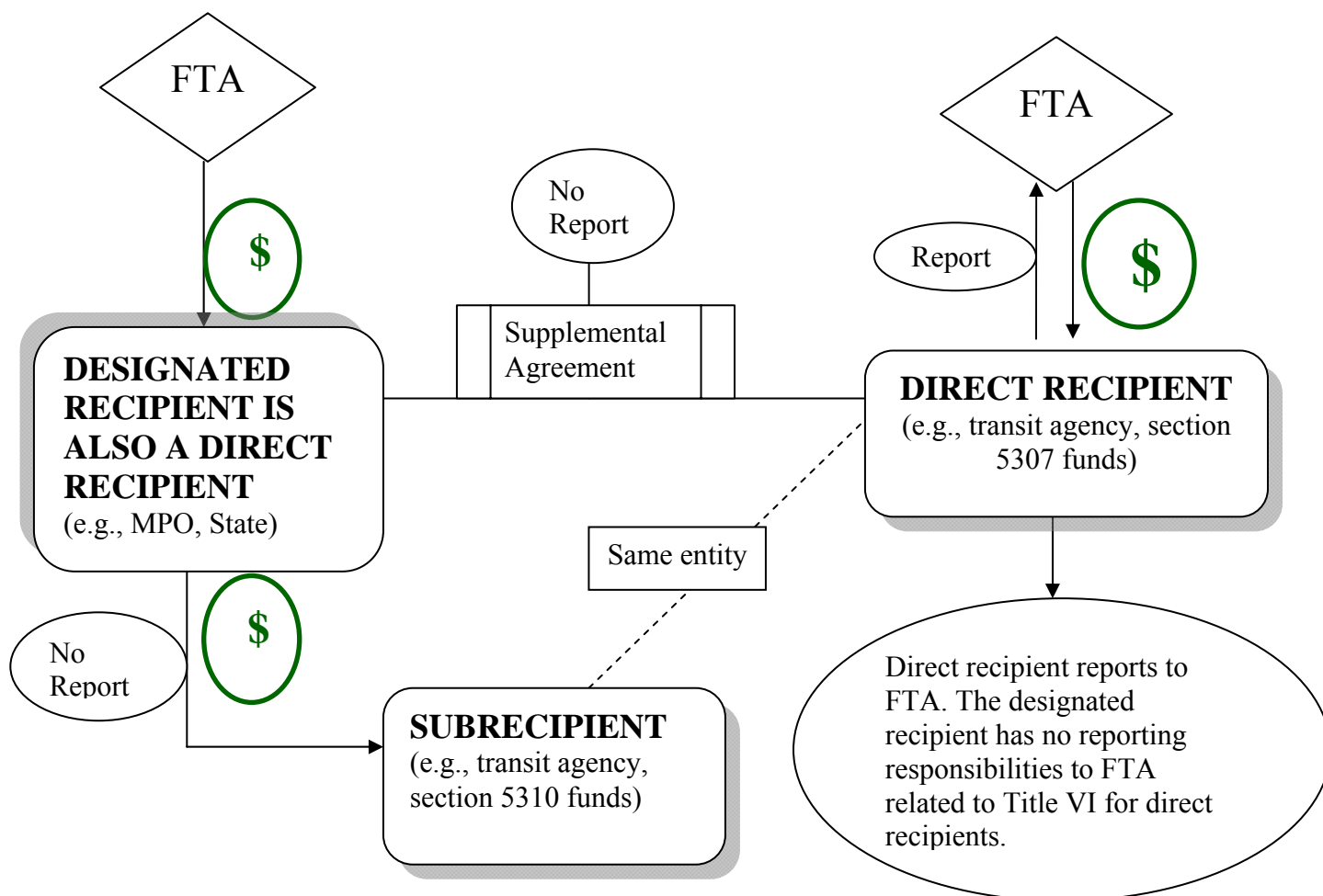
Reporting requirements follow the source of Federal funds. In this case, the designated recipient receives funding from FTA; therefore the designated recipient submits a Title VI Program to FTA and includes a description of how it monitors subrecipients. The designated recipient does not collect Title 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

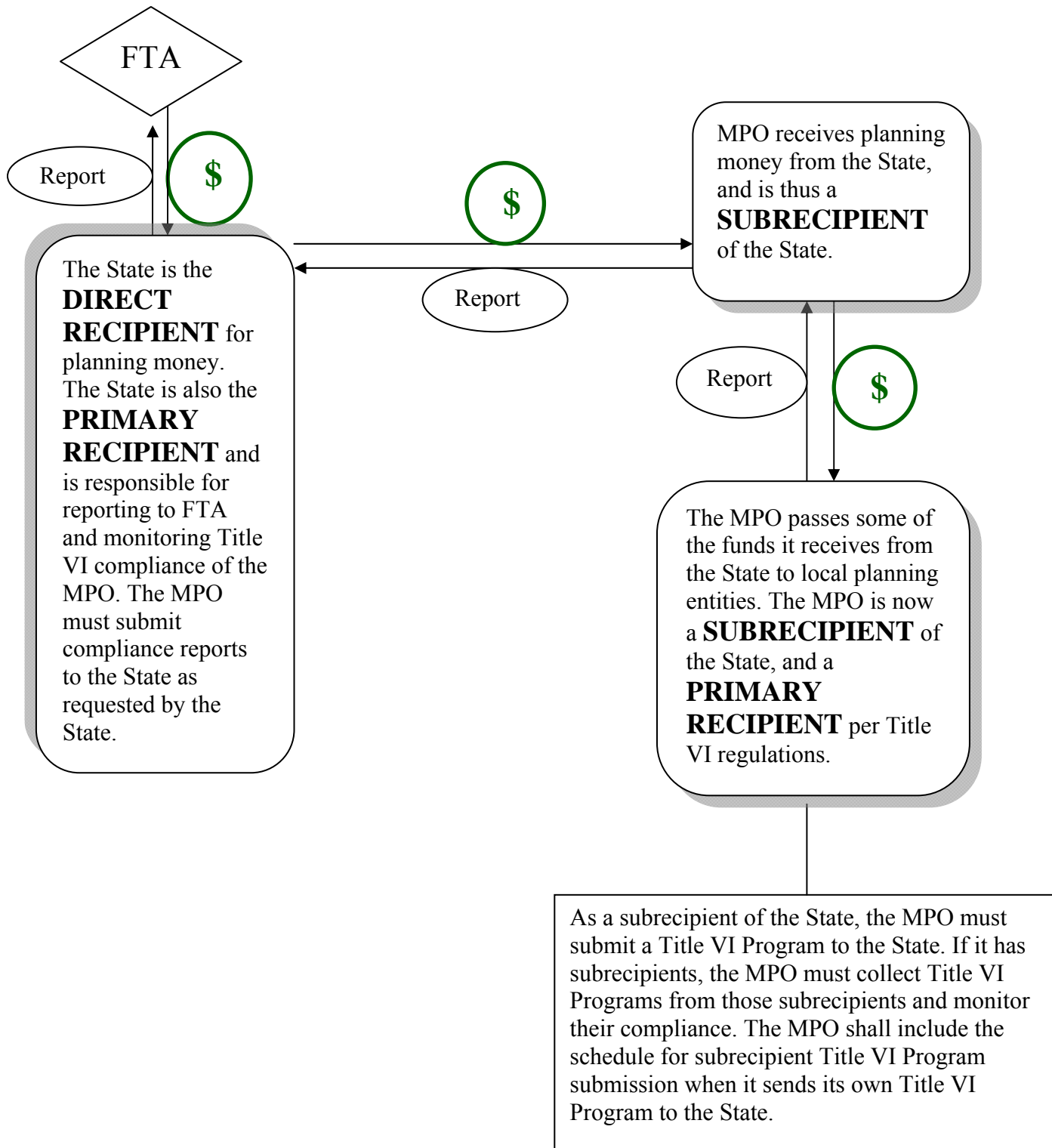


A subrecipient that is also a direct recipient is required to have an FTA approved Title VI Program in place, and the funds the subrecipient receives through the designated recipient must be utilized in accordance with that Title VI Program. Since the subrecipient/direct recipient must report compliance 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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A copy of Circular FTA C 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients can be found at:

http://www.fta.dot.gov/documents/FTA_Title_VI_FINAL.pdf

Appendix C

**Circular FTA C 4703.1
Environmental Justice Policy Guidance for Federal
Transit Administration Recipients
August 15, 2012.**



U.S. Department
of Transportation

**Federal Transit
Administration**

CIRCULAR

FTA C 4703.1

August 15, 2012

Subject: **ENVIRONMENTAL JUSTICE POLICY GUIDANCE 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 in order to incorporate environmental justice principles into plans, projects, and activities that receive funding from FTA.
2. **AUTHORITY.**
 - a. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994.
 - b. U.S. DOT Order 5610.2(a), Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 77 FR 27534, May 10, 2012.
 - c. Federal Transit Laws, Title 49, United States Code, Chapter 53.
3. **WAIVER.** FTA reserves the right to waive any provisions of this circular to the extent permitted by Federal law or regulation.
4. **FEDERAL REGISTER NOTICE.** In conjunction with publication of this Circular, FTA published a notice in the *Federal Register*, addressing comments received during development of the Circular.
5. **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 e-mail updates” for more information.

6. 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 M. Rogoff
Administrator

Environmental Justice Policy Guidance for Federal Transit Administration Recipients FTA Circular 4703.1

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ACRONYMS

ACS	American Community Survey
CAC	Community Advisory Council
CEQ	Council on Environmental Quality
DOT	U.S. Department of Transportation
EJ	Environmental Justice
EO	Executive Order
EPA	U.S. Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	Geographic Information System
HHS	Department of Health and Human Services
LEP	Limited English Proficiency
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act of 1969
OMB	Office of Management and Budget
STIP	Statewide Transportation Improvement Program
TIP	Transportation Improvement Program

This guidance is intended to improve the internal management of FTA with respect to environmental justice. It will not be deemed to create any right, benefit or trust obligation either substantive or procedural, enforceable by any person, or entity in any court against the agency, its officers, or any other person. Compliance with this guidance will not be justiciable in any proceeding for judicial review of agency action.

Chapter I

Environmental Justice, Title VI, and Public Transportation

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, requires the U.S. Department of Transportation (DOT) and the Federal Transit Administration (FTA), to make environmental justice (EJ) part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of our programs, policies, and activities on minority populations and/or low-income populations (collectively “EJ populations”). Environmental justice at FTA includes incorporating environmental justice and non-discrimination principles into transportation planning and decision-making processes as well as project-specific environmental reviews.

In May 2012, DOT issued an updated internal Order, *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (DOT Order). The DOT Order updates the Department’s original Environmental Justice Order, which was published April 15, 1997. The DOT Order continues to be a key component of the Department's strategy to promote the principles of environmental justice in all Departmental programs, policies, and activities.

DOT Order 5610.2(a) sets forth the DOT policy to consider environmental justice principles in all DOT programs, policies, and activities. It describes how the objectives of environmental justice will be integrated into planning and programming, rulemaking, and policy formulation. The DOT Order sets forth steps to prevent disproportionately high and adverse effects to minority or low-income populations through Title VI analyses and environmental justice analyses conducted as part of Federal transportation planning and NEPA provisions. It also describes the specific measures to be taken to address instances of disproportionately high and adverse effects and sets forth relevant definitions.

The updated DOT Order reaffirms DOT's commitment to environmental justice and clarifies certain aspects of the original order, including the definitions of "minority" populations in compliance with the Office of Management and Budget's (OMB) Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity of October 30, 1997. The revisions clarify the distinction between a Title VI analysis and an environmental justice analysis conducted as part of a NEPA review, and affirm the importance of considering environmental justice principles as part of early planning activities in order to avoid disproportionately high and adverse effects. The updated DOT Order maintains the

original order's general framework and procedures and DOT's commitment to promoting the principles of environmental justice in all DOT programs, policies, and activities.

The Executive Order directs Federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of agency programs, policies, and activities on EJ populations.

A. Guiding Environmental Justice Principles

The guiding EJ principles followed by DOT and FTA are briefly summarized as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

You should consider these goals of environmental justice throughout transportation planning and project development, and through all public outreach and participation efforts conducted by FTA, its grantees and subgrantees.

In our grant agreements, we require you, as a recipient of FTA funds, to facilitate our compliance with Executive Order 12898 and the DOT Order 5610.2(a). You facilitate our compliance by incorporating EJ principles into your transportation decision-making process and environmental review documents.

B. Title VI Nondiscrimination Law

Title VI of the Civil Rights Act of 1964 prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including matters related to language access for limited English proficient (LEP) persons. Under DOT's Title VI regulations, as a recipient of DOT financial assistance, you are prohibited from, among other things, using "criteria or methods of administering your program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin." For example, neutral policies or practices that result in discriminatory effects or disparate impacts violate DOT's Title VI regulations, unless you can show the policies or practices are justified and there is no less discriminatory alternative. In addition, Title VI and DOT regulations prohibit you 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 disproportionately high and adverse impacts of Federal activities on EJ populations explain why Title VI and environmental justice are often paired. The clear objective of the Executive Order and Presidential Memorandum accompanying the Executive Order is to ensure that Federal agencies promote and enforce nondiscrimination as one way of achieving the overarching objective of environmental justice – a fair distribution of the benefits or burdens associated with Federal programs, policies, and activities.

C. How Do Title VI and EJ Work Together?

Environmental justice and Title VI are not new concerns. The Presidential Memorandum accompanying EO 12898 identified Title VI of the Civil Rights Act of 1964 as one of several Federal laws that must be applied “as an important part of . . . efforts 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 minorities – flows directly from the underlying principle of Title VI itself.”¹

Today, environmental justice and Title VI are receiving greater emphasis. Effective transportation decision-making depends upon understanding and properly addressing the unique needs of different socioeconomic groups. This is more than an academic exercise; it requires providing opportunities for meaningful engagement to all sectors of the public potentially affected by FTA projects. This Circular is provided to assist you with promoting environmental justice and ensuring nondiscrimination on projects that use FTA funds in your community.

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

D. What Are the Similarities and Differences Between Title VI and Environmental Justice?

Environmental justice principles have been confused with the requirements of Title VI. Here is a summary of the key differences between environmental justice and Title VI.

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 Federal financial assistance.	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 was intended to improve the internal management of the 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)).

Key aspects of the authorities	Title VI	Environmental Justice
<p>What does the authority say with regard to negative effects or impacts?</p>	<p>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 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.</p>	<p>DOT implemented EO 12898 in its order on EJ, which provides that 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 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.</p>
<p>Does the authority create any rights or remedies?</p>	<p>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 complaints may be filed with the Federal agency.</p>	<p>EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.</p>

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. You are cautioned that while there may be overlap, engaging in an EJ analysis under Federal transportation planning and the National Environmental Policy Act of 1969 (NEPA) provisions will not satisfy Title VI requirements, as outlined in FTA’s 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 EJ 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 does 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 under Title VI 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 FTA's Title VI Circular, and you are encouraged to review that document.

E. Conducting an Environmental Justice Analysis

The Executive Order directs Federal agencies to make environmental justice part of their mission through identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of our programs, policies, and activities on EJ populations. For FTA, this means following the three guiding principles of environmental justice:

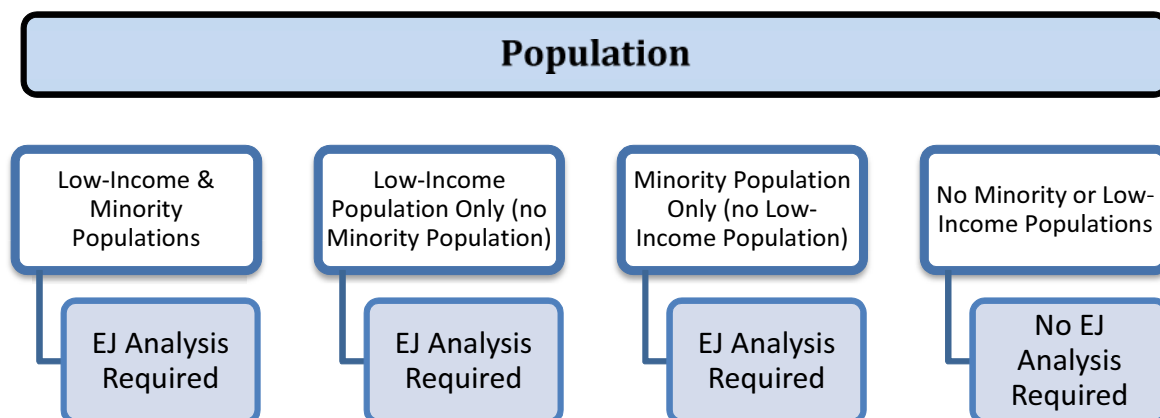
- To avoid, minimize, and mitigate disproportionately high and adverse effects.
- To ensure the full and fair participation by all potentially affected communities
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

An EJ analysis starts with determining whether minority populations and/or low-income populations will experience potential environmental or health impacts from a proposed program, project, or activity.

A **minority population** means any readily identifiable group or groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed or transient persons such as migrant workers or Native Americans who will be similarly affected by a proposed DOT program, policy or activity. Minority includes persons who are American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian and other Pacific Islander.

Low-income means a person whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines. However, you are encouraged to use a locally developed threshold, such as that used for FTA’s grant program,² or a percentage of median income for the area, provided that the threshold is at least as inclusive as the HHS poverty guidelines.³ A **low-income population** means 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.

The two terms “minority” and “low-income” should not be presumptively combined. There are minority populations of all income levels, whereas low-income populations may be minority, non-minority, or a mix in a given area. As the definition of minority indicates, even minority populations can include several racial or ethnic categories. As the chart below demonstrates, although the two groups may overlap, that is not always the case.



Whether a plan or project impact area has one or more minority populations and/or low-income populations is determined by analyzing the demographic data for the area, and is discussed in more detail in Chapter II of this Circular.

² Public Law 112-141 defines “low-income individual” to mean “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.”

³ When FTA funds are combined with other DOT funds or when one NEPA review is used to evaluate activities for multiple DOT agencies, then low-income means a person whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines.

Under the DOT Order, **adverse effect** means:

“the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.”

An EJ analysis also includes a determination of whether the activity will result in a **“disproportionately high and adverse effect on human health or the environment,”** which is defined in the DOT Order as:

“an adverse effect that:

- (1) is predominantly borne by a minority population and/or a low-income population, or*
- (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.”*

Once you have identified your EJ populations, you will want to compare the burdens of the activity experienced by EJ populations with those experienced by non-EJ populations. Similarly, you will want to compare the activity’s benefits experienced by EJ populations as compared to non-EJ populations. Chapter II discusses this analysis in more detail.

F. What Is the Purpose of a Separate Circular on Environmental Justice?

This Circular is designed to provide a framework to assist you as you integrate principles of environmental justice into your transit decision-making process. The Circular contains recommendations for State DOTs, MPOs and transit providers on (1) how to fully engage EJ populations in the transportation decision-making process; (2) how to determine whether EJ populations would be subjected to disproportionately high and adverse human health or environmental effects of a public transportation project, policy, or activity; and (3) how to avoid, minimize, or mitigate these effects.

A key component of environmental justice is engaging EJ populations as a part of your transportation planning process. We recommend that your public engagement plan incorporate outreach techniques that are designed to encourage meaningful participation from members of the EJ populations in your community. If your long-range plan, Transportation Improvement Program/Statewide Transportation Improvement Program, or transit project is estimated to have disproportionately high and adverse human health or environmental effects on EJ populations, engaging these populations early in the process may help you avoid, minimize, or mitigate these impacts. In the event the effects cannot be avoided, minimized, or mitigated, such engagement may help you develop off-setting benefits.

Finally, a note about what is not in this Circular. This Circular does not contain any new requirements, policies or directives. Under existing Federal law, you are required to include interested parties and the public in your transit decision-making and planning processes. This Circular recognizes that how you approach environmental justice in any specific situation will need to be tailored to the unique circumstances of each decision, whether it is a project review under NEPA or the development of long-range and short-range transportation plans.

Public transit providers know firsthand how critical public transportation is for many members of low-income populations and minority populations, many of whom have no other reliable transportation to get them to jobs, health care, school, or childcare services.

G. Summary

The DOT Order on EJ sets forth guidance for determining whether a DOT or a DOT-funded program, policy, or activity is likely to have disproportionately high and adverse human health or environmental effects on low-income or minority populations. The DOT Order directs FTA to consider EJ objectives when administering the requirements of NEPA; Title VI and related statutes; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA); Congressionally-authorized planning requirements; and other laws, regulations, and executive orders that address or affect infrastructure planning and decision-making; social, economic, or environmental matters; public health; or public engagement.

The DOT Order provides the definitions and framework for your EJ analyses. These important definitions are set forth above, and in more detail, in the Appendix. Chapter II of the Circular provides an analytical framework for effectively addressing environmental justice in public transportation plans, programs, projects, and activities. It also addresses disproportionately high and adverse effects, including mitigation measures and consideration of alternatives that would avoid or reduce the disproportionately high and adverse effects. In order to create infrastructure that meets the needs of the community,

you must be committed to public outreach and creating meaningful opportunities for public engagement, including participation by minority and low-income communities. Chapter III provides detailed guidance on the range of public engagement approaches that you can deploy in these various activities. Together, Chapters II and III provide the foundation for effectively integrating EJ principles into the public transportation decision-making processes. Chapters IV and V describe the particular considerations of environmental justice in planning and NEPA activities, respectively.

Chapter II

Conducting an Environmental Justice Analysis

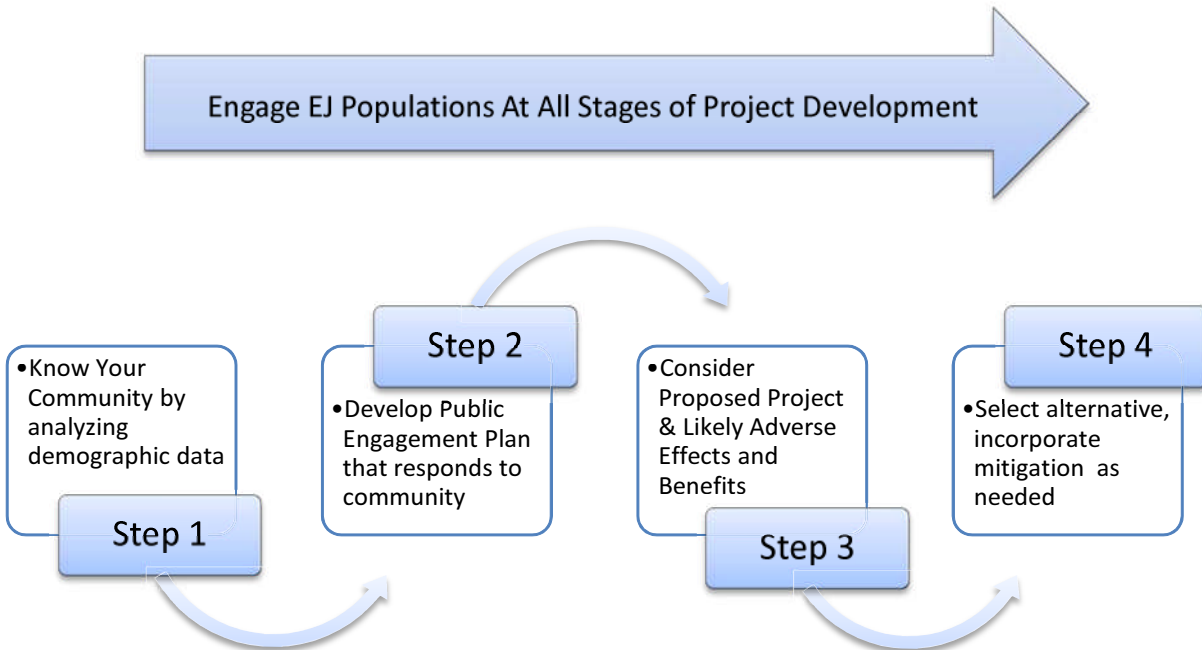
This chapter provides an analytical framework for conducting an EJ analysis of your plan, program, or project (activity) under the principles of environmental justice. The analytical framework is designed to assist you as you work your way through an analysis of the environmental justice implications of your plans, programs, projects, and activities. You may need to adapt or adjust this framework to fit the particular activity you are analyzing.

Throughout the continuum of transit decision-making, there are many occasions for you to consider the public transportation needs of EJ populations. We recommend that you consider EJ principles as part of Statewide, metropolitan, and local long- and short-range planning process, with early and ongoing engagement of the public in all stages of decision-making. In addition, we recommend that transit providers consider EJ principles during local planning activities and service delivery through project development and design, including consideration as part of the environmental review required by NEPA.

A. Environmental Justice Analysis

An EJ analysis starts with knowing basic socioeconomic information about the people who live and/or work in your community. Without this information, you cannot determine whether your proposed activity will affect minority and/or low-income populations. Once you know who is in your community, you can develop a targeted public engagement plan that will encourage the full and fair participation by all members of the affected communities. Your public engagement plan will then help guide you through the rest of the analysis as you consider whether the proposed programs, policies, and activities will result in disproportionately high and adverse human health or environmental effects on EJ populations.

As the chart below illustrates, the engagement of EJ populations in all aspects of your transportation decision-making process is fundamental to truly making the principles of environmental justice a part of your mission.



Each step is discussed in more detail in this Circular. In this Chapter, we will explore recommendations for gathering and analyzing demographic data sources to better inform you about the members of your community who may be impacted by your transit decision. We will also discuss the analytical framework we recommend you use when considering an EJ issue. In Chapter III, we will discuss developing a robust public engagement plan that provides for the full and fair participation of all members of the community including members of EJ populations. In Chapters IV and V, we discuss more specifically how to undertake an EJ analysis during development of your transportation plans and during the NEPA process.

B. Know Your Community

Effective transportation planning starts with knowing who lives and works in your community and what their mobility needs are. This is true for an effective EJ analysis as well. You will need to obtain and analyze relevant data within the planning or project area. You will use this data to create a residential demographic profile to help you determine where EJ populations are located.

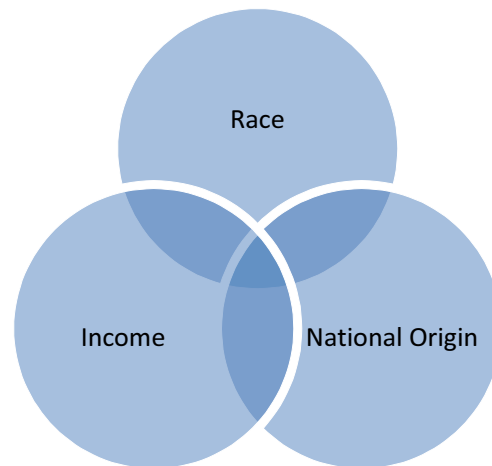
1. Sources of Demographic Data

Demographic data is available from a number of publicly available sources. The two primary sources for demographic data – the Decennial Census of Population (Census) and

the annual American Community Survey (ACS) – are available from the U.S. Census Bureau⁴ and aid in identifying the locations and demographic characteristics of EJ and non-EJ populations. Census data is available at the Census tract, Census block, and block group level.⁵

The U.S. Census data also includes economic Census data and TIGER (Topologically Integrated Geographic Encoding and Referencing) files, which contain a digital database that can be used with Geographic Information System (GIS) or other mapping software to show geographic distribution of populations and other Census data.

Census data on age, race and ethnicity is available at the Census block level, which is the most geographically detailed level of Census data available. Other types of socioeconomic data, such as income, poverty and education, are available from ACS at the Census tract, block group or block level. Statewide and metropolitan planning activities may affect large areas, while transit provider planning and project-level effects are usually localized. Small area Census data such as blocks and block-



groups is generally more appropriate for projects and local planning activities. Large scale Census data, such as tracts and counties, may be more appropriate for Statewide and metropolitan planning activities. You may also find it helpful to use data developed through the Statewide or metropolitan planning process for local projects to get a sense of the larger area. You should determine the most appropriate level of Census data to use based on the project and the area.

Other data can supplement U.S. Census data, if it has a sound basis and gives an accurate assessment of income levels and other population characteristics. In some instances, population characteristics can be derived from information available from MPOs, councils of government, and city or county agencies. Other local sources of information include State and local tax and financing agencies, economic and job development agencies, social service agencies, local health organizations, school districts, local public agencies, and community

⁴ The types of data sets and resources available from the U.S. Census Bureau are summarized on their website at <http://www.Census.gov>.

⁵ Explanation of how these classifications are defined can be found in U.S. Census publications on social, economic, and housing characteristics, under “Area Classifications,” and at <http://www.Census.gov/geo/www/tiger/glossary.html>.

action agencies. The source and basis of the information on income and what it represents should be identified. We recommend that each situation be evaluated in context.

Local transit providers or planning agencies may wish to augment this national data with local information regarding residential property assessed valuations and rent or by surveying local residents directly to obtain current demographic and development information in greater geographic detail.⁶ Some of this information, however, may vary widely in quality, level of specificity, and format. Therefore, it is important when collecting information that you recognize when data was collected, the data sources used, and data reliability.

Regardless of the source, you will want to use the most up-to-date reliable data available, understand the basic assumptions used in each compilation, and recognize the purposes for which data were originally collected. As well, consistency in data sources may be an important consideration, particularly if the analysis seeks to track changes in socioeconomic data over time.

The composite residential demographic profile may be portrayed and analyzed most effectively when a GIS software platform is used. The data overlay and mapping capabilities of GIS are useful tools in evaluating the patterns of completed or planned transportation activities relative to the locations of EJ populations, and can help you evaluate how various populations may be differentially affected by a plan or proposed project. By conducting a GIS analysis, you can spatially depict the percent of minority populations and low-income populations relative to a planning area or to a project by overlaying the percent of minority populations with the low-income populations relative to the planning or project impact area. Additional maps can depict disaggregated minority populations so outreach strategies can be tailored to the specific needs of the community.

The Census Bureau website provides demographic data for download and use by the public. The Census Bureau periodically releases digital files called TIGER/Line files. The Census Bureau's TIGER/Line files are created from the Census Bureau's TIGER database of selected geographic and cartographic information and provide a digital database of geographic features such as roads, railroads, rivers, lakes, political boundaries, and Census statistical boundaries covering the entire United States.

The TIGER/Line data files do not include demographic data but they contain geographic entity codes that can be linked to the Census Bureau's demographic data. For information

⁶ Transit providers that meet certain requirements set forth in the Title VI Circular also are required as part of their Title VI program to collect and report demographic data. Data collected as part of your Title VI program may also be used for your EJ analysis.

on how to use the TIGER/Line data with a specific software package, contact the company that produced the software. Environmental Systems Research Institute (ESRI) provides free block group geographic files.⁷ Census 2010 TIGER/Line files are available for download from the Census Bureau website⁸ and are also available on CD-ROM and DVD.

2. Unit of Geographic Analysis

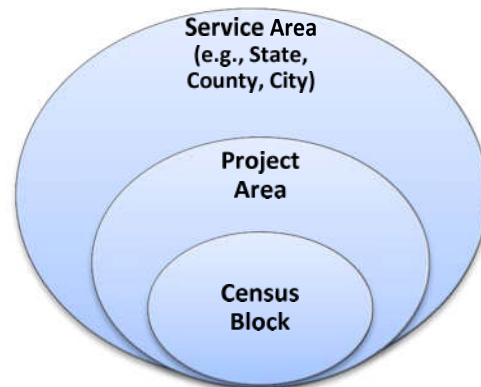
The unit of geographic analysis is the area impacted by the proposed action. Depending on the nature of the proposed action, the unit of geographic analysis may be a governing body's jurisdiction, a transit provider's service area, a neighborhood, Census tract, or other similar unit. However, when establishing the boundaries of the geographic unit, you will want to be careful not to choose boundaries that artificially dilute or inflate the affected minority population and/or low-income population.

For example, when considering the impacts of a new light rail line, it is appropriate to establish the area affected by the project to include the entire alignment, which would then be compared with the transit provider's service

area. However, when considering the location for a maintenance yard that will support the new rail line, both the affected area and the comparison geographic unit may be different and therefore may require its own analysis. In other words, those persons located adjacent to the maintenance yard may experience different and more intense impacts from the maintenance yard than those persons along the alignment but farther away from the yard.

When considering the impacts of a multi-modal transfer center in a small town or rural area, the town or county may be an appropriate area by which to compare the general population and the EJ populations affected by the project. The area around the transfer center should be an appropriate size such that you can conduct a meaningful analysis of the effects on the EJ populations.

Through the Statewide or metropolitan planning processes, we recommend that you conduct an evaluation of the system-level EJ impacts of a collection of projects in the long-range plan. When projects move from a long-range plan into the short-range Transportation Improvement Program (TIP) or State Transportation Improvement



⁷ Available at <http://www.esri.com/data/free-data/index.html>.

⁸ Available at <http://www.Census.gov/geo/www/tiger/>.

Program (STIP), they are assumed to be reasonably assured of funding and ready for implementation. Chapter IV addresses integration of environmental justice into the transportation planning process in more detail. At that point, for projects that include Federal funds or involve a Federal approval, you will need to evaluate the projects under NEPA, which is described in Chapter V of this Circular. When considering EJ principles for individual projects, the geographic unit for comparison may need to be smaller than the entire geographic area covered by the long-range plan depending on the project and its likely impacts. You are encouraged to work closely with your FTA Regional Office in establishing an appropriate unit of geographic analysis.

3. How Do You Know If An EJ Population Is Present?

Disproportionately high and adverse effects, not population size, are the bases for environmental justice. A very small minority or low-income population in the project, study, or planning area does not eliminate the possibility of a disproportionately high and adverse effect on these populations. Some people wrongly suggest that if minority or low-income populations are small (“statistically insignificant”), this means there is no environmental justice consideration. While the minority or low-income population in an area may be small, this does not eliminate the possibility of a disproportionately high and adverse effect of a proposed action. EJ determinations are made based on effects, not population size. It is important to consider the comparative impact of an action among different population groups.

The selection of the appropriate unit of geographic analysis may be a governing body’s jurisdiction, a neighborhood Census tract, or other similar unit. However, for analytical purposes it must be appropriate to the scope of the plan, program, or project to determine disproportionate burdens on EJ versus non-EJ populations affected by that plan, program, or project. We recommend that you make reasonable efforts to identify the presence of distinct minority and/or low-income communities residing both within, and in close proximity to, the proposed project or activity and to identify those minority and/or low-income groups who use or are dependent upon natural resources that could be potentially affected by the proposed action. Non-traditional data gathering techniques, including outreach to community-based organizations and tribal governments early in the screening process, may be the best approach for identifying distinct minority and/or low-income communities, and/or tribal interests within the study area.

You should work closely with your FTA Regional Office for additional guidance as you conduct your analysis.

C. Determining Disproportionately High and Adverse Effects

The first of the three guiding EJ principles is to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations. As discussed in Chapter I, the DOT Order defines the following important concepts: (1) what constitutes an “adverse effect,” (2) how to determine whether an adverse effect is “disproportionately high,” and (3) how to determine whether an EJ population will bear a “disproportionately high and adverse effect” of the project. Each of these concepts is explored in more detail below.

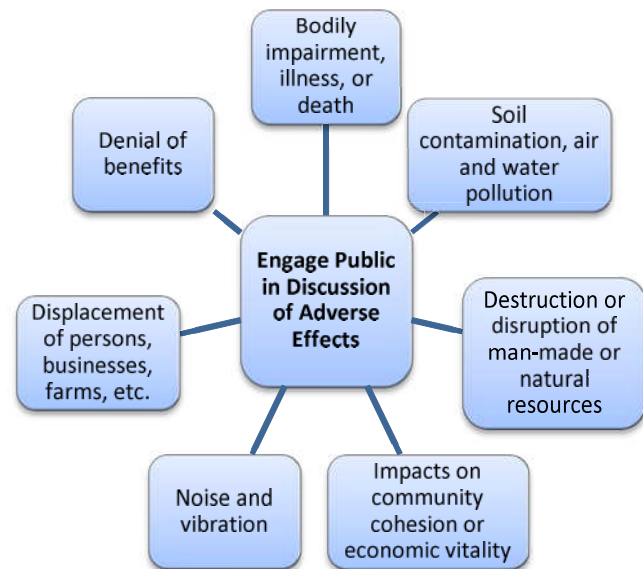
1. Identifying Adverse Effects

As discussed in Chapter I, the DOT Order defines: (1) what constitutes an “adverse effect,” and, (2) when a “disproportionately high and adverse effect” on an EJ population is present.

The definition of adverse effects includes the totality of significant individual or cumulative human health or environmental effects to human health, the natural and social environment, community function, etc. It also includes the denial, reduction, or delay in receiving benefits, which should be addressed like any other impact.

When considering whether a potential effect is “adverse,” it is important to include the community that might be impacted by that effect in the discussion.

What one population may perceive as an adverse effect, another may perceive as a benefit. It is also possible that, within the same population, the same action may be perceived by various segments as both an adverse effect and a benefit. This is why having a robust public engagement plan is so important.

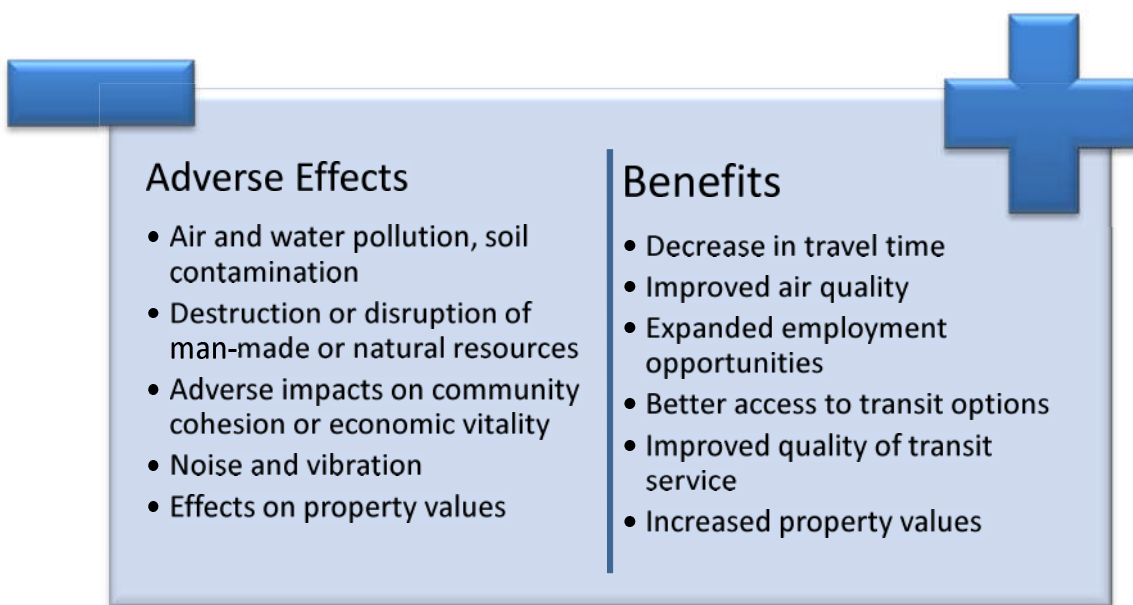


2. Determining Whether Adverse Effects Are Disproportionately High

Determinations of disproportionately high and adverse effects include taking into consideration “mitigation and enhancements measures that will be taken and all offsetting benefits to the affected minority and low-income populations... as well as the design,

comparative impacts, and the relevant number of similar existing system elements in nonminority and non-low-income areas.”⁹

Many public transportation projects involve both adverse effects such as short-term construction impacts, increases in bus traffic, etc., and positive benefits such as increased transportation options, improved connectivity, or overall improvement in air quality. Whether adverse effects will be disproportionately high is dependent on the net results after consideration of the totality of the circumstances. Consideration of these factors cannot be done in a vacuum. Rather, we recommend that you undertake reasonable efforts to engage members of EJ populations who may be impacted by a proposed project, program, or activity, regardless of whether you may consider the proposed activity to have an overall benefit to the community. (See Chapter III, Public Engagement.)



For example, when considering a fixed guideway project, we recommend that you compare the type, level, and quality of mitigation proposed for EJ and non-EJ populations in the project’s study area. If a mitigation measure is proposed for a non-EJ population, but not for the EJ population, you will need to explain why such mitigation cannot be implemented in both communities.

If, after considering the adverse effects and potential benefits of the proposed project, you determine that the proposed project will have a disproportionately high and adverse effect on minority populations or low-income populations, then you must determine whether further mitigation measures or alternatives are practicable, and implement practicable

⁹ DOT Order, section 8.b.

mitigation measures or alternatives, before moving forward with the activity. “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.”¹⁰

In addition, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Accordingly, a program, policy, or activity that will result in a disparate impact as to one of these protected classes may be carried out only if: (1) the recipient can demonstrate a substantial legitimate justification for the program, policy or activity; and (2) there are no comparably effective, reasonable alternative practices that would result in less disparate impacts. This analysis is discussed in more detail in FTA’s Title VI Circular.

3. Determining Whether Adverse Effect Will Be Borne By EJ Population

Whether an adverse effect is “disproportionately high” on minority and low-income populations depends on whether that effect is (1) predominantly borne by an EJ population, or (2) will be suffered by the EJ population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-EJ population. We recommend that you engage the affected EJ populations in this discussion as well.

Questions to consider when determining if disproportionately high and adverse human health or environmental impacts exist include:

- Whether the adverse effects on EJ populations exceed those borne by non-EJ populations?
- Whether cumulative or indirect effects would adversely affect an EJ population?
- Whether mitigation and enhancement measures will be taken for EJ and non-EJ populations?
- Whether there are off-setting benefits to EJ populations as compared to non-EJ populations?

¹⁰ DOT Order, section 8.c.

Chapter III

Achieving Meaningful Public Engagement With Environmental Justice Populations

One of the guiding principles of environmental justice is to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process. It is important that you develop and use public engagement efforts to encourage environmental justice populations to participate during the planning and implementation of transit projects.

Public Engagement Helps You:

- Identify transit needs of EJ populations and set priorities
- Identify proposed project's benefits and burdens
- Identify mitigation measures

By ensuring that environmental justice populations are engaged in the decision-making process, you can develop transportation plans, programs, and projects that will address the transportation needs of environmental justice populations and will include their priorities. Having done so, you will be in a better position to develop transportation plans that are fair across all levels of society, particularly when establishing the priorities under limited available funding for transit projects. Understanding the needs and priorities of environmental justice populations will also help you to balance the benefits of the proposed project against its adverse effects. This partnership with environmental justice populations

will assist you as you consider options to avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects. Moreover, with a robust and inclusive public engagement program, you will be in a better position to know whether your plans or projects as implemented will prevent the denial of, reduction in, or significant delay in the receipt of benefits by environmental justice populations.

In this chapter, we identify strategies and techniques for effective public engagement of environmental justice populations that may be used during the planning process and NEPA review. This Circular contains practical suggestions designed to help you develop a strategy for outreach and public participation that is designed for the unique environmental justice populations in your community. We have tried to go beyond the traditional methods of public outreach to incorporate innovative approaches that leverage the ever-changing communications environment in which we live. As you consider whether these non-traditional methods will be effective for engaging underrepresented

populations in your community, neither underestimate the prevalence of electronic media with all segments of society, nor forget the effectiveness of “low tech” communication methods such as hanging posters or handing out flyers. Finally, we recognize that public outreach strategies used in any particular instance must be tailored to address the scope of the proposed plan, project or activity, the population of the planning or project impact area, and your resources available for public outreach.

The strategies and techniques discussed in this chapter are suggestions, and the discussion is not meant to be exclusive or exhaustive. You are in the best position to know which strategies will be effective for your specific situation. Also, you are likely to develop other techniques that will more effectively reach the members of your community. We encourage you to use those techniques, as you know your community better than anyone else.

A. Public Engagement as Part of Transportation Planning

Public engagement is integral to good transportation planning. Without meaningful public participation, you risk making poor decisions, or decisions that have unintended negative consequences. With it, it is possible to make a lasting contribution to an area's quality of life. Public engagement is more than an agency requirement and more than a means of fulfilling a statutory obligation. Meaningful public participation is central to good decision-making on transportation planning.

As you develop your public engagement strategy, we recommend that you keep in mind the requirements of the joint FTA/FHWA planning regulations, which provide greater detail and definition for public engagement. The statutory and regulatory framework creates a proactive program of engagement, interaction, and accountability involving decision makers, interested parties, and the public, including environmental justice populations. FTA/FHWA joint planning regulations require you to seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.

The fundamental objective of public engagement programs is to ensure that the concerns and issues of everyone with a stake in transportation decisions are identified and addressed in the development of the policies, programs, and projects being proposed in their communities. For many of you, engaging EJ populations in the transportation decision-making process is a standard part of your overall public engagement plan that is integrated throughout the process, from the earliest stages (long-range planning, visioning, and scenario planning) through project implementation (construction, operation, and on-going evaluation).

Effective public engagement strategies typically are designed to eliminate barriers to active participation by all members of the community, including EJ populations. Strategies should also create constructive, productive dialogue that will lead to practical decisions that benefit all members of the community, including low-income populations and minority populations. Responsive transportation plans and projects that are designed to serve the needs of all members of the community involve not only the expertise of transportation planners, traffic engineers, urban designers, architects, and other professionals, but also include the views and ideas of the public as collaborators and experts with their own experiences and visions for the future.

Additionally, it is important that you follow the requirement in the FTA/FHWA planning regulations that call for periodic review of the effectiveness of your public engagement process, and the procedures and strategies contained in the participation plan, to ensure a full and open participation process. This review would include revisions to the process, as appropriate.

B. Getting to Know Your Community

The effectiveness of your public engagement plan will depend on how well you know the members of your community. This means going beyond the numbers in the demographic profile, and learning about the individuals in your service area, including members of EJ populations, and finding out what is important to them.

Although we use the term “EJ populations” throughout this Circular, you should in no way infer from that term that there is only one way to communicate with all minority populations and low-income populations. For example, communication techniques that may be effective for engaging African-Americans who live in a densely populated urban area in the Northeastern United States may not be effective for engaging African-Americans who live in a rural area in the Midwest. Similarly, how long members of a minority group have lived in the United States may affect the way you communicate with that community. We recommend that you include strategies that address the needs of limited English proficient (LEP) persons as appropriate to ensure compliance with Title VI. FTA’s Title VI Circular and DOT’s policy guidance on LEP are good resources for you to review.

Know Your Community

- Where do they work?
- Where do they relax?
- What languages do they speak at home?
- How do they get their information?

Analyze the public engagement you have used in the past to see how effective it was. The more you know about the values, traditions, and histories of the communities that make up

your service area, the more you can tailor your public engagement for these groups. A good place to start getting to know your community is by reviewing the customer comments you receive through surveys, comment cards, and other techniques. You also may want to search the Internet for blogs or websites about public transportation in your community.

C. Traditional Public Outreach

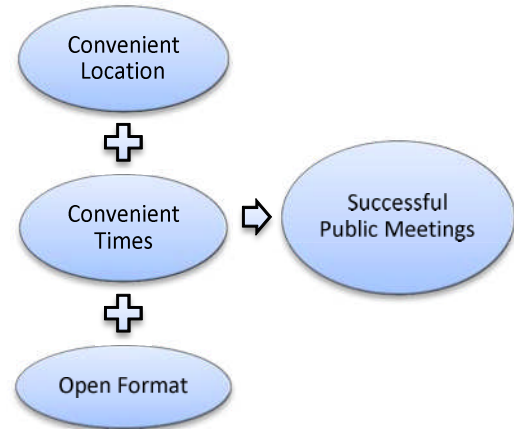
You are probably familiar with the formal public outreach required by Federal, State, or local law for certain transportation decisions (*e.g.*, public meetings on annual budgets, long-range plans, service reductions or fare increases, etc.). Required notice and comment periods are intended to generate comments for an official docket, which is a reliable and organized method for collecting and documenting public input. Public meetings, listening sessions and community forums can provide a good baseline for public engagement campaigns when they are well-facilitated and supplemented with more interactive approaches.

You can make these processes more inviting and user-friendly by writing clear, concise, and understandable documents, and by clarifying the ways for members of the public to provide comments on proposed transportation plans and projects. You will want to provide opportunities for EJ populations to analyze proposals, submit additional data, and provide comments. This can be achieved by scheduling a series of interactive outreach sessions during the notice and comment process, and by making the comments received during those sessions part of the public record. It is also possible to utilize interactive and collaborative online technologies, such as social networking, blogs, videosharing and wikis, to generate increased awareness of, and interest in, the notice and comment process.

For long-range plans, significant capital projects, and other major decisions, it is worthwhile to explore more resource-intensive and in-depth engagement opportunities, including visioning and scenario planning workshops and other collaborative processes. These events can be scaled up or down according to the resources available to support them. Workshops draw members of the public together and expose them to the complexity of plans and projects and the tough choices to be made. It is important to recruit members of EJ populations to participate in community-wide events. Additional events specifically designed to target EJ populations also may be appropriate in some situations.

D. Hosting Successful Public Meetings

Many agencies rely on formal public meetings as the foundation of their public engagement plan because such meetings are often required under Federal, State, or local laws. These types of meetings can be effective, particularly if you are well-prepared for the meeting, adequately publicize the meeting, and hold it at a convenient time and location. These required public meetings, hearings or comment periods are the minimum requirement to meet specified legal requirements and should not constrain your public engagement strategy. The most successful public meetings will follow a series of more informal meetings with community groups and smaller gatherings of community members.



FTA/FHWA joint planning regulations include requirements for where to hold public meetings and the methods of engagement to use. For example, under Federal regulations, you are required to:

- Hold public meetings at convenient and accessible locations and times;
- Employ visualization techniques to describe plans; and
- Make public information available in electronically accessible formats and means, such as the World Wide Web.

Consider the **location** of the meetings, including whether to hold the meeting in a location that serves the interests of EJ communities, such as community centers, social service organizations, or local schools.

- Is the meeting in a convenient location that is easily accessible by public transit?
- Is the room large enough and comfortable?
- Is the location accessible to persons with disabilities?

The **timing** for the meeting should be designed to allow maximum participation by EJ communities.

- Consider work schedules, school schedules, rush hours, meal hours, and religious worship hours when setting the date and time for the meeting. You may want to schedule more than one meeting and to vary the times of meetings.

- Consider whether your community might prefer meetings scheduled for early mornings or weekends.

You should consider the **format** of the meeting to allow maximum input.

- Develop a meeting format that allows everyone to participate if they want to. This may mean setting reasonable time limits for speakers so that a few individuals do not monopolize the meeting.
- Limit your own comments. The purpose of this meeting is to hear from the public.
- Be willing to adapt the room set-up to accommodate the attendees. For example, if you expect 100 people to attend a public meeting, that may require a traditional public meeting set-up (a head table, a podium and rows of chairs, and regulated by an agenda and a three-minute speaking limit). A meeting with a smaller group may be more informally arranged.

Make the public participation process **accessible to all**.

- Designate a specific employee to accommodate the needs of persons who are linguistically and culturally isolated, as well as persons who have disabilities. You may have obligations under Title VI to provide assistance to persons who do not speak English well or at all.
- When planning accessible public engagement campaigns, it is vital for agencies to consider that people have different learning styles, educational attainment levels, and literacy skills. Therefore, it is a good idea to go beyond the auditory nature of public meetings to include visual and tactile tools and techniques in the overall public engagement strategy.

Communicate clearly during the meeting.

- Assess a group's preferred types of communications prior to the meeting.
- Clearly explain the purpose of the meeting and the steps in the process, including the proposed schedule.
- Provide information in plain language. Make sure technical information and complex policies and procedures are described in layperson's terms rather than jargon.
- Spell out acronyms and define technical concepts and terms; Federal, State, and local transportation planning processes are complex.
- Break the plan or project into pieces; plan public sessions that focus on one part or section at a time.

Finally, you will need to provide notice to the community, including EJ populations, about the meeting to encourage people to participate. Check Federal, State, and local requirements to be sure that you comply with any formal publication or notice requirements. For example, your State’s open meetings law may require that you provide notice in certain specified media 48 hours before the meeting. These requirements establish the minimum that must be done for providing notice. We recommend that you use other methods to provide notice to the public.

People generally expect that government entities will post on their websites electronic versions of major action documents, such as proposed transportation plans, NEPA review documents, public engagement plans, and actions by its governing board. If you do not already do this, we recommend that you consider implementing such a practice as soon as practicable.

In addition, Federal, State, or local law may require that documents that require an official comment period and administrative record (such as a draft environmental impact

Effective Notice

- Required Notice
- Signs on Transit Vehicles, Stations, Stops
- Email Blasts
- Social Networking
- Notice in Ethnic or Community Media

statement) be made available for public review at your office and other public offices that are open to the general public, such as libraries, community centers, etc. We recommend that you make these documents available in locations that are easily accessible by members of EJ populations. That location may not necessarily be your main offices. At a minimum, you may want to consider making documents available at local public library branches which may be open evenings and weekends and are in locations serving EJ populations.

Where appropriate, we recommend that you develop signs or other materials to post or distribute. Although signs may be placed in a static location, they can be an effective means for reaching targeted audiences who use that location regularly. For example, if you want to reach your customers to let them know about a meeting, project, or service proposal, consider placing signs on the inside of transit vehicles, at bus shelters, or in transit stations. These ads and signs can be designed for visual impact and often draw wider interest than formal legal notices. Other techniques include purchasing billboards in EJ communities, providing information kiosks at community events, and providing storefront displays. The key is to let the community know about the issue under consideration and your desire to have them participate before a final decision is made.

In addition to meeting with the public face-to-face, we recommend that you include the use of traditional and non-traditional media as part of your public engagement strategy. Traditional media include your website; local newspapers, radio, and television stations. It also includes leveraging and your transit assets, such as signs on buses, trains, stations, and bus shelters.

We recommend that you do not rely solely on “official” notice methods, but that you consider other cost-effective ways to reach members of your committee. Particular EJ populations may read or listen to ethnic media that are delivered in native languages and provide information about public and cultural events occurring in the community. These media may also provide opportunities for inclusion of news articles or editorial comments from their point of view. Use of ethnic media can help you tailor your communication, message, and voice.

We also recommend that you consider radio or television advertisements that serve LEP populations. You may want to undertake marketing research to ensure the media buy targets the appropriate environmental justice market with the correct media message. Outreach to LEP populations could include audio programming available on podcasts.

E. Non-Traditional Outreach

As discussed above, Federal, State, and local law may establish the minimum required for you to comply with legal requirements for public engagement and notice. You should not, however, let these minimum requirements limit you from using other methods to engage the public. Rather, we recommend that you identify other ways to engage the public that may be less formal than a public meeting or formal listening session. For example, consider attending meetings held within the community or organized by local

advocacy groups or faith-based coalitions. Consider non-traditional media outlets, such as local, neighborhood publications, or internet outlets, such as YouTube, Twitter, or Facebook. New ways to reach large numbers of the public are emerging almost daily, and we suggest that you consider whether any of these methods will work for your community.



1. Informal Group Meetings

Seek out opportunities to attend existing community group meetings, such as neighborhood associations, faith-based coalitions, and advocacy groups. Just as the downtown business coalition will meet with the decision makers to provide input into the process, we recommend that you provide similar opportunities to EJ communities early in the process. Waiting to bring EJ communities and decision makers together in the same room until the first public meeting, or until the final decision, is not as effective as engaging with them early on. Decision makers benefit from public comments and ideas while there is still time to suggest and discuss alternatives, and it gives the public the opportunity to influence the decision-making process.

One strategy for meaningful engagement is to approach differing viewpoints between you and the community in a non-traditional fashion. Conflict often presents an opportunity to become aware of community priorities. Identify and learn from past practices that have resulted in disagreements or misunderstandings between EJ populations and your organization. Challenges will often arise when transit agencies and planning “experts” tell a minority or low-income community what is best for it. Instead, try carefully listening to the community’s concerns. Often times, they support the specific project proposed, but are concerned about other issues such as service reliability or safety. Do not take a defensive posture. Acknowledge the short-comings of your transit operations or the plan. Most importantly, be honest about the community concerns you can address and those you cannot. Too often, conflicts surrounding a transit project or changes in service stem from longstanding trust issues between the community and the transit operator. *Remember: Building trust and confidence in your transit system will not occur overnight.*

You develop trust from these meetings by promptly following through on commitments made during meetings. It’s helpful to acknowledge the contribution of the public in the decision-making process and explain the reasons for the decision.

2. Digital media

As a result of technological advances, there are many new and very cost-effective methods for communicating with the public that go well beyond posting legal notices and documents to your website. You can use digital media to engage people not just during public meetings or business hours, but at any time of the night or day. These tools can be used to reach out to people whose schedules do not allow them to attend meetings, to those who are intimidated or put off by large government-sponsored meetings or hearings, and to those who prefer to deliver their comments in writing rather than in person. Also, consider leveraging digital communications that can be used on personal mobile devices such as mobile phones or smartphones. While not all members of EJ populations have

convenient access to a computer, researchers have identified high rates of mobile phone and smartphone use amongst EJ populations. Thus, the use of “blast” public engagement information via text messages can be an effective way to reach your target audience.

Social media (*e.g.*, YouTube, Twitter, Facebook) can also be an effective tool for creating a forum for public dialogue. Social media can be accessed on mobile devices, as well as on laptops, desktops, and some video game consoles and televisions. This level of accessibility makes social media ideal for broadcasting information and questions, and generating comments, virtual conversations, increased visibility, and excitement (especially when a posting “goes viral”). Consider recording in audio and visual formats presentations about your transportation plan or project and posting the digital file not only on your website but on YouTube, iTunes, and other outlets.

Another way to incorporate new voices and ideas into the transportation planning process is through crowdsourcing, a form of distributed problem solving. This technology allows community members to contribute to the design of something like a bus stop or a transit center. Transportation plans and projects can be discussed over longer periods of time via Web-based discussion forums including webinars, webcasts, wikis, and online dialogues. These platforms create structured, moderated opportunities to engage in two-way communication, from any location at any time of day. Interactive and collaborative online technologies are becoming increasingly accessible and affordable to the public at large, including EJ populations.

3. Direct Mail Campaigns

You may want to consider developing shorter information pieces, such as fliers or handbills that can be distributed by direct mail, or at bus stops, rail stations, community events, or other places where large numbers of people gather. By forming partnerships with local businesses or community-based organizations, you may be able to distribute written materials through direct mail campaigns, utility bills, and school bulletins, and at other key locations. These organizations can also help you develop a list of members or organizations from the EJ community.

4. Community Led Events

You can also cast a wider net by creating public engagement opportunities for groups. Effective techniques in this realm include hosting a table or booth at a community event or piggybacking an engagement effort onto a regularly-scheduled community meeting. It can also be productive to conduct discussions including focus groups and roundtables; many agencies offer modest incentives (*e.g.*, stipends, refreshments, child care, transit passes) to

those who attend. Many transit operators and planning agencies have found that these adjunct approaches can increase the ability of EJ populations to participate in activities.

5. Partnerships with Community-Based Organizations and Leaders

We recommend that your outreach strategy include building relationships with community-based organizations who serve underrepresented populations. You can partner with community-based organizations to hold meetings, facilitate discussions, and work with the leaders of these groups to obtain feedback on your public engagement plan. Consider how you can combine forces and resources with agencies that share a mission to interact with specific populations. Community leaders are ideally positioned to champion the public engagement process and disseminate information to their constituents and members during the course of their day-to-day activities.



Encourage your staff to become familiar with local environmental justice networks and environmental justice organizations at the local, regional, state, and national levels. It can also be effective for you to partner with educational institutions including elementary and secondary schools, community colleges, and universities that traditionally have served minority or low-income populations. Staff at these institutions can often provide access to communities, neighborhoods, and groups.

You may choose to create a Community Advisory Council (CAC) or a task force that focuses on a specific project or on the needs of specific populations (low-income, minority, and/or transit dependent persons). Transit providers often appoint one or more members of EJ-focused organizations to their transportation planning board. Significant public outreach is encouraged to ensure the communities are well represented on the committee. However, we do not recommend that you rely on a CAC or transportation planning board as the sole method for engaging EJ populations because members may not represent the diverse viewpoints of the EJ community.

Community outreach coordinators who have extensive knowledge of the EJ populations you are targeting, relationships with community leaders within that community, and the

cultural and linguistic competency may be helpful when engaging EJ communities in your planning or project management team. These outreach practitioners have a rich understanding of ways to effectively communicate with and build relationships with EJ populations, which often enhances trust and rapport.

By engaging community leaders, community advocates, and community advisory councils, you will be better able to develop strategies that not only make your traditional public engagement activities more effective, but also help you develop other non-traditional methods for engaging the community in your transportation planning and project implementation activities. These traditional public outreach methods are important, but should not be used exclusively. Rather, we recommend that you strive to develop a robust public outreach strategy that engages all members of the community, including members of EJ populations.

F. Summary

No single tool or technique can create effective interaction between the public and decision makers; each transit operator, State DOT, or MPO will achieve this goal differently, depending on the preferences of its decision makers and on its organizational structure, community history, public engagement culture, and demographic characteristics.

A robust public engagement program that meets the particular needs of the community relative to the plan, project, or decision under consideration is important. We recognize that you may not be able to resolve every issue or concern raised by the EJ community or that every need or request can be met. However, we recommend that you work diligently to engage in a meaningful public dialogue with the EJ populations impacted by your plan, project, or decision by listening to what they have to say, respond to their comments and concerns, and incorporate their comments into the transportation process where practicable.

Engaging EJ populations in the decision-making process should not be regarded as “extra” or “special” effort; rather, public engagement of underrepresented groups such as EJ populations is the cornerstone to an inclusive and effective public engagement process.

Chapter IV

Integrating Principles of Environmental Justice in Transportation Planning and Service Delivery

This chapter will provide you with guidance on incorporating EJ principles into Statewide, metropolitan and local planning processes.¹¹ As recognized in EO 12898, the DOT Order, and the statutory and regulatory framework governing transportation planning, the mobility needs of EJ populations are an important consideration in the planning process.

Transportation planning plays a fundamental role in the state, region or community's vision for its future. It includes a comprehensive consideration of possible strategies; an evaluation process that encompasses diverse viewpoints; the collaborative participation of relevant transportation-related agencies and organizations; and open, timely, and meaningful public engagement.

A. What Is the Transportation Planning Process?

Transportation planning is a cooperative process designed to foster engagement with all users of the system, such as the business community, community groups, environmental organizations, the traveling public, freight operators, and the general public, through a proactive public participation process conducted by the Metropolitan Planning Organization (MPO), state Department of Transportation (state DOT), and transit operators. The figure below illustrates the transportation planning process.

Transportation planning includes a number of steps:

- Monitoring existing conditions;
- Forecasting future population and employment growth, including assessing projected land uses in the region and identifying major growth corridors;
- Identifying current and projected future transportation problems and needs and analyzing, through detailed planning studies, various transportation improvement strategies to address those needs;
- Developing long-range plans and short-range programs of alternative capital improvement and operational strategies for moving people and goods;

¹¹ This chapter assumes the reader has a basic understanding of Federal law related to transportation planning requirements. For more information on joint FTA/FHWA planning processes, please see FTA's website: www.fta.dot.gov.

- Estimating the impact of recommended future improvements to the transportation system on the environment, including air quality; and
- Developing a financial plan for securing sufficient revenues to cover the costs of implementing strategies.



Federal law requires transportation planning processes at the Statewide level, managed by State DOTs; and in Census-defined urbanized areas, planning processes are managed by Metropolitan Planning Organizations (MPOs). They are a primary means by which State and local officials work with all communities, stakeholders, interested parties, and transit providers to draft long range transportation plans—covering a 20 or more year time frame – and establish investment priorities for projects and programs in those plans through development of short range, four-year transportation improvement programs (TIPs and STIPs). Compliance with this planning process is a necessary first step in establishing eligibility for future Federal funds.

FTA and FHWA have adopted joint regulations (*see* 23 CFR part 450) to implement the statewide and metropolitan planning provisions in the Federal transportation statutes. These regulations detail a process of collaborative transportation decision-making led by State DOTs and MPOs, which incorporates the participation of the public and other stakeholders. Agencies leading these planning activities specifically address transit needs and issues as part of the larger multimodal scope of these plans. Likewise, transit agencies need to ensure that they are early and active participants in these state and metropolitan led efforts, including provision of data and other information that define current and future transit needs. Essential to all is the meaningful engagement of the community, including members of EJ populations as a part of the planning process. Through effective public engagement you are able to identify and understand the needs of the community as a whole, and incorporate those needs into your transportation plans.

In addition to the required Statewide and metropolitan planning process, transit providers and other local entities frequently engage in planning activities, and may want to consider the strategies outlined in this chapter in order to address EJ principles.

B. Planning Tools for Residential Demographic Profiles

Central to effective transportation planning is accurate information regarding the populations that will either use, or be affected by, the transportation projects and programs included in the statewide and metropolitan transportation plans. Chapter II of this Circular describes how to complete a residential demographic profile, including the types of data you collect and analyze to ensure minority and low-income populations are appropriately identified. A demographic profile of the community or communities within the “planning impact area” is essential to create an effective public engagement strategy, as discussed in Chapter III of this Circular. Note that the “planning impact area” can range dramatically from the entire boundary of the subject state or metropolitan region, to the more constrained sphere of a particular project. Once you have gathered data through the demographic profile, different techniques and tools can be brought to bear to manage and analyze the demographic data required for various plans, and elements of plans.

Tools such as GIS and Census data are described in Chapter II of this Circular. Two additional informational resources will soon be available from the Census Bureau that can support more detailed evaluation of the travel needs of EJ populations and the available options: Census Transportation Planning Package (CTPP) and Longitudinal Employer and Household Dynamics (LEHD).¹² The CTPP presents results from the ACS in a series of tables describing worker characteristics, work place characteristics, and commuter travel

¹² LEHD home page is located at <http://lehd.did.Census.gov/led>. Also available is the companion tool, OnTheMap, at <http://lehdmap.did.Census.gov>.

data; all at small area units of geography specified by MPOs and States. These data will permit a comparative assessment of accessibility, travel times, travel mode usage, and other travel attributes across EJ and non-EJ populations. The LEHD uses modern statistical and computing techniques to combine Federal and State administrative data on employers and employees with core Census Bureau data. Together, these data may provide a useful picture of travel behavior, flows, and mode choice.

Again, states, MPOs and transit grantees are urged to review the FTA/FHWA joint planning regulations and related technical assistance provided on the agencies' respective websites.

C. Strategies for Public Engagement for Planning Activities

Once you have determined who lives in the relevant areas related to projects and activities addressed in the state or metropolitan plan, and the residential locations of EJ populations, you are in a position to develop and implement a strategy for engaging EJ populations at the earliest stages of planning. Those leading the planning effort, whether they be states, MPOs, or transit grantees, should provide meaningful and frequent opportunities for community members and decision makers to voice future visions of their communities. Public engagement strategies, including non-traditional methods for engaging EJ populations, are discussed in more detail in Chapter III of this Circular.

As you develop your public engagement strategy, you should be mindful of requirements of the joint FTA/FHWA planning regulations, which provide greater detail and definition for public engagement. The statutory and regulatory framework creates a proactive program of engagement, interaction, and accountability involving decision makers, interested parties, and the public, including EJ populations. FTA/FHWA joint planning regulations require you to seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.

For planning purposes, it is important to engage EJ populations in a dialogue focused on their accessibility and mobility needs, with a focus on both immediate and long term issues. These needs may be matched with both a policy framework to address them alongside other issues in the plan, and a priority list of investments for consideration in metropolitan and statewide transportation plan recommendations. To the extent that EJ populations identify transit investments among their needs and priorities, transit agencies providing those services must be actively engaged throughout the overall planning process to help articulate those needs to states and MPOs.

D. Strategies to Achieve Full Public Participation for Planning Activities

In developing your plan, we recommend that statewide, metropolitan and local transportation planning practitioners consider the following types of questions before embarking on an outreach program targeted to EJ populations:

- What messages and information will you provide to spark public interest and engagement at the planning stage before project details and spending plans are established?
- Through what means and in what manner will you distribute this information?
- At what stages in the planning process will you engage in outreach and information dissemination?
- How will transportation decision makers learn of issues that are of particular concern to EJ populations?
- How will you use input from the public, including EJ populations, in the planning process, so that their input influences transportation investment decisions?
- How will you evaluate the effectiveness of the public engagement process, including its success in reaching EJ populations?
- Are there barriers to the public engagement process to limited English proficient populations, people with disabilities, etc.? How will you avoid or mitigate those barriers?



Your public engagement strategies should be flexible and robust enough to solicit meaningful input from EJ populations on transportation needs and approaches to address those key elements in the planning process. This can be accomplished through the following:

- Identification of goals and visions of the future across EJ and non-EJ populations, including the role of transportation in achieving those visions as the basis of State DOT, MPO, and transit provider development of regional transportation goals and policies;
- Discussion of the extent and quality of current transportation options for serving current and future mobility needs of EJ populations, including articulation of specific issues, problems, and concerns with current facilities and services;
- Identification of recommended future projects and strategies for addressing these needs, along with the implementation priorities in the long-range plan;
- Provisions for ongoing engagement of communities in monitoring the implementation of recommended projects and strategies, re-evaluating their needs, and tracking emerging demographic and development shifts in order to ensure future populations are engaged.

E. Future Goals and Visions

Fundamental to the planning process at all levels is the development of a vision for future transportation. In developing that vision, we recommend that you engage EJ populations on mobility, accessibility, community environment, and any other goals that help to identify unmet needs and prepare options for addressing those needs. We recommend that you consider capturing the EJ population's goals and visions, keeping in mind that these are fluid concepts and can change over time.

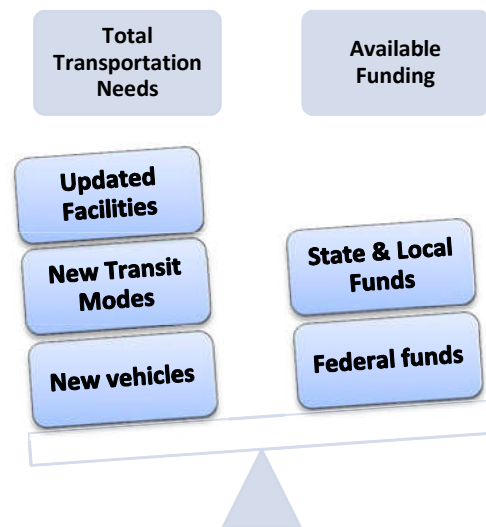
The visioning process typically will include broad community goals, and how transportation programs and projects help or hinder achievement of those goals. For example, preserving affordable housing may be a key focus for EJ communities, and this preservation may be challenged when major capital investments are made in transportation access and facilities. Similarly, State or regional development policies supporting improved jobs and housing can inform the transportation dialogue at the goals stage and prompt decision makers to increase their support for shorter distance, community-based travel choices, including viable options for those who do not own a car. In all, understanding the future visions of communities, from the perspective of both EJ

populations and non-EJ populations, will provide an important insight into the transportation issues that you may want to address in the planning process.

F. Transportation Needs and Recommended Projects

Goals and visions do not serve as stand-alone exercises – they serve as a guide to the identification of future transportation needs in the planning process, and how those needs might be addressed with current and future resources. State and metropolitan plans are “financially constrained,” which means important choices must be made among the many demands to maintain and enhance the transportation system. Transportation planning processes seek to identify and respond to the unmet accessibility and mobility needs of all communities, with general parity across EJ and non-EJ populations. Special studies, such as those performed in support of the local coordinated public transit-human service transportation plan, may provide further insight into the transportation needs of EJ populations and the most appropriate strategies for addressing those needs.

Given the inherent competition for limited resources within a financially constrained plan, transit providers may want to provide any travel and demographic surveys or other studies that they have conducted to State and metropolitan planners to incorporate into the planning process to better inform the transit elements of the multi-modal plans. It is not unusual for transit providers to survey their customers regarding the usage of their systems, the demographic characteristics of users, and patterns of customer comments on unmet needs and overall satisfaction with services. With that in mind, transit providers may want to gather information useful for these larger state and metropolitan planning processes when they collect data, thereby enabling the survey and study efforts to leverage each other’s value.



While you strive to reflect the needs of all communities proportionately by projects and strategies within the 20-year horizon of the long-range plan, you should also consider the needs of EJ populations when setting priorities of projects contained in the plan, as reflected by the projects programmed in the TIP or STIP. As with the long-range planning process, selection of projects for the TIP or STIP also requires public engagement and comment.

G. Current Operations, Management, and Maintenance

Environmental justice requires that you engage EJ populations to obtain their feedback on the need for new or expanded transit services, as well as improvements to how existing facilities and service are being operated and maintained – and importantly, this is not limited to Statewide or MPO long-range planning. Transit providers routinely engage in local service and budget planning efforts – led by themselves or others – where current and future transit services are under review. We recommend that transit providers planning for future service operations engage EJ populations, especially when considering possible reductions or restructuring of transit service.

You may want to consider the following questions to guide the discussion with the public to inform Statewide, metropolitan and local planning officials on how well current operation, management, and maintenance of facilities and services serve the needs of communities, with particular attention to the parity between EJ and non-EJ populations.

- Are transportation facilities and systems maintained to an adequate and equivalent state of good repair in EJ and non-EJ areas?
- Are facilities and services operated to an equivalent degree of safety and reliability in EJ areas as compared with non-EJ areas?
- Is accessibility to key employment, medical, educational, and other opportunities at equivalent levels for EJ and non-EJ populations?
- Are newer vehicles placed on routes based on ridership, age of vehicles being replaced, and other neutral criteria?
- Have you considered EJ concerns when siting maintenance or bus storage facilities?

Of particular note at the local level, transit providers must consider whether proposed service or fare changes will be disproportionately borne by EJ populations. This analysis is described in more detail in FTA's Title VI Circular, which outlines requirements for a "service equity analysis" and a "fare equity analysis" to ensure these service changes do not result in a disparate impact on the basis of race, color, or national origin.

H. Dynamic Nature of Planning and Public Engagement

Your responsibilities to engage EJ populations do not end with the completion of a long-range plan, a short-range TIP or STIP, or a local plan. Rather, we recommend that you maintain a regular and open dialogue with EJ populations as you monitor the effectiveness of the plan and identify future trends in transportation for future long-range plans, TIPs, STIPs, and local plans. We recommend that your planning process provide for the

continued monitoring and surveying of the use of transportation facilities, the demographic characteristics of transit customers, the performance of the systems, and how patterns of exceptional and inferior performance are experienced by customers.

Chapter V

Incorporating Environmental Justice Principles into the NEPA Process

Environmental justice should be considered and addressed in all NEPA decision-making and appropriately documented in Environmental Impact Statements, Environmental Assessments, or Categorical Exclusions. NEPA requires Federal agencies to consider the environmental effects of projects proposed for Federal funding if there is a potential for significant environmental effects. Agencies must consider whether a Federally funded project will have an EJ impact regardless of the NEPA class of action. While most CE's may not require extensive EJ analysis if any, the project sponsor will have to do an early assessment to verify whether or not further EJ analysis is needed. Thus, incorporation of environmental justice principles in your NEPA review is not a new responsibility, but something you already do through basic compliance with NEPA.¹³

Executive Order 12898 and the accompanying Presidential Memorandum call for specific actions to be directed in NEPA-related activities. They include:

- Analyzing environmental effects, including human health, economic, and social effects on minority populations and low-income populations when such analysis is required by NEPA;
- Ensuring that mitigation measures outlined or analyzed in EA's, EIS's, and ROD's, whenever feasible, address disproportionately high and adverse environmental effects or proposed actions on minority populations and low-income populations; and
- Providing opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving accessibility to public meetings, official documents, and notices to affected communities.

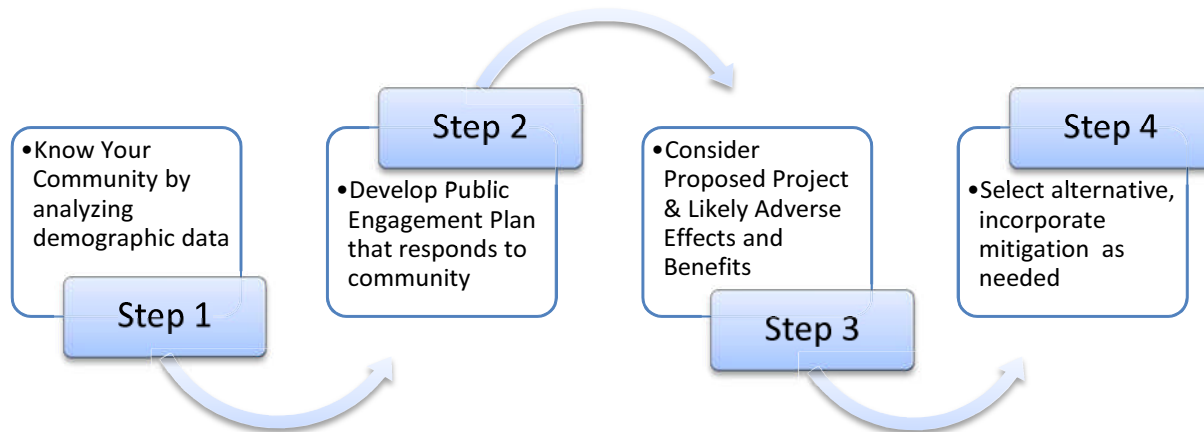
FTA's guidance for incorporating principles of environmental justice into the NEPA process is intended to be consistent with the definitions and guidance issued by the Council on Environmental Quality (CEQ) and the U.S. Environmental Protection Agency (EPA). (*See*, DOT Order 5610.2(a) at ¶4.) The general framework for implementing NEPA is presented in regulations (40 CFR part 1500 et seq.) promulgated by CEQ. In addition, FTA and FHWA

¹³ This chapter assumes that the reader has a basic understanding of NEPA and the FTA/FHWA regulations implementing NEPA, 23 CFR part 771.

have issued joint regulations (*see* 23 CFR part 771) and related procedures that describe the process for developing documents for an environmental review under NEPA.

A. Adapting Your EJ Analysis for NEPA.

In Chapter II, we set forth the process for undertaking an EJ analysis as follows:



This analysis is easily adapted to the analysis required under NEPA and its implementing regulations for assessing the environmental impacts that may result from a government action. Environmental review is required for all Federally-funded projects and includes:

- Reviewing important adverse effects of the project to determine whether those adverse effects are significant;
- Determining whether adverse effects can be avoided, minimized, or mitigated; and,
- Assessing the Project's benefits versus its burdens on the environment.

For FTA-funded projects, NEPA begins when you notify your Regional Office of a proposed project and provide information on the proposed project including a project description, a summary of prior planning work on the project, the project's general purpose and need or a general statement of need, a graphic showing the location of the proposed project, its potential effects on the environment and human health, and, to the extent available and applicable to the project, its proposed termini, station locations and sizes, the maintenance facility (existing or proposed), and other project features. With this information, FTA makes a determination as to the class of NEPA action, *i.e.*, whether it is an Environmental Impact Statement (EIS), Environmental Assessment (EA) or Categorical Exclusion (CE). Further guidance on each classification is contained in 23 CFR part 771.

In this Chapter, we provide recommended strategies for incorporating environmental justice into your project reviews under NEPA. CEQ regulations, and FTA/FHWA joint regulations have certain specific requirements for public engagement, including comment periods and public hearings, dissemination of information, and responding to public comments. As discussed in Chapter III, you should not view these requirements as the only means for public engagement; rather, you should develop a robust public engagement strategy that is designed to engage all segments of the community including members of EJ populations.

Additionally, the CEQ regulation and the FTA/FHWA joint NEPA regulation emphasize the importance of making the NEPA process more useful to decision makers and the public by reducing paperwork and the accumulation of extraneous background data and emphasizing real environmental issues and alternatives. The Plain Writing Act of 2010 states that Federal agencies shall write “clear government communications that the public can understand and use.” Documents should be concise, clear and to the point and shall focus on the issues meaningful to a decision. It is important to use plain language and avoid excessive technical language.

EJ populations, as well as the larger general public, will be far more meaningfully engaged in the NEPA process if concise and readable documents are provided. Abbreviated executive summaries and handouts are helpful for distributing relevant project evaluation information to the public. Involving the public, including EJ populations, in the NEPA process at the earliest stages allows them to understand and comment on the proposed project in a meaningful way.

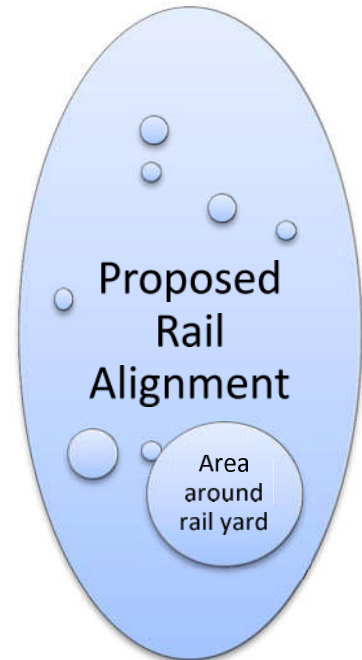
Your environmental review under NEPA should document the extent to which potential EJ issues have been identified and addressed. As with any issue evaluated as part of NEPA, the parameters of the EJ analysis will depend on the nature of the project and its potential environmental impacts. As a part of your NEPA analysis, you will assess whether there will be potential human or natural environmental effects. If preliminary analysis indicates that there is a potential for environmental effects, then you will need to conduct a more detailed assessment to estimate the level of those effects. In undertaking this assessment, you also will need to consider whether the potential environmental effects will have a disproportionately high and adverse effect on EJ populations.

B. Define the Project Area and Identify EJ Populations.

Once you have identified a project that will require review under NEPA, then you need to define the unit of geographic analysis impacted by the proposed project. The boundaries of your unit of geographic analysis should be large enough to include the area likely to experience adverse effects, but not so large as to artificially dilute the minority population

and/or low-income population. Similarly, you should not constrict the boundaries to artificially inflate EJ populations. Establishing the appropriate geographic area surrounding the project should be done early in the process, *i.e.*, around the time planning for scoping begins for environmental impact statements and planning begins for environmental assessments.

For example, when considering the impacts of a new light rail line, it may be appropriate to establish the area affected by the project to include the entire alignment, which would then be compared with the transit provider's service area. However, when considering specific elements of a project, such as power stations, maintenance yards, stations, or park and rides, may have sub-units of geographic analysis to address the unique environmental impacts from these project elements. Moreover, you need to be particularly sensitive to diluting EJ populations. For example, although it may be reasonable when analyzing the impacts of the entire rail line to use a geographic unit of a half-mile on either side of the alignment, a half-mile radius around a maintenance yard for the unit of geographic analysis may be too large, given that those persons located adjacent to the maintenance yard may experience a more direct impact from the maintenance yard than those persons farther away from the yard.



Once you have identified the impact area, you will need to undertake an analysis of the demographic characteristics of the persons located within the impact area (*e.g.*, residential or business, race, age, income levels, etc.). It is at this point in the process when you will analyze whether the project impact area contains EJ populations.

In Chapter II, we discussed the need to know your community through gathering relevant demographic data from reliable sources, including U.S. Census data and locally gathered data. This data is then used to identify EJ populations within your proposed project area and the larger comparison geographic area. The 2010 Census provides information on minority populations to the Census Block level – the smallest geographic area. American Community Survey (ACS) data is available for 1-year, 3-year, and 5-year estimates. Although this data is not as reliable as Census data, it can be useful when analyzing the demographics in the proposed project area.

C. Identify Adverse Environmental Effects on EJ Populations

The primary purpose of a NEPA review document is to identify the important environmental effects of the project both during and after construction and to determine whether those environmental effects are significant. DOT Order 5610.2(a) defines a number of key terms used in your EJ analysis, including “adverse effect” and “disproportionately high and adverse effect.”

All reasonably foreseeable social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed as part of your NEPA review: As defined in the Appendix of the DOT Order, adverse effects include, but are not limited to:

- Bodily impairment, infirmity, illness, or death.
- Air, noise, and water pollution and soil contamination.
- Destruction or disruption of man-made or natural resources.
- Destruction or diminution of aesthetic values.
- Destruction or disruption of community cohesion or a community's economic vitality.
- Destruction or disruption of the availability of public and private facilities and services.
- Vibration.
- Adverse employment effects.
- Displacement of persons, businesses, farms, or nonprofit organizations.
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.
- The denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

The DOT Order also defines “disproportionately high and adverse effect on human health or the environment,” to include:

“an adverse effect that:

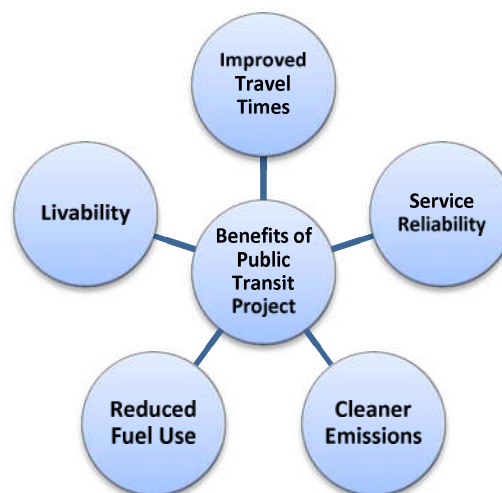
- (a) is predominantly borne by a minority population and/or a low-income population, or*
- (b) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude*

than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.”

These definitions must be a part of your EJ analysis in your NEPA documentation. Your environmental review documents should contain a discussion of the impacts on the community as a whole, as well as whether there will be disproportionately high and adverse effects on EJ populations. Your EJ analysis looks at identified subsets of your community to determine if any of the impacts identified result in a disproportionately high and adverse human health or environmental effect on an EJ population.

Determinations of disproportionately high and adverse effects include taking into consideration mitigation and enhancement measures that will be incorporated into the project. Additionally, your analysis also should include consideration of offsetting benefits to the affected minority and low-income populations. This is particularly important for public transit projects because they often involve both adverse effects (such as short-term construction impacts, increases in bus traffic, etc.) and positive benefits (such as increased transportation options, improved connectivity, or overall improvement in air quality). Your NEPA EJ analysis will include a review of the totality of the circumstances before you determine whether there will be disproportionately high and adverse effects on EJ populations.

Most transit projects are undertaken because they will provide a number of benefits to the community. Public transportation project benefits may include, but are not limited to: increased access to jobs, community facilities and services; access to additional travel modes; improved travel times or service reliability; enhanced economic development potential; improvements in air quality; an increase in the livability and sustainability of neighborhoods; and a reduction in transportation costs. Therefore, as a part of the environmental review process, you should discuss all positive effects that would affect the community as a whole.



As with the discussion of adverse effects, your discussion of benefits should also consider project benefits accruing specifically to EJ populations. Identifying benefits is important to any NEPA review because it provides the framework in which the Federal agency will

consider adverse impacts and proposed mitigation measures before issuing its final agency action.

The questions below may be helpful as you determine whether your proposed project results in any disproportionately high and adverse effects:

- Will the project result in “adverse effects?”
- Will the project result in adverse effects predominately borne by an EJ population?
- Will the project result in adverse effects that would be suffered by the EJ population that would be appreciably more severe or greater in magnitude than the adverse effects that would be suffered by the non-EJ population?
- Does the project propose mitigation and/or enhancement measures?
- Are there project benefits that would accrue to the EJ population as compared to non-EJ populations?
- Does the project affect a resource that is especially important to an EJ population? For example, does the project affect a resource that serves an especially important social, religious, or cultural function for an EJ population?

Through consideration of these questions you will be more prepared to identify those adverse effects that are likely to be disproportionately high and adverse. Your environmental review documents should contain a discussion of the impacts on the community as a whole, as well as whether there will be disproportionately high and adverse effects on EJ populations. Your EJ analysis looks at identified subsets of your community to determine if any of the impacts identified result in a disproportionately high and adverse human health or environmental effect on an EJ population.

In addition, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Accordingly, a program, policy, or activity that will result in a disparate impact as to one of these protected classes may be carried out only if: (1) the recipient can demonstrate a substantial legitimate justification for the program, policy or activity; and (2) there are no comparably effective alternative practices that would result in less disparate impacts. This analysis is discussed in more detail in FTA’s Title VI Circular.

If, after considering the adverse effects and potential benefits of the proposed project, the proposed project will have a disproportionately high and adverse effect on minority populations or low-income populations, then you should consider whether further

mitigation measures or alternatives are practicable before moving forward with the activity. “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.”¹⁴

If you cannot avoid, minimize, or mitigate the adverse effect, your NEPA analysis should contain a discussion of why the impacts of any alternatives could not be avoided or minimized. You should specifically describe potential mitigation for those effects and how the impacted populations were involved in the decision process. Finally, you should include a discussion of the remaining disproportionately high and adverse human health or environmental effects on EJ populations, if any, and why further mitigation is not proposed. While considering adverse effects and possible mitigation, you may also want to consider whether there are any enhancements or betterments that you can provide the community in lieu of mitigation. For example, a community may be more accepting of an unavoidable adverse effect of a new rail line if the project includes features such as better lighting, more trees, and community gathering areas.

D. Public Engagement and NEPA

Both the CEQ NEPA regulation at 40 CFR 1501.7 and the FTA/FHWA regulation at 23 CFR 771.105(c) and 771.111, emphasize the need for public participation during the NEPA process. Special considerations may be necessary to effectively include EJ populations in the NEPA public participation process.

The CEQ regulation and the FTA/FHWA joint NEPA regulation support ongoing public outreach activities throughout the NEPA process that are helpful for keeping stakeholders, agencies and the general public involved. The regulations require that a 45-day public comment period on a DEIS and a 30-day public comment period for an EA be provided. Also, conducting a minimum of one public hearing is required for an EIS. Though not required for an EA, a public meeting is an effective means for encouraging public input in the process. Additional public outreach activities beyond the minimum requirements are important for encouraging the public, including EJ populations, to be engaged throughout the NEPA process.

Chapter III of this Circular provides a discussion of effective strategies for engaging members of the public who may be interested in or affected by the proposed project. It is important to adapt your strategies for public engagement to fit the needs of community groups within your project area. The goal with any public engagement strategy is to

¹⁴ DOT Order, section 8.c.

encourage and facilitate the inclusion of all members of the public in the decision-making process.

The FTA/FHWA regulation provides that recipients can achieve public participation on proposed projects by providing public meetings and seeking input from the public through the scoping process for the environmental review process of projects evaluated with an environmental impact statement and for projects evaluated with an environmental assessment for which FTA chooses to do scoping. Depending on the classification of the NEPA review, Federal transit law and FTA regulations provide other specific public participation activities for the environmental review process. In addition, the regulations provide for formal notification processes, such as publishing a notice in the *Federal Register* or local newspapers of record. As you develop your public participation strategy, you should keep in mind that the regulations provide the minimum requirements for public engagement under NEPA. You are encouraged to use additional public engagement if needed to reach specific segments of the public that would like to participate or will be affected by the project, such as EJ populations.

We recommend that your public engagement strategy involve EJ populations throughout the process. Consider inviting members of EJ communities to become involved during the planning phase and continue their involvement into the NEPA scoping through mitigation to ensure that their concerns are incorporated into the project and to build ongoing trust.

E. Environmental Impact Statements and Environmental Assessments

An EIS is required for major Federal actions significantly affecting the quality of the human environment. Proposed actions in which the significance of the environmental impact is not clearly established are analyzed in EAs. Where the significance of the impacts is uncertain, proposed actions are analyzed in EAs. EAs are important analytical tools, intended to aid in the determination of significance of the effects of a proposed action. Compared to EISs, there are fewer detailed regulatory requirements for EAs as to content, format, or public participation. The scale of EAs usually depends on the relative significance of the projected impacts.

Public participation and involvement is required throughout the NEPA process, beginning with scoping. However, if you have identified significant EJ populations during the definition and screening stages (pre-scoping activities), you may want to consider engaging EJ populations at this early stage.

Your EIS or EA should include the following components:

- Provide a description of the EJ populations within the study area affected by the project, if any, and a discussion of the method used to identify this population (e.g., analysis of Census data, minority business directories, direct observation, or a public involvement process).
- A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income populations.
- A discussion of all positive effects that would affect the identified minority and low-income populations, such as an improvement in transit service, mobility, or accessibility.
- A description of all mitigation and environmental enhancement actions incorporated into the project to address effects, including, but not limited to, any special features of the relocation program that go beyond the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project.
- A discussion of the remaining effects, if any, and why further mitigation is not proposed.
- For projects that travel through predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas.

We recommend that your EJ analysis includes a discussion of your consideration of the affected community's views on the project and the potential benefits and burdens of the project, and alternatives that have less impact on EJ populations. In selecting the preferred alternative, your NEPA document should include a discussion of the magnitude and distribution of disproportionately high and adverse human health or environmental effects on EJ populations for all reasonable alternatives.

F. Categorical Exclusions

Many transit projects meet the CEQ's definition of categorical exclusions contained in 40 CFR 1508.4. Categorical exclusions are actions that do not individually or cumulatively have a significant environmental effect. Activities classified as a categorical exclusion are projects that:

- Do not induce significant impacts to planned growth or land use for the area;
- Do not require the relocation of significant numbers of people;
- Do not have a significant impact on any natural, cultural, recreational, historic or other resource;
- Do not involve significant air, noise or water quality impacts;
- Do not have significant impacts on travel patterns; or
- Do not otherwise either individually or cumulatively have any significant environmental impacts.

The FTA/FHWA NEPA regulation has identified two types of categorical exclusions: Activities that fall within the listed categorical exclusions set forth in 23 CFR § 771.117(c) and documented categorical exclusions, which are activities set forth in 23 CFR § 771.117(d), and require additional documentation in order to establish that the proposed activity meets the criteria for a categorical exclusion.

Examples of activities listed under 23 CFR § 771.117(c) include, but are not limited to, activities which do not involve or lead directly to construction, such as planning and research activities; ridesharing activities; purchase of vehicles; purchase and installation of maintenance or operating equipment to be located within an existing transit facility and with no significant impacts off the site. Because these activities meet the criteria for a categorical exclusion under CEQ regulations (40 CFR § 1508.4) and therefore will not result in significant environmental effects, we do not usually require any further environmental documentation or review under NEPA.¹⁵ However, if circumstances exist that indicate that further evaluation or analysis based on potential environmental effects on EJ populations, you may be asked by your Regional Office to conduct further evaluation. Often times those circumstances would have already caused FTA to elevate the project to an EA or EIS.

Examples of transit activities listed under documented categorical exclusions (23 CFR § 771.117(d)) include construction of new bus storage and maintenance facilities in areas used predominately for industrial or transportation purposes where such construction is not inconsistent with existing zoning, or certain rehabilitation or reconstruction of existing rail and bus buildings. As a part of your documentation, you will need to consider the potential impacts on members of EJ populations and you will need to provide information to support your EJ analysis. The scope of the documents and analysis required will vary depending on the scope of the proposed project. Your Regional Office will assist you in

¹⁵ This is consistent with the EPA's Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses (April 1998).

determining what additional documentation or studies may be required before we can determine the classification of the action.

If a proposed activity involves unusual circumstances, such as substantial controversy on environmental grounds or inconsistencies with Federal, State or local laws, the project may need to be evaluated with additional documentation, including possibly an environmental impact statement or an environmental assessment.

APPENDIX

This appendix contains definitions of terms used, explanations of authorities, and complete citations for regulations and other material cited in this Circular.

A. Definitions

Adverse Effect means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.

Benefits and Burdens Analysis means an evaluation comparing the impacts likely to be experienced by EJ populations against those likely to be experienced by non-EJ populations and the community as a whole in order to address any disproportionate benefits or burdens between EJ populations and the population at large.

Disproportionately High and Adverse Effect on Minority and Low-income Populations means an adverse effect that:

- (2) is predominantly borne by a minority population and/or a low-income population, or
- (3) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

EJ population means low-income populations and/or minority populations.

Grantee means **Recipient**. See definition for Recipient.

Long-Range Plan means the official Statewide or metropolitan multimodal transportation plan covering a period of no less than 20 years developed through the Statewide or metropolitan transportation planning process.

Low-income means a person whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines.¹⁶

A low-income population means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed or transient persons who will be similarly affected by a proposed DOT program, policy or activity.

Metropolitan Planning Organization (MPO) means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.

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.

¹⁶ You are encouraged to use a locally developed threshold, such as that used for FTA's grant program, or a percentage of median income for the area, provided that the threshold is at least as inclusive as the HHS poverty guidelines. Public Law 112-141 (MAP-21), revises 49 U.S.C. § 5302 to include a definition of "low-income individual" to mean "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."

(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.

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.

Programs, Policies, and/or Activities means all projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FTA. These include, but are not limited to, permits, licenses, and financial assistance provided by FTA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of addressing EJ concerns.

Recipient (aka Grantee) means any entity that receives Federal financial assistance from FTA, whether directly or indirectly.

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. Code, and chapter 53 of title 49, U.S. Code.

Transit Provider means any entity that operates public transportation services, and includes States, local and regional entities, public and private entities.

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. Code and title 49, U.S. Code Chapter 53.

We means Federal Transit Administration.

You means Recipient (Grantee).

B. Authorities

This Circular builds on existing Orders and Authorities developed since issuance of Executive Order 12898. While this list is not exhaustive, we have included the authorities most relevant to consideration of EJ principles in the transportation context.

Executive Order 12898

Issued on February 11, 1994, EO 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” directs each Federal agency to “make achieving environmental justice part of its mission 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.” The EO was intended to improve the internal management of the executive branch and not to create legal rights enforceable by a party against the United States, its agencies, its officers, or any person; however, Federal agencies are required to implement the provisions of the EO consistent with, and to the extent permitted by, existing law.

Presidential Memorandum Accompanying EO 12898

The Presidential Memorandum accompanying EO 12898 emphasizes the importance of existing laws, such as Title VI of the Civil Rights Act of 1964 and the National Environmental Policy Act of 1969 (NEPA), that can assist with implementation of the principles of the Executive Order. The Memorandum provides that in accordance with Title VI, “each Federal agency shall ensure that all programs or activities receiving Federal assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.” With regard to NEPA, the Memorandum provides that, when NEPA requires a Federal agency to analyze “the environmental effects, including human health, economic and social effects, of Federal actions,” that the agency analyze “the effects on minority communities and low-income communities.” Further, mitigation measures should “address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income communities.”

U.S. DOT Order 5610.2(a)

On May 10, 2012, DOT issued Order 5610.2(a), Actions to Address Environmental Justice in Minority Populations and Low-Income Populations 77 FR 27534 (May 2, 2012). This Order updates the Department’s original Environmental Justice Order, which was published April 15, 1997. The updated Order reaffirms DOT’s commitment to environmental justice and clarifies certain aspects of the original Order, including the definitions of “minority” populations in compliance with the Office of Management and Budget’s (OMB) Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity of October 30, 1997. The revisions affirm the importance of considering environmental justice principles

as part of early planning activities in order to avoid disproportionately high and adverse effects. The updated Order maintains the original Order's general framework and procedures and DOT's commitment to promoting the principles of environmental justice in all DOT programs, policies, and activities.

National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) is the national charter for protection of the environment. NEPA ensures that environmental information on certain major Federal actions is available to public officials and citizens before decisions are made and before actions are taken (40 CFR 1500.1). NEPA directs agencies to:

- identify and assess the reasonable alternatives to proposed actions that will avoid, minimize, or mitigate adverse effects of these actions upon the quality of the human environment (40 CFR 1500.2);
- use all practicable means to restore and enhance the quality of the human environment and avoid, minimize, or mitigate any possible adverse effects of their actions upon the quality of the human environment (40 CFR 1500.2);
- evaluate alternative courses of action and make decisions in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; of the social, economic, and environmental impacts of the proposed transportation improvement; and of national, State, and local environmental protection goals (23 CFR 771); and,
- encourage and facilitate public involvement in decisions which affect the quality of the human environment (40 CFR 1500.2).

Executive Order 12898 states that, to the extent practical and appropriate, Federal agencies shall determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. These determinations are generally made at the project level during the NEPA process pursuant to the policy that, "to the fullest extent possible, all environmental investigations, reviews, and consultations be coordinated as a single process, and compliance with all applicable environmental requirements be reflected in the environmental review document required by FTA's NEPA regulation." 23 CFR 771.105(a).

Title VI

Title VI of the Civil Rights Act of 1964 provides that 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.

As the Presidential Memorandum accompanying EO 12898 stated, in accordance with Title VI, “each Federal agency shall ensure that all programs or activities receiving Federal assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.”

Joint FHWA/FTA Regulation for Statewide and Metropolitan Planning

FHWA and FTA updated their joint planning regulation in 2007; the regulation can be found at 23 CFR part 450 (adopted at 49 CFR part 613). The regulation requires a continuing, cooperative, and comprehensive planning process, and contains the requirements for public participation during the planning process. In addition, the regulation requires identification and consideration of potential issues for which environmental mitigation may be warranted in both Statewide and metropolitan transportation planning. While not focused on impacts affecting the built environment and EJ populations in particular, these provisions provide for identification and consideration of such potential impacts at the very earliest stage of decision-making – the planning process.

Joint FHWA/FTA NEPA Regulation

The FHWA/FTA joint NEPA regulation is at 23 CFR Part 771 (adopted at 49 CFR part 622). In section 771.105, FTA and FHWA make the following policy statements: Alternative courses of action will be evaluated and decisions will be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; *of the social, economic, and environmental impacts of the transportation improvement*; and of Federal, State, and local environmental protection goals. Public engagement and a systematic interdisciplinary approach are essential parts of the development process for proposed actions, and measures necessary to mitigate adverse impacts will be incorporated into the action. In considering whether a mitigation measure will be Federally-funded, FHWA and FTA will consider, among other factors, the extent to which the proposed measures would assist in complying with a Federal statute, Executive Order, or Administration regulation or policy. Section 771.111 requires, for FTA projects, public meetings and input from the public through the scoping process for environmental review documents. For documents requiring an EIS, an early opportunity for public engagement in defining the purpose and need for action and the range of alternatives must be provided.

Council on Environmental Quality (CEQ) EJ Guidance

The Council on Environmental Quality developed *Environmental Justice Guidance under the National Environmental Policy Act* in December, 1997. The guidance, as with EO 12898, is intended to assist Federal agencies in improving the internal management of the executive branch with respect to environmental justice under NEPA.

The CEQ guidance includes principles agencies should consider in making the determination of whether an agency action raises environmental justice issues. If an agency action may potentially have an effect on minority populations, low-income populations or Indian tribes, the document recommends the agency develop a strategy for public engagement in the agency's determination of the scope of the NEPA analysis. There is extensive guidance on developing a sound public participation process.

FTA Master Agreement

FTA annually publishes a Master Agreement, which is incorporated by reference and made a part of every grant agreement and cooperative agreement. Section 12.j. of FTA's Master Agreement provides that recipients agree to promote environmental justice by: (1) following and facilitating FTA's compliance with Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 42 U.S.C. § 4321 note, and (2) following the DOT Order addressing environmental justice. The DOT Order is 5610.2(a), 77 FR 27534 (May 10, 2012).

C. References

For more information on the authorities cited above and referenced in other Chapters, we have included the citations, below.

- a. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000d.
- b. National Environmental Policy Act of 1969, as amended, 42 U.S.C. Section 4321 *et seq.*
- c. Moving Ahead for Progress in the 21st Century (MAP-21), Pub. L. 112-141 (July 6, 2012).
- d. 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. http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr21_main_02.tpl
- e. Joint FHWA/FTA regulations, “Planning Assistance and Standards,” 23 CFR part 450 (adopted at 49 CFR part 613). http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title23/23cfr450_main_02.tpl
- f. Joint FHWA/FTA regulations, “Environmental Impact and Related Procedures,” 23 CFR part 771 (adopted at 49 CFR part 622). http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title23/23cfr771_main_02.tpl
- g. 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). <http://www.archives.gov/Federal-register/executive-orders/pdf/12898.pdf>
- h. Executive Order 13166, “Improving Access To Services For Persons With Limited English Proficiency,” Aug. 11, 2000, 65 FR 50121 (Aug. 16, 2000). <http://www.justice.gov/crt/about/cor/Pubs/eolep.php>
- i. U.S. DOT 2011 implementation report on environmental justice, available at http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/.
- j. U.S. DOT Order 5610.2(a) Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 77 FR 27534 (May 10, 2012). http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot/order_56102a/.

- k. U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087 (Dec. 14, 2005).
<https://www.docr.dot.gov/page/dots-lep-guidance>
- l. CEQ, *Environmental Justice Guidance under the National Environmental Policy Act* (Dec. 1997), available at [http://www.fta.dot.gov/documents/Environmental
Justice guidance nepa ceq1297.pdf](http://www.fta.dot.gov/documents/Environmental%20Justice%20guidance%20nepa%20ceq1297.pdf).
- m. FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients. http://www.fta.dot.gov/legislation_law/13718.html
- n. FTA Master Agreement FTA MA(18), Oct. 1, 2011, available at <http://www.fta.dot.gov/documents/18-Master.pdf>.

A copy of Circular FTA C 4703.1 Environmental Justice Policy Guidance for Federal Transit Administration Recipients can be found at:

http://www.fta.dot.gov/documents/FTA_EJ_Circular_7.14-12_FINAL.pdf

Appendix D

Department of Justice and Title VI

The Civil Rights Division of the Department of Justice (DOJ), created in 1957 by the enactment of the Civil Rights Act of 1957, works to uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society. The Division enforces federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status and national origin. The Division enforces a wide array of laws that protect the civil rights of all individuals.

Ex. Ord. No. 13160, June 23, 2000, 65 F.R. 39775, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 921–932 of title 20, United States Code; section 2164 of title 10, United States Code; section 2001 *et seq.*, of title 25, United States Code; section 7301 of title 5, United States Code; and section 301 of title 3, United States Code, and to achieve equal opportunity in Federally conducted education and training programs and activities, it is hereby ordered as follows:

Section 1. Statement of policy on education programs and activities conducted by executive departments and agencies.^{1–101}. The Federal Government must hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance. Existing laws and regulations prohibit certain forms of discrimination in Federally conducted education and training programs and activities—including discrimination against people with disabilities, prohibited by the Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, as amended, employment discrimination on the basis of race, color, national origin, sex, or religion, prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–17 [42 U.S.C. 2000e *et seq.*], as amended, discrimination on the basis of race, color, national origin, or religion in educational programs receiving Federal assistance, under Title VI of the Civil Rights Acts of 1964, 42 U.S.C. 2000d [et seq.], and sex-based discrimination in education programs receiving Federal assistance under Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.* Through this Executive Order, discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent will be prohibited in Federally conducted education and training programs and activities.

If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the DOJ for appropriate legal action. Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court. Title VI itself prohibits intentional discrimination. However, most funding agencies have regulations implementing Title VI that prohibit recipient practices that have the effect of discrimination on the basis of race, color, or national origin.

Additional information can be found on the Department of Justice Title VI homepage at: <http://www.justice.gov/crt/about/cor/coord/titlevi.php>.

Appendix E

**Department of Transportation Services
TheBus Non-Discrimination Policy and Complaint Instructions**

DEPARTMENT OF TRANSPORTATION SERVICES

TheBus Non-Discrimination (Title VI) 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 the non-profit corporation contracted by DTS to provide the services of "TheBus," Oahu Transit Services, Inc. (OTS), will fully comply with Title VI of the Civil Rights Act of 1964. DTS, and OTS, is committed to ensuring that no person using TheBus is discriminated against on the basis of race, color, national origin, low income, or limited English proficiency, 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

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, and 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 on the basis of race, color, or national origin, 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 on the basis of race, color, national origin, low income, or limited English proficiency while using TheBus or TheHandi-Van may file a Title VI complaint with DTS.

How to file a discrimination (Title VI) 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, Fixed Route Operations at:

*Public Transit Division, Fixed Route Operations
Department of Transportation Services
City & County of Honolulu
Frank F. Fasi Municipal Building
650 South King Street, Third Floor
Honolulu, Hawai'i 96813-3017
Email: TheBusStop@honolulu.gov
Phone: (808) 768-8363*

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

Printable Form:

[Title VI complaint form](#) (83KB 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:

The FTA

*US 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 based on race, color, national origin, low income, or limited English proficiency 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, Fixed Route Operations (FRO).

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

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.

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.

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 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.

Appendix F

**You Have Rights Car Card
(Reference Title VI of 1964 the Civil Rights Act & Environmental Justice 1994)**

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, wennu 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へ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 지역사회의 모든 구성원 과 저소득 및 사회적 기준에 관계없이 동등한 트래픽 권리를 받습니다.

~참고 **1964**년 민권법 제**6**장 및 **1994**년 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

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.

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

A copy of the car card can be found on the OTS website at:

http://www.thebus.org/AboutTheBus/policies/TitleVICard_Combine.pdf

Appendix G
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

Title VI, Civil Rights Act, 1964 states "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." Two Executive Orders extend Title VI protections to Environmental Justice, which also protects persons of low income, and Limited English Proficiency (LEP).

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to: City & County of Honolulu, Department of Transportation Services, Public Transit Division, Fixed Route Operations Branch; 650 South King Street, 3rd Floor, Honolulu, HI 96813.

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 <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Low Income <input type="checkbox"/> Limited English Proficiency		
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 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply: <input type="checkbox"/> Federal Agency: <input type="checkbox"/> Federal Court <input type="checkbox"/> State Agency <input type="checkbox"/> State Court <input type="checkbox"/> 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:		

Appendix H
DTS-PTD Complaint Log

Appendix I
Public Participation Plan

PUBLIC TRANSIT DIVISION

CATEGORY: FIXED ROUTE OPERATIONS	Index Code: 7-3.5 Page 1 of 4
SUBJECT: PUBLIC PARTICIPATION IN SERVICE AND/OR BUS STOP CHANGES	
REFERENCE:	
<p>PURPOSE: To establish procedures for implementing significant and minimal changes in public transit operations and advising the public of these changes.</p> <p>DEFINITION:</p> <ol style="list-style-type: none"> 1. Significant shall be measured as changes that will affect system wide bus services by more than 10% percent, or eliminate entire routes from any community. 2. Minimal shall be measured as changes that affect bus services and/or bus stops within a restricted area of a community, but does not eliminate any routes. <p>PROCEDURES:</p> <ol style="list-style-type: none"> 1. <u>Sources of Public Comment</u> <p>Traditional Public Hearing</p> <p>When there are significant service changes covering a large service area(s), the Public Hearing serves the following purposes:</p> <ol style="list-style-type: none"> A. It provides an assured method for the City and County to inform the public about its proposed bus service changes. B. It offers every interested resident of the service area(s) an opportunity to be heard, to make suggestions, and to agree or disagree with the proposed changes. C. It affords the City and County an opportunity to receive other information from local sources which would be of value to the City in its continued efforts to improve the bus service. 	

PUBLIC TRANSIT DIVISION

CATEGORY: FIXED ROUTE OPERATIONS	Index Code: 7-3.5 Page 2 of 4
SUBJECT: PUBLIC PARTICIPATION IN SERVICE AND/OR BUS STOP CHANGES	
REFERENCE:	
<p data-bbox="354 569 760 600"><u>Sources of Public Comment</u> (continued)</p> <p data-bbox="354 632 1276 783">It is <u>not</u> the intent of a Public Hearing to determine the solution by a majority vote of those present at the Hearing. The responsibility of selection of the final solution rests with the Department of Transportation Services, the Mayor, and in some cases the City Council, and will be based upon factual information, including the findings uncovered through the Public Hearing.</p> <p data-bbox="354 821 1284 1035">Prior to implementing any significant bus service changes, a notice of intent to hold a Public Hearing is published in newspapers of general circulation in the urbanized area, and is also published in newspapers oriented to specific groups or neighborhoods and communities that may be affected. In accordance with FTA requirements, notices are published at least 30 days prior to the Hearing, describe the proposed changes, and indicate the time and place of the Hearing. A certified copy of the published notice and certified transcript of the Hearing are made available for public inspection.</p> <p data-bbox="354 1066 656 1098">Neighborhood Board Meeting</p> <p data-bbox="354 1129 1279 1344">When service and/or bus stop changes cover a more restricted area of a specific community, a written or oral notification of the proposed changes is given to the affected Neighborhood Board representative, at least fifteen (15) days prior to posting of notices; a presentation may be made at the next scheduled board meeting on request. Because the Neighborhood Boards serve as the key mechanism through which each neighborhood contributes its needs and desires, it should be considered the primary entity from which the City receives comments from the public regarding bus service and/or bus stop changes.</p> <p data-bbox="354 1375 686 1407">Community Association Meeting</p> <p data-bbox="354 1438 1276 1589">Upon request, presentations regarding service and/or bus stop changes may be made to Community Associations or Community Councils either separately or in conjunction with Neighborhood Board presentations. Not all service areas have Community Associations or Councils, and these organizations may not have the more extensive representative powers of Neighborhood Boards.</p>	

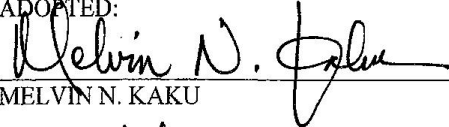
PUBLIC TRANSIT DIVISION

CATEGORY: FIXED ROUTE OPERATIONS	Index Code: 7-3.5 Page 3 of 4
SUBJECT: PUBLIC PARTICIPATION IN SERVICE AND/OR BUS STOP CHANGES	
REFERENCE:	
<p data-bbox="354 583 704 613">Improvement Association Meeting</p> <p data-bbox="354 646 1234 768">These organizations, like Community Associations, are more limited in representational scope and may be more geared to the special interests of the members, and not to the community as a whole. Still, upon request, presentations to Improvement Associations may also be considered to obtain their feedback on proposed changes.</p> <p data-bbox="279 798 935 827">2. <u>Advance Notice of Proposed Service and/or Bus Stop Changes</u></p> <p data-bbox="279 856 1253 919">Provides the public advanced notification of service modifications that may have significant impact on the established ridership and its habits and usage of the service, by using the following:</p> <p data-bbox="354 949 1253 1096">Media Release: Includes press releases to the two major daily newspapers, MidWeek, Sun Presses, Community Newspapers or Bulletins, and broadcast media (radio and television). When deemed necessary, space may be purchased by the City to publicize in print or broadcast media specific service changes judged to be of major community impact or significance.</p> <p data-bbox="354 1129 1240 1192">Fliers: Can include description of route and/or bus stop changes, maps or other graphics, to be distributed as follows:</p> <ul style="list-style-type: none"> <li data-bbox="425 1222 623 1251">On-board the buses <li data-bbox="425 1281 649 1310">Hand-out at bus Stops <li data-bbox="425 1339 831 1369">Mail-out to residences in the community <p data-bbox="354 1402 1218 1465">Posted Notices: at bus stops (at least 30 days prior to implementation), on Community Bulletin Boards, at Meeting Halls, Satellite City Halls, etc.</p> <p data-bbox="354 1495 1136 1558">Purchased Advertising: directed at specific target areas (i.e., communities and neighborhoods affected, newspapers, on buses, etc).</p>	

PUBLIC TRANSIT DIVISION

<p>CATEGORY: FIXED ROUTE OPERATIONS</p>	<p>Index Code: 7-3.5 Page 4 of 4</p>
<p>SUBJECT: PUBLIC PARTICIPATING IN SERVICE AND/OR BUS STOP CHANGES</p>	
<p>REFERENCE:</p>	
<p>organizations, groups, or individuals.</p> <p>3. <u>Notification of Public Hearing on Proposed Service Changes</u></p> <p>Provides the public notification of service and/or bus stop modifications as required by FTA, by means of the following: (see descriptions in "Advance Notice" above)</p> <ul style="list-style-type: none"> Media Release Fliers Posted Notices Purchased Advertising Correspondence <p>4. <u>Record of Public Comment on Proposed Service Changes</u></p> <p>Provides written and other types of documentation for verification that public comment was solicited and served. Means of providing records of public comment may include the following:</p> <ul style="list-style-type: none"> Correspondence <ul style="list-style-type: none"> Direct From N. Board, C. Association, etc. Telephone Walk-in Minutes of N. Board, C. Association, etc. meetings Public Hearing Transcript(s) as required by FTA (Official Documentation) 	

ADOPTED:


MELVIN N. KAKU

Amendment _____

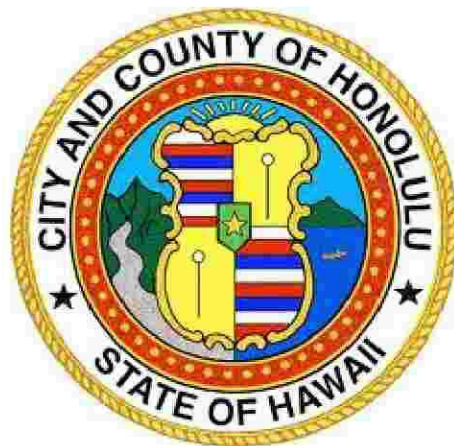
Date

5/1/06

Date _____

Appendix J
Language Access Plan

City and County of Honolulu
Department of Transportation Services
Public Transit Division
Language Access Plan



Department of Transportation Services

City and County of Honolulu

June 2015

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I. Introduction

The Department of Transportation Services (DTS) of the City and County of Honolulu and TheBus operator, O'ahu Transit Services, Inc. (OTS) are committed to providing superior service to all patrons and users of their facilities and services. Honolulu has its own unique set of challenges in its Limited English Proficient (LEP) population, as the population is predominantly made up of speakers of Asian and Pacific languages in contrast to other parts of the U.S.

The contents of this Language Access Plan (LAP) are in compliance with guidance the Federal Transit Administration FTA guidance and instruction documents titled "Circular FTA C 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients" dated October 1, 2012.

II. Definition of a Limited English Proficient Person

For purposes of this LAP a limited English proficient (LEP) person means "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" (HRS Section 321-C-2). Such persons may be eligible to receive language assistance with respect to a particular service or request.

III. Identifying Significant LEP Populations and Issues

A study, "Geographic Distribution of Minority and Poverty Populations on O'ahu" which identified geographical areas in Honolulu with significant proportions of Title VI/Environmental Justice (EJ) populations was conducted in 2010, and updated in 2015. Similarly, a Four-Factor Analysis among O'ahu transit riders, "Improving Public Transportation for Honolulu's LEP Population" was conducted in August 2012. Some summary information is presented here.

IV. The Elements of a Language Access Plan

This section contains the essential elements of a LAP prescribed under the FTA Circular 4702.1B. It also presents the demographic profile of the bus-riding LEP population on O'ahu, as presented in the Four Factor Analysis. DTS and OTS are responsible for implementing the plan.

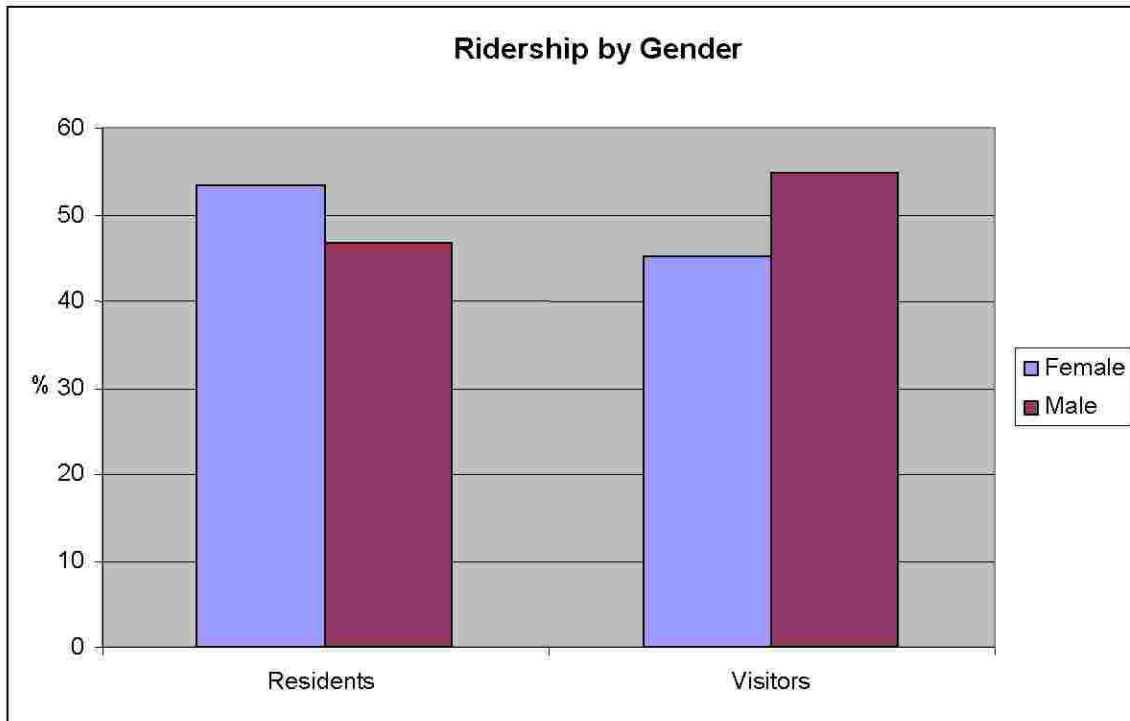
Description of LEP Populations Being Served

Demographics of TheBus Ridership

In addition to the Four-Factor Analysis, an on-board bus ridership assessment through "HART On-Board Survey, O'ahu Transportation Service" was conducted in 2013. Extensive information on bus ridership was gathered to better understand rider characteristics. TheBus ridership is described below:

Gender of Riders

While ridership is generally comparable between the genders, the graph below shows that a pattern of slightly more females among residents and slightly more males among visitors use TheBus.

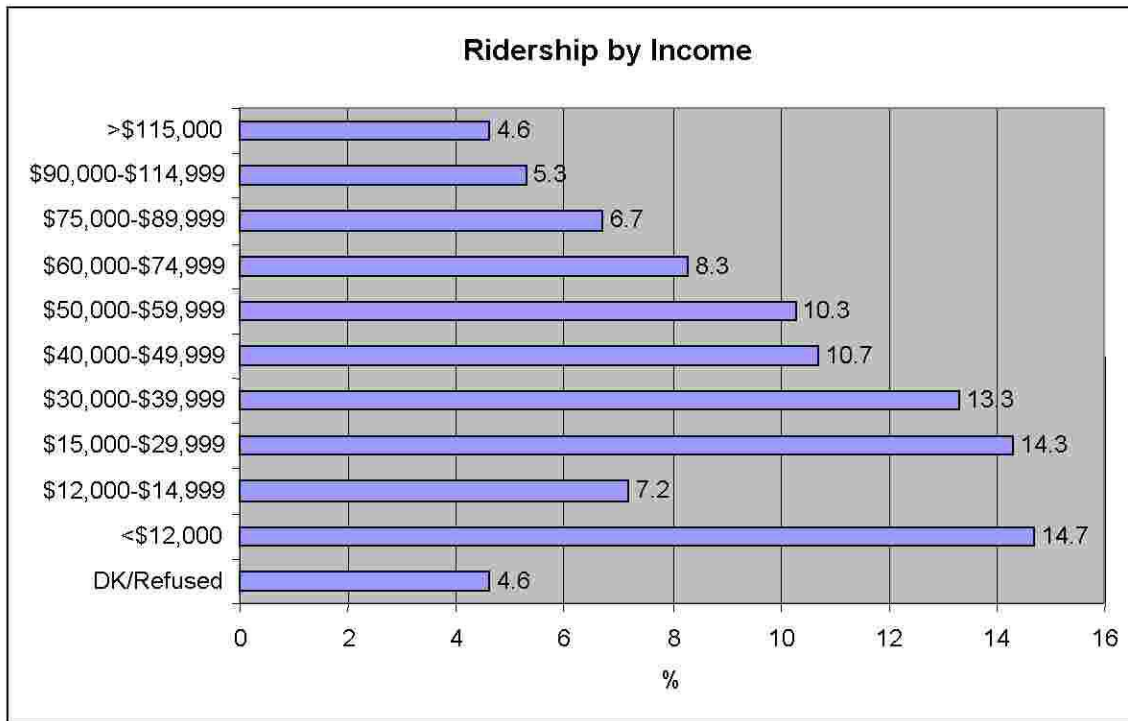


Source: HART On-Board Survey, O'ahu Transportation Service, 2013

(HART = Honolulu Rail Transit)

Income and Mobility Measures

Ridership is greater among lower income groups. TheBus, in general, provides mobility for all income levels, but mostly serves lower income riders.

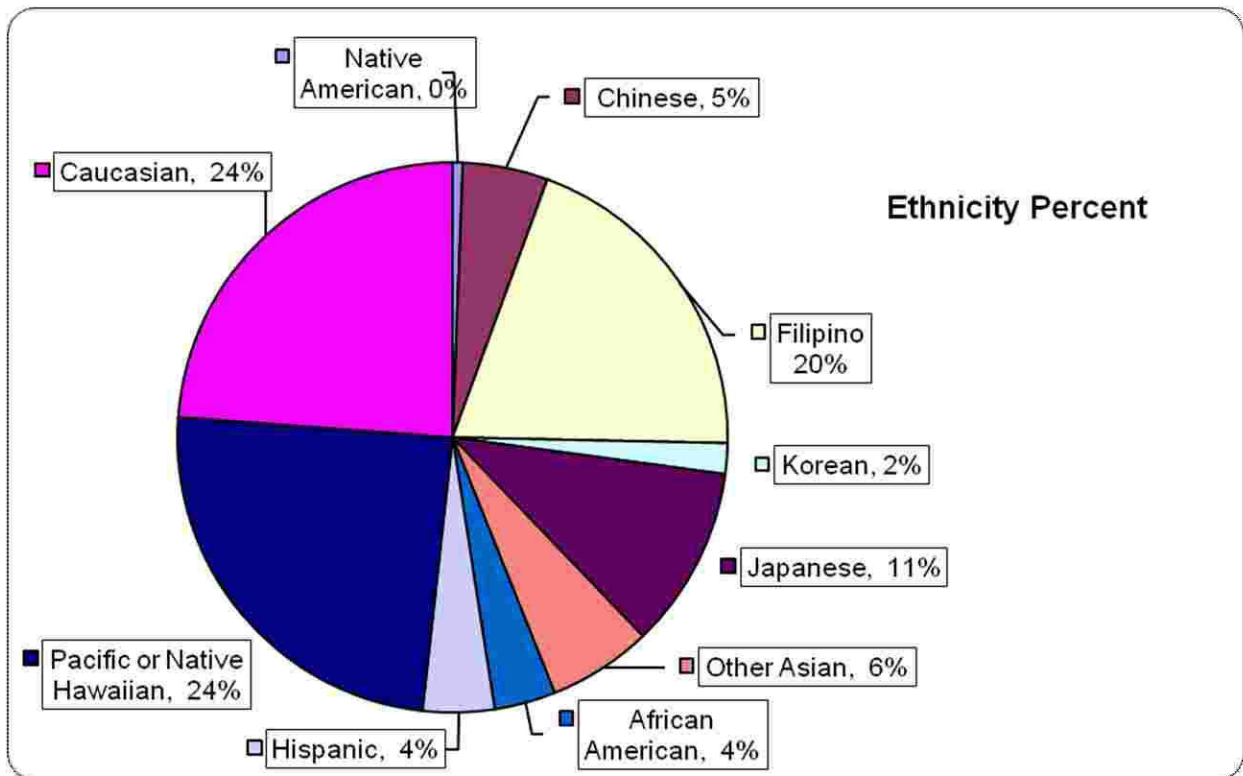


DK = "Don't Know"

Source: HART On-Board Survey, O'ahu Transportation Service, 2013

Ridership by Ethnicity

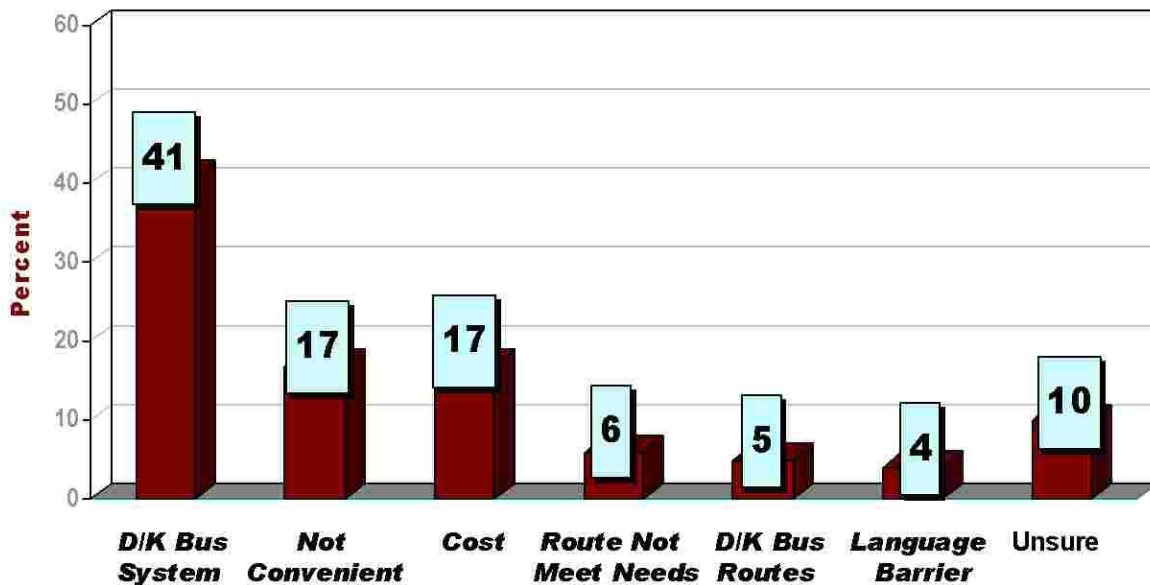
Ethnic groups in Honolulu are extremely diverse. Among the ridership, three groups dominated; Filipinos, Whites and Pacific Islanders or Native Hawaiians.



Source: HART On-Board Survey, O'ahu Transportation Service, 2013

Reason Why **DO NOT** Ride Bus More Often

Question 9.0: *Is there some reason you don't ride the bus more often?*



D/K = "Don't Know"

Source: Improving Public Transportation for Honolulu's LEP Population (Four Factor Analysis), 2012.

Demographics of Survey Respondents

Length of Residency

0 to 5 years	35%
6 to 10	25%
11 to 25	21%
Over 25 years	18%
Refused	1%

Age

18 to 25	35%
26 to 35	8%
36 to 50	14%
51 to 65	18%
Over 65 years	24%
Refused	1%

Household Income

Under \$25,000	43%
\$25,001 to \$50,000	23%
\$50,001 to \$75,000	6%
\$75,001 to \$100,000	1%
Over \$100,000	2%
Refused	25%

Employment Status

Employed	50%
Unemployed	23%
Homemaker	6%
Retired	18%
Refused	3%

Home Ownership

Own	23%
Rent	74%
Refused	3%

Education

Less than High School	19%
High School	39%
Some College	23%
College Graduate	14%
Graduate School	1%
Refused	4%

Type of Housing

Single Family Home	27%
Townhouse	4%
Condominium	11%
Apartment	48%
Duplex/Triplex	6%
Refused	4%

Gender

Male	36%
Female	64%

Source: Improving Public Transportation for Honolulu's LEP Population (Four Factor Analysis), 2012

Map 1, at the end of the report, shows the distribution of LEP households in Honolulu, as per the U.S. Census. Map 2 gives that distribution with TheBus routes overlaid.

1. Objectives Based on Four-Factor Analysis Recommendations

The Four-Factor Analysis provided thirteen recommendations. They were grouped into short-term and long-term objectives and presented below.

Short-Term Objectives

Recommendation #6: Use **SIMPLE LANGUAGE** in posters, signage, and informational materials that are intended to be of service to the LEP population.

DTS and OTS are committed to providing all written materials in easy to understand language and grammar.

Recommendation #7: Wherever possible, use **LARGE print** on posters and signage regarding bus routes, et al.

Posters and signage are provided in mixed size fonts. DTS and OTS comply with the guidelines and regulations for ADA-compliant posters and signage, in accordance with the United States Access Board's (USAB) ADA Accessibility Guidance, Hawaii Disability and Communication Access Board's (DCAB) Guidance for Producing Materials in Print Format, and other pertinent legal mandates.

Recommendation #10: Print the **Title 6, Bus Nondiscrimination Complaint Form** in the six major languages that comprise the LEP population.

The Title VI, Bus Nondiscrimination form is translated and provided in English and eight major languages: Japanese, Chinese, Korean, Ilocano, Tagalog, Vietnamese, Chuukese, and Marshallese on the OTS website: <http://thebus.org/AboutTheBus/TitleVI.asp>. The English version is also available on the DTS website: <http://www.honolulu.gov/cms-dts-menu/site-dts-sitearticles/1883-thebus-non-discrimination-title-vi-policy.html>.

Recommendation #12: **Be sure drivers are trained properly on safety at the bus stops.** Persons getting on and off the bus apparently have been injured in the past because the doors close too quickly. Also, drivers need to be able to convey safety instructions to passengers.

Safety concerns include bus driver's ability to explain safety requirements to LEP riders. All TheBus drivers receive extensive safety training before and during their employment. Correct handling of LEP riders and their safety will be incorporated in TheBus operators' training.

Recommendation #13: **Be sure the pockets at the bus stops have schedules in the various languages.** Many individuals depend on these schedules to use the services; oftentimes, they are apparently empty.

Information schedules are available at some bus stops and other public venues. Bus riders are increasingly using electronic means to get information and system resources are being directed towards improving that medium.

Long-Term Objectives

DTS is very aware of the public service aspect of TheBus as a primary means of transportation for various Socio-Economic Status (SES) groups. We constantly strive to provide the maximum service possible given the limited resources of the system. The following recommendations will be addressed as time and resources allow.

Recommendation #1: A significant ratio of the LEP population in Honolulu is comprised of the lower SES in and around the metropolitan area. As a result, literacy can be problematic (and embarrassing) for this subset of the community.

Much of the translation from English to the 17, or so, languages that are spoken and (with one exception) written by those who comprise the LEP population is apparently based upon an alphabet that resembles English letters as opposed to pictographs and ideographs. These translations therefore require a level of reading comprehension not always present in the LEP population.

According to several of the respondents in the present phase of the effort, this results in a significant ratio of the LEP population having difficulty in reading and understanding bus routes, signage at the bus stops, as well as the signage and posters inside the bus. This also represents a significant barrier for these individuals with regard to visiting the DTS website to secure information regarding public transit services that, if they could read the translations, would result in increased usage of these services.

Thus, the recommendation that resulted from this *finding* is that, whenever and wherever possible, the signage at bus stops, on the buses themselves, inside the bus (including posters designed to assist riders), and on the DTS website employ more signs and symbols (including pictographs and ideographs, where appropriate) in order to make the information accessible to this segment of the LEP population.

Recommendation #2: On the DTS website and on posters inside the bus, **invite LEP individuals to call a phone number where the information is provided in their native language**; for example, "Those who prefer to speak Micronesian, call: (800) 555-MICR or Filipinos call: (800) 555-Filip; what-have-you.

Recommendation #3: Have the signage at bus stops include English AND the language, or languages, of the predominant culture in that neighborhood.

Recommendation #4: Have the language on the electric signage on the front of the bus change to the predominant culture as it moves through the various neighborhoods. For example, have the descriptive of where the bus is going to appear in English for a moment or two; then change to the predominant language as it enters a given ethnic neighborhood (e.g., English, then Spanish; or, English, then a Cantonese pictograph; then back to English).

Recommendation #5: In a similar vein, mount electronic billboards at bus stops that tell riders that a given bus (e.g., *Bus Route 5 from downtown to North Shore*) will be arriving in 8 minutes (whatever); here again, have the language appear first in English...then switch to the language (or pictograph) of the predominant culture in the specific neighborhood being served...then back to English.

Low-Priority Objectives

The following objectives are considered low priority or system-dependent in the case of Recommendation #11. Adverse community interests preclude more use of loud speakers as they have been the subject of ongoing contention in some neighborhoods served by TheBus.

Recommendation #8: At each bus stop, have a loud speaker that says: "STAND BACK, please" as the bus approaches the bus stop. Here again, this (polite) directive should be stated first in English and then in the language or languages of the predominant culture in the specific neighborhood being served.

Recommendation #9: Produce captioned Public Service announcements (PSA's) in multiple languages, promoting a variety of public transit services. This would work for every culture in Honolulu EXCEPT Micronesian, which is a music and oral-based culture; for this subset of the community, produce jingles and/or songs.

Recommendation #11: The biggest complaint from all three studies was the changing of the bus routes. **Riders, non-riders, and bus drivers would like to see more bus routes and return to the old routes that had better coverage for LEP's.** Obviously this is a financial issue and is based on the DTS reviewing their schedules based upon usage and cost and cannot be accomplished overnight.

2. Description of Language Assistance Services

a. Types of Language Services Available

Language services available are Bus Information, Customer Service, Bus Pass and TheHandi-Van which utilizes 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).

b. How Staff Can Obtain These Services

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

c. Responding to LEP Callers

Staff follow a series of steps when responding to LEP callers. These are:

- o First the staff member will find out if the caller has any English comprehension to use simplified English.
- o If that is not possible they will try to find the country of origin and/or language dialect.
- o If that is not possible, the staff member can contact the interpreter vendor for assistance.
- o Once the language is determined the staff member will be able to conduct a two-way conversation utilizing the interpreter service.

d. Responding to Written Communication from LEP Persons

- o When written communication is received, OTS determines what language it is written in and then uses internal staff to translate if possible.

- o OTS currently has Ilocano, Tagalog, Japanese, Chinese, and Korean written and spoken language proficient employees.
- o Once the information is understood, OTS will then create a simplified English response, which is then send out to a vendor to be translated.

e. Responding to In-Person Contact with LEP Persons

OTS uses the interpreter vendor when LEP persons request assistance.

- o When the customer is at the service counter, the staff member will have them point to the language card to select their language.
- o The staff member is to call the interpreter vendor and do a two-way conversation.

f. Ensuring Competency of Interpreters and Translation

The interpreters used are highly qualified and skillful.

- o There is a screening and credentialing process for interpreter vendors.
- o Translation services vendors provide the translations and OTS internal staff will double check the translation. When the edits are found the corrections are sent back to the vendor. OTS internal staff will once again check to ensure the corrections were made.
- o If there is no internal staff to check the translation, the internal staff will contact outside/community resources to assist (such as the consulates).

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

DTS and OTS are currently working together to incorporate a LEP video presentation into TheBus operators' periodic training. Target implementation will be in December 2015.

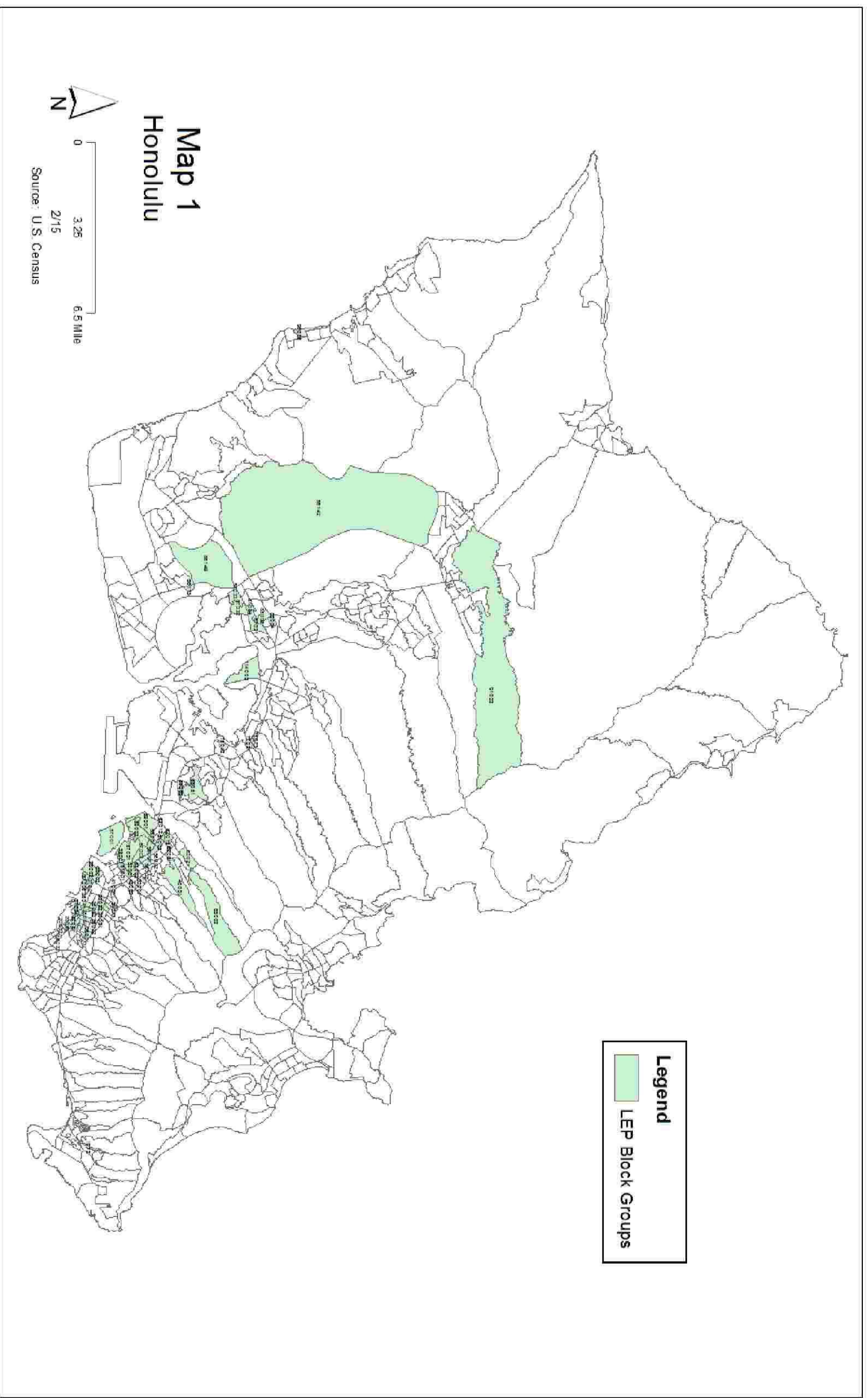
4. Providing Notice to LEP Persons of Assistance

TheBus communicates with LEP populations by posting signs, online information, outreach documents, community-based organizations, voicemail menu, and notices in common languages.

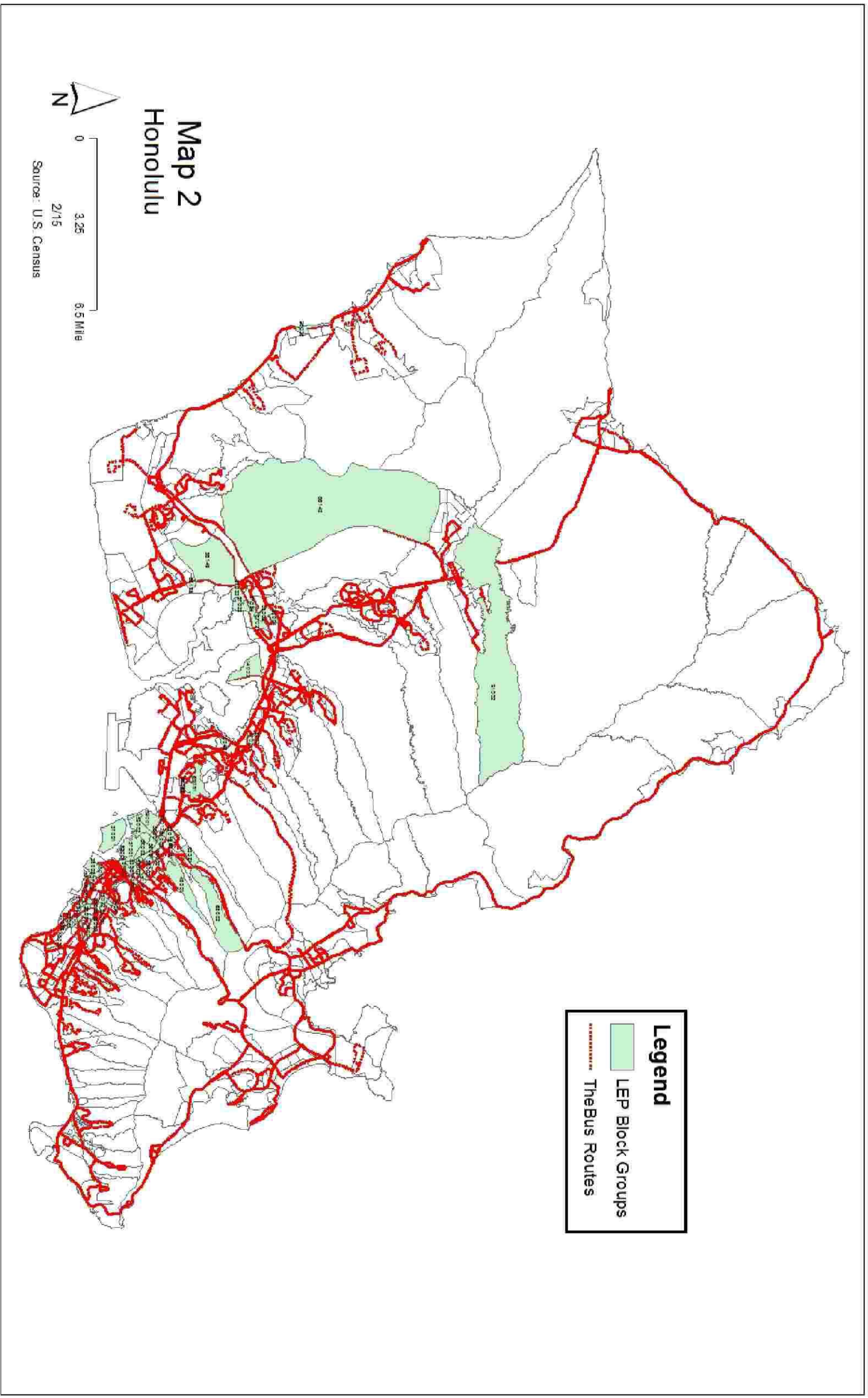
5. Monitoring and Updating LAP

DTS has developed an initial plan (2007) and updated it with a small revision in 2009. This plan is a more recent full revision. Moving forward, monitoring and updating the LAP will be conducted every three years in accordance with FTA Circular 4702.1B.

Map Appendix



LEP block groups are block groups that are more than 1 standard deviation greater than the mean of percent Limited English Speaking Households.



Appendix K

2012 Honolulu Short Range Transit Operations Plan (SRTSOP) Final Report

HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES

**SHORT RANGE TRANSIT
OPERATIONS PLAN
FINAL REPORT**

May 2012



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OVERVIEW

The City and County of Honolulu's Short Range Transit Operations Plan (SRTOP) for TheBus and TheHandi-Van provides a set of policies, principles and recommendations to improve the efficiency, effectiveness, capacity, and quality of Honolulu's existing bus and paratransit services. The SRTOP lays out a blueprint for how transit can support enhanced mobility for Oahu's residents and visitors, reduce traffic congestion, and provide a transit-based strategy to create livable communities. To accomplish this, the SRTOP identifies and recommends near term service improvements to address salient issues and improve operational efficiency and creates guidelines for future planning to identify and prioritize capital improvements and service changes over time. The SRTOP was developed from 2008 through 2012 under the management of the Honolulu Department of Transportation Services (DTS).

There are a number of specific challenges that transit services in the City and County of Honolulu have faced in recent years that this project sought to address. The transit system is a victim of its own success, operating at or over capacity much of the time. This constrains the system's ability to improve service quality and increase usage. Limited roadway infrastructure and significant congestion compound these issues by impacting service quality and capacity. Finally, Honolulu lacks funding to maintain the current system, much less to expand. The SRTOP tackled these tough issues, closely examining the role that transit can play in enhancing mobility and quality of life in Oahu.

Developing a road map for integrating bus and fixed guideway service was another key project theme in development of the SRTOP. The Honolulu Authority for Rapid Transportation (HART), in cooperation with FTA, is developing the Honolulu High-Capacity Transit Corridor Project (HHCTCP), a fixed guideway transit system that will provide new transit service on Oahu. The need to reconfigure bus service to provide access to fixed guideway transit stations and to integrate bus facilities with this new system was a key consideration throughout the SRTOP.

There were multiple phases in the development of the SRTOP. The project began with a thorough assessment of existing services and conditions. The team then developed performance standards and design guidelines which provide staff with guidance in how to evaluate current services, allocate scarce transit resources and consistently and predictably respond to emerging community needs. The final stage of the project was to develop concrete actions that DTS could take in the short term to improve service efficiency and quality on the ground today. To define these actions, the team first developed a toolbox of general strategies and then refined these to identify a set of specific service changes for implementation.

This document constitutes the final report for the SRTOP. It summarizes the plan development process, key findings, and public outreach and comments. The principal milestones of the short range transit planning process were:

- Existing Conditions
- Performance Standards and Design Guidelines
- Strategies and Service Changes:
 - TheBus Service Planning Toolbox and Capital Needs
 - TheHandi-Van Strategies
 - TheBus Change Summary Report Service Standards

Each of these reports is summarized below and can be found online at:

<http://www1.honolulu.gov/dts/short-range-transit-plan.htm>.

Moving forward, the critical elements of the SRTOP that DTS will rely on for guidance in managing the system are the performance measures and the design guidelines, shown in Figures 1 through 4 below. These provide DTS with specific direction on how to continuously improve and enhance transit services to best serve Honolulu's riders and communities.

EXISTING CONDITIONS REPORT

The existing conditions report set the stage for all subsequent work conducted for Honolulu's SRTOP. It summarized the existing operating environment, focusing on trends that affect the delivery and effectiveness of public transportation services. The existing conditions report revealed several major themes that had implications for the SRTOP process as well as continuing implications for Honolulu's public transportation services. The significant themes that emerged from this initial review are listed below. Additional information on any of these themes can be found in the report itself.

TheBus Services:

- Honolulu's public transit system is very productive, comprising a major element of Honolulu's transportation infrastructure
- Overall, cost recovery of TheBus is excellent
- A few routes carry most of the system's riders
- The system's design guidelines are not fully understood by people outside the agency
- Most routes are designed to serve destinations in and around Downtown Honolulu
- Several factors combine to slow Downtown bus operations
- Overcrowding is a problem
- The system's most productive services focus on several major travel corridors
- The system does not meet its on-time performance goals
- Some express routes are very productive, others fail to meet the system's expectations
- Integration of fixed guideway transit will reshape the system in the west end of the island over the next 10 years

TheHandi-Van Services:

- DTS attempts to operate TheHandi-Van services in compliance with The Americans with Disabilities Act
- Some of TheHandi-Van's service policies and procedures exceed minimum standards set by the ADA
- Several identified problem areas have been addressed in recent years
- Operating costs and service productivities are emerging as issues for the operation of TheHandi-Van

- TheHandi-Van service faces several other challenges that will demand management attention in the near future.

Subsequent work products sought to address these themes.

PERFORMANCE STANDARDS AND DESIGN GUIDELINES

The next phase of the SRTOP was development of performance measures and service guidelines to be used by the agencies throughout the SRTOP process and into the future. These were developed as part of a joint effort between members of DTS and the consultant team. These measures and guidelines were developed to:

- Provide a valuable tool for allocating scarce transit resources. A consistent set of design and performance guidelines provides agency staff consistent direction on how to allocate, prioritize and deploy services to meet adopted goals and avoid potentially inequitable and inefficient allocations of service.
- Assist in creating consistency and predictability of responses to emerging community needs. E.g. to determine how transit will respond to growth, whether a particular development will be served by transit and where to focus transit service reductions or other service changes.
- Meet federal service guideline and standard requirements.

The performance standards memo is divided into two sections.

1. Fixed Route Performance and Design Guidelines:
 - a. Current performance reporting policies
 - b. Proposed route classification system
 - c. Proposed fixed route performance measures and guidelines
 - d. Suggested methodology for routine evaluation of fixed route services
 - e. Guidelines for design of fixed route services to provide a policy basis for determining how services are provided throughout the entire service area
2. Paratransit Guidelines:
 - a. Overview of the purpose of paratransit performance measures and industry best practices
 - b. Current procedures and standards for tracking TheHandi-Van performance
 - c. Recommended performance monitoring standards and strategies for improving the monitoring of TheHandi-Van performance

The recommended performance standards for TheBus and The Handi-Van are shown in the figures below.

Figure 1 Service Quality and Reliability Benchmarks for TheBus

Quality/Reliability Measures	Proposed Fixed Route System Service Guidelines	Comments
Average Weekday Boardings	227,000 for 2011 and 2012. This number should be revised at least biennially.	The current OTS standard is 235,000 daily riders including Community Access.
Boarding Passengers per Revenue Hour	55 passengers per revenue vehicle hour.	Equivalent to system performance in 2009 (NTD published number).
Passenger Miles per Revenue Hour	290 passenger miles per vehicle revenue hour	Equivalent to system performance in 2009 (NTD published number).
Farebox Recovery	Maximum – 33% Minimum – 27%	Established by City Council Resolution 00-29, CD1 (1/24/2001)
On Time Performance	For total services operated on RapidBus and Urban Trunk routes individual buses should not vary from their published headway by more than 3 minutes at least 80% of the time.	On frequent routes service consistency is more important to customers than on-time performance. This considers whether the spacing between trips is uniform and predictable.
	For services operated on Suburban Trunk, Urban Feeder, Community Circulators, and Express routes 80% of all revenue bus trips must depart the route start point and arrive at the route end point within five minutes of the time published in the schedule.	The system currently uses a goal of 68% on time (70% by 6/2012) With an on-time definition of 2 minutes early to five minutes late.
	No bus shall depart a formal time point before the time published in the schedule.	This is a new standard that is consistent with operating practices at other systems.
Passenger Complaints/ Boardings	The number of complaints shall not exceed 0.10% of the total boardings. The benchmark is 7.5 complaints/100,000 boardings.	This is the current OTS standard.
Total Fleet Accidents/ Bus Miles Operated	Less than 1 total accident per 20,000 bus miles	This is the current OTS standard.
Preventable Accidents/ Bus Miles Operated	Less than 1 preventable accident per 80,000 revenue miles.	This is the current OTS standard.
Major Accidents/Million Bus Miles Operated	Less than 1.5 major accidents per million bus miles	This is the current OTS standard.

Quality/Reliability Measures	Proposed Fixed Route System Service Guidelines	Comments
Maintenance	The number of road calls should not exceed 0.014% of total revenue miles operated. The benchmark is 1 road call per 7,000 revenue miles.	This is the current OTS standard.
	At least 85% of all regular fleet vehicles should be available for operations at all times	This is the current OTS standard.
	The ratio of spare vehicles to maximum vehicle requirement for active service should be 20% or less.	This is the FTA standard.
	95% of vehicle inspections and preventative maintenance shall be completed on time	The current OTS standard addresses inspections but not preventative maintenance.
Bus Trips Cancelled	No pullout shall be cancelled. The benchmark is zero tolerance.	The current standard is that 99.5% of pullouts should be maintained. We suggest the system should strive to have no cancelled pullouts.

Figure 2 Proposed Operating Guidelines for TheBus

	RapidBus Routes	Urban Trunk	Suburban Trunk	Urban Feeder	Circulator Routes	Peak Hour Express
Passengers per Hour	40	40	35	30	20	25 per trip
Average Peak Load Minimum Average Load Factor at peak periods	70%	70%	50%	40%	30%	60%
Maximum – Percent of trips exceeding 150% load factor	10%	10%	5%	1%	1%	5%
Service to Total Hours Ratio	1.15	1.15	1.20	1.15	1.20	2.00
Passenger miles per Revenue Hour	350	300	300	200	100	300
On Time Performance % of trips operating 0-5 minutes late	80% within 3 minutes of headway See Note	75% within 3 minutes of headway See Note	80%	70%	90%	95% leave last pickup point on time

Notes: For RapidBus and Urban Trunk routes on-time performance is considered the number of uses operating within three minutes of the scheduled headway. For example, if the scheduled headway is ten minutes, buses should be no less than 7 nor more than 13 minutes apart to be considered on time. On-time performance is measured at the departing location and at intermediate timepoints. Headway performance is not considered at the last timepoint, which is often subject to external factors that may affect comparability.

Load Factor is the average maximum number of people on board a bus at any location throughout its route on a typical weekday, Saturday, or Sunday divided by the capacity of the bus. For example, if the seated capacity of a bus operating a route is 40 people and the most people on the bus at any single time is 30, the load factor is 75%.

The average load factor for a time period is calculated by taking the average of all trips operated during that time period. For example, if the load factors for three trips are 0.90, 1.00, and 1.10, the average load factor is 1.0.

Figure 3 Fixed Route Design Guidelines for TheBus

	RapidBus Routes	Urban Trunk	Suburban Trunk	Urban Feeder	Circulator Routes	Peak Hour Express
Neighborhoods Served	Along major corridors	>20	>10	>20	<15	Outlying residential areas
Dwelling Units per Acre		>40	>20	>30	<25	
Employees per Acre						
Frequency of Service					As appropriate - typically no more than every 60 min.	As appropriate
<i>Weekday Commute Periods</i>	5-15 min	5-30 min	10-20 min	10-20 min		As appropriate
<i>Midday & Weekend Periods</i>	5-15 min	10-30 min	10-60 min	10-60 min		None
<i>Night Services</i>	30 min	30-60 min	30-60 min	30-60 min		None
Travel Time Ratio to Autos***	1.1	1.75	1.75	1.75	3.0	1.1 target
Stop Spacing						
<i>Urban Areas</i>	½ mile	1/5 mile	1/5 mile	1/5 mile	No service	¼ mile
<i>Suburban Areas</i>	½ – 1 mile	1/3 mile	1/3 mile	1/3 mile	1/3 mile	¼ mile
<i>Rural Areas</i>	>1 mile	-	-	-	As needed	
Scheduling Practices	Headway Based Schedules	Headway Based Schedules	Meet Demand Clockface	Meet Demand Clockface	Meet Demand Clockface Timed Transfer	Meet demand Times based on market
Target Route Speed – Average speed that the route should achieve	>15 mph	>10 mph	>12 mph	>10 mph	>12 mph	>20 mph
Guideline Amenities Along Route	Shelters at all stops	Shelters	Shelters	Shelters where needed	Generally none appropriate	Shelters as needed

Note: For RapidBus and Urban Trunk routes on-time performance is considered the number of buses operating within three minutes of the scheduled headway. For example, if the scheduled headway is ten minutes, buses should be no less than 7 nor more than 13 minutes apart to be considered on time.

** Along a corridor extending approximately ¼ mile on each side of the bus route.*

*** Cost per passenger guidelines are adjusted annually.*

**** The travel time ratio to autos is compares the travel time for a bus to travel from one end of the route to the other end with the time the same trip can be accomplished during afternoon commute periods when traveling by auto.*

The Performance Standards memorandum also includes direction on how to implement the service guidelines and how to actively use them in improving service and effectiveness, periodic updates to the guidelines, and remedial actions that can be taken if a route fails to meet its guidelines. One of the more important provisions in the service standards policy is one that recognizes the broad diversity of land use on the island, parts of the island are densely populated, while other parts are very rural. However, even the more rural areas have residents who need transit service. The standards recognize that at a certain level of service, even though performing below adopted standards, a route may need to remain in place to provide life-line service for

residents. This is an extremely important distinction, as it ensures the City continues to provide services to people who need it most.

Figure 4 Proposed FY 11-12 TheHandi-Van Performance Measures and Standards

Performance Measure	TheHandi-Van Performance Standard	Comment
Cost per service hour	\$90	Based on FY 10 performance plus 3% for inflation. May be adjusted based on budgeted costs
Cost per van passenger	\$39	Based on FY 10 performance plus 3% for inflation. May be adjusted based on budgeted costs
Cost per service mile	\$6.20	Based on FY 10 performance plus 3% for inflation. May be adjusted based on budgeted costs
Trips per hour	2.4	Represents 2007-2009 average productivity. This is somewhat higher than the current target of 2.0, but in line with recent performance.
Service miles per van passenger	5.8	Average over last three years
Percent of trips on-time	90%	Current target is 95% but this is aggressive with respect to industry norms and performance is improving toward 90%.
No-show/late cancellation rate	No Shows <1.5% Late Cancellations <2.5% Cancelled at door <3.0%	Based on recent performance and current targets
Missed Trips	<0.5%	Missed trips are not currently reported; it is recommended that OTS develop a process for measuring and reporting missed trips. Upon review of actual service experience, DTS should move this standard to zero as a pattern and practice of missed trips could be legally construed as a capacity constraint or a trip denial.
Maximum Hold Time (calls answered within 3 minutes)	91%	Industry standard is 91%, current target is 100% and recent performance is in the upper 80s
Complaint rate (per 100,000 trips)	15	Based on previously stated objective
Vehicle availability	80%	Based on current target
Trip denials	None	ADA requirement

Performance Measure	TheHandi-Van Performance Standard	Comment
Excessive length of time on vehicle compared to fixed route	Not to exceed length of fixed route trip plus 20 minutes	This is a common issue highlighted in FTA funded Topic Guide 6 on ADA Transportation. FTA Letters of Finding make a comparison to the fixed route bus or train system, including time to get to and from the stop or station. A substantial number of excessive length trips (compared to a comparable trip on fixed route) is considered a capacity constraint. Procedure to assess this standard to be explored in more detail during the next phase of the project.

STRATEGIES AND SERVICE CHANGES

The final phase of the SRTOP planning process was identifying concrete strategies to address Honolulu’s current transit challenges. The first step was development of a toolbox of strategies to guide development of more specific service alternatives and recommendations. These strategy documents effectively functioned as a discussion guide for planners, staff and the consulting team to narrow a long list of possible solutions and tools to those that were preferred by the city and operators. Two separate documents were developed, one for TheBus and one for TheHandi-Van.

TheBus Service Planning Toolbox and Capital Needs

TheBus Service Planning Toolbox begins with a discussion of proposed service types, as well as identification of service and system integration goals. These were used to assist staff and advisory committee members in developing consensus on where agency resources should be focused. These goals are shown in the figure below (the specific objectives related to each can be found in the report itself).

Figure 5 Goals of the SRTOP

SRTOP Goals	
Service Goals	
Goal 1	Maximize service efficiency and reliability
Goal 2	Maximize the effectiveness of service for TheBus’ ridership markets
Goal 3	Increase the visibility and elevate the image of transit in Honolulu
System Integration Goals	
Goal 4	Look toward implementation of Honolulu’s rail vision for near term service improvements
Goal 5	Tie the provision of transit to land use and the resulting demand levels
Goal 6	Orient future development to transit
Goal 7	Purchase and operate appropriate equipment for the services provided

The strategies proposed for TheBus represent an array of options that could be implemented across Oahu or in selected portions of the TheBus’ service area. In order to prioritize which of the tools were carried forward to create service alternatives in the next phase of the SRTOP, the team

analyzed and discussed the advantages and challenges, level of effort required for implementation, and potential outcomes of each. The “toolbox” of strategies for TheBus is shown in the figure below. This report also included some assumptions about the short-term transit operating environment and provided a preliminary assessment of capital needs and costs.

Figure 6 Service Planning Strategies Toolbox

Service Planning Strategies Toolbox	
Strategy 1: Service Design Tools	
1.1	Eliminating One Seat Rides in Marginal Neighborhoods and Replace Them With Trunk and Feeder Service
1.2	Consolidating Routes into a Single Trunk Service
1.3	Eliminating Duplicated Services Around Downtown Honolulu
1.4	Maintaining Consistent Headways When More than One Route Operates Along a Corridor
1.5	Minimizing Deviations on Trunk Services
1.6	Splitting Indirect Combination Routes
1.7	Schedule Maintenance Reserve
Strategy 2: Tools to Measure Performance	
2.1	Establish Service Performance Standards
2.2	Address Routes that Fail to Achieve Performance Standards
Strategy 3: Tools to Address Capacity Needs	
3.1	Include a Service Speed Operating Policy in the Street Classification System
3.2	Implement a Comprehensive Stop Spacing and Design Policy
3.3	Implement a Program to Protect Transit from the Impacts of Traffic Delay
3.4	Implement Measures to Reduce Overcrowding
3.5	Increase the Capacity of Key Bus Stops
Strategy 4: Tools to Make Transit Centers Effective	
4.1	Provide Pulse Operations at Transit Centers
4.2	Integrate Transit Centers with the Future Rail Line
4.3	Locate Transit Centers to Facilitate Efficient Operation of Local Transit Services
Strategy 5: Tools to Maximize Vehicle Maintenance and Storage Space	
5.1	Maintain the Current Fleet Size At Least until the Commencement of Rail Operations
5.2	Maintain a Regular Fleet Replacement Schedule
5.3	Undertake Capital Improvements that will Allow Existing Facilities to Maintain or Improve their Capabilities and Capacity
5.4	Design New Bus Services and Facilities to Coordinate with and Be Integrated into the Rail System
Transit and Land Use Integration Strategies	
Strategy 6: Market Demand/Land Use Tools	
6.1	Designate Transit Corridors

6.2	Require Transit Friendly Design Features Along Transit Corridors
6.3	Link Parking Requirements to Transit Service Levels
6.4	Develop a Process for the Review of Site Plans
Strategy 7: Tools to Improve Pedestrian Access and Safety	
7.1	Provide a Safe and Complete Pedestrian Network
7.2	Provide Wayfinding
7.3	Expand Bus Stop Amenities

The Handi-Van Strategies

The team also developed a series of strategies intended to improve the operating efficiency and quality of the City and County of Honolulu’s ADA-mandated paratransit service, TheHandi-Van. Like the strategies for TheBus, this toolbox built upon findings generated through the existing conditions phase of the project and supported the proposed procedures for performance monitoring, which were developed as part of the performance standards report.

Six additional strategies beyond those in the figures above were identified for TheHandi-Van, shown in the figure below.

Figure 7 Handi-Van Strategies

Handi-Van Strategies	
1	Revise Scheduling Procedures
2	Establish Demand Management Program
3	Monitor Use of Taxis or other Subcontractors
4	Monitor Time on Vehicle
5	Manage TheHandi-Van Fleet
6	Establish Customer Satisfaction/Service Quality Program

SERVICE CHANGE SUMMARY REPORT

This report represented the final phase of the short range transit planning process. It identified specific routing and scheduling recommendations designed to improve system efficiency, increase ridership, and reduce operating costs. These proposals implement the toolbox of strategies that were described above. The project team was also asked to focus specifically on services that may take advantage of the Middle Street Intermodal Center (MSIC), which opened in 2011. The new facility provides additional vehicle capacity and improved passenger facilities compared to the existing Kalihi Transit Center.

Summary of Recommended Changes

The team proposed thirty separate changes that combine to affect thirty-nine routes. Instances of related changes on several routes were grouped together to allow their consideration as a package.

Honolulu's public transportation system is both complex and interrelated and therefore, in a few cases, changes included in one package may impact the viability of another.

At the highest level, the recommended changes focused on addressing eleven major initiatives intended to increase the efficiency and effectiveness of the fixed route system. These initiatives are summarized below. The initiatives and the scope and rationale for each recommendation are described in far more detail in the technical memorandum which can be found on the website.

1. Expand the role of the new Middle Street Intermodal Center by providing convenient connections to neighborhoods throughout the western side of the island.
2. Improve airport access. Three routes will serve the airport. A new Route 51, operating every 30 minutes, will link Waikiki, Downtown, Pearlridge, Millilani, and Wahiawa with the airport. Routes 301 and 302, each operating hourly, will link the Middle Street Intermodal Center with the airport. Together, about four eastbound and four westbound buses will serve the airport each hour.
3. Reduce the number of routes at the Ala Moana Transit Center. Recognizing that the Ala Moana Center is already crowded, and that transit operations will likely be curtailed during the rail system's construction phases, the plan reduces the number of routes traveling to Ala Moana, replacing them with a single high frequency service designed to match overall demand levels.
4. Restructure services east of Downtown and in the vicinity of the Kapiolani Community College to separate services operating in Saint Louis Heights, Palolo Valley, and Maunalani Heights from services through the Downtown. This will allow service levels to be tailored to meet actual demand levels through individual communities.
5. Establish an all day, relatively frequent linkage between Kapiolani Community College and the University of Hawaii Manoa.
6. Consolidate services that link Hawaii Kai with Waikiki and Ala Moana, allowing coordinated operations that advertize a single seat ride to/from Waimanalo.
7. Redesign the Circle Island Route, dividing it into three separate services that facilitate operational control while minimizing negative rider impacts.
8. Redesign services in Kaneohe and Kailua to coordinate the schedules for services traveling to Downtown Honolulu and separating local feeder segments from suburban trunk elements that travel outside the local communities.
9. Divide long suburban trunk routes that originate in the Waipahu/Pearl City neighborhoods into separate trunk and feeder services.
10. Cautiously move forward with the design and construction of new transit centers located where fixed route services can operate efficiently and in support of future rail operations.
11. Using resources saved from through initiative outlined above, address the worst overcrowding conditions by providing larger vehicles or increasing service frequencies.

SUMMARY OF PUBLIC OUTREACH

The SRTOP reports were released in the spring of 2012 for public review and comment. Honolulu DTS held five public meetings throughout the city during late March and early April to allow for public review and questions. The meetings were as follows:

- March 27: Wahiawa Recreation Center in Wahiawa for the Central, Mililani, Wahiawa, and Haleiwa areas
- March 28: Kapolei Hale in Kapolei for the Kapolei, Leeward Coast, Waipahu, and Pearl City areas
- March 29: Mission Memorial Auditorium in Honolulu for the Waikiki, Makiki, Kahala, Downtown, and East Honolulu areas
- April 2: Ben Parker Elementary School in Kaneohe for Windward O`ahu
- April 3: O`ahu Veterans Center in Honolulu for the Salt Lake, Kalihi, Airport, and Aiea areas

A summary of the public comments that were received is included below. The full record of public comment is included as Appendix A.

It is important to note that the SRTOP reports were released and public workshops were held simultaneously with the initial set of meetings to collect comments on an immediate proposal to implement recommended service changes. As a result, many of the comments received were related to specific route, frequency, and schedule changes that were part of the implementation process rather than the SRTOP's performance measures and design guidelines that really represent the heart of the SRTOP effort.

Overall, the public expressed support for the SRTOP recommendations. It was clear that the community strongly values the bus system. Its importance as a vital transportation resource for Honolulu residents, especially for transit dependent populations such as youth and seniors, was emphasized in many comments. As such, the approaches proposed in the SRTOP to improve efficiency and effectiveness of the bus service resonated for many people and there were no comments that brought into question the overall direction of the SRTOP as a blueprint to guide service change decisions.

However, there were many concerns about specific route and service changes. These comments are very important in helping Honolulu implement the SRTOP. All service changes involve tradeoffs and Honolulu can and will make modifications in implementing SRTOP recommendations to minimize impacts on current riders. What is important to recognize is that the SRTOP forms a blueprint for the next several years of transit operations in Honolulu. The implementation of recommendations in the SRTOP will continue to be conducted as part of the normal service change process already in place and practices by the Department of Transportation Services, Public Transit Division. Public comments that result from the on-going implementation efforts will all be taken into consideration by DTS staff in implementing adjustments to services.

More specifically, there were many concerns expressed about bus operations such as:

- Reducing redundancies in service provision
- Overcrowding

- Unsafe and/or unpleasant conditions at bus stop
- Unsafe conditions for pedestrians to access stops
- Improved frequency and reliability in services between major job and housing centers
- Balancing coverage with service quality
- Eliminating some one seat rides in favor of more trunk and feeder designs

These are issues that were also identified during the existing conditions phase of the SRTOP and that the SRTOP sought to address. There was general support for encouraging development that is supportive of the transit system though some concerns about the appropriateness of changing land use policies in certain places. A number of comments inquired into the following general policy topics:

- The balance between tourist needs and the needs of residents in design of the transit system
- Integration with the future rail system

There were also some comments which were not necessarily germane to the SRTOP, such as those that addressed the need for better rider etiquette and education.

The SRTOP was specifically designed to address many of these topics and over time, changes should begin to take effect to mitigate these concerns and address these policy issues. DTS staff will continue to take all comments into consideration as service alterations are planned now and in the future.

Appendix A Comments Received About Short Range Transit Operations Plan and Proposed Service Changes

MARCH/APRIL 2012

2012 PROPOSED BUS ROUTE CHANGES / Short Range Transit Operations Plan Comments Log

Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
3/27/2012	Wahiawa Community Center	Bus Route Changes		53	Comment: Route 53 needs to be more reliable	
		SRTP	bus stops		Comment: The stop near the Dept. of Health can be dangerous at night. Any plans to increase security	
		SRTP	bus / rail interaction		Bus and Rail interaction and interdependence comments	
		SRTP	Rail / Express Bus Service		What will happen to the express bus service once rail becomes operational?	
		SRTP	Transitional Studies		How does the Short Range Transit Plan factor rail into the future of public transit?	
3/28/2012	Kapolei Hale	SRTP	Handi-Van Quality Control		Teamsters representative refutes claim that Handi-Van service is getting better. It is the position of the Teamsters that the vehicles are in "poor" condition. They often break down, have a myriad of quality control issues, and are very old and are in road worthy condition. Additional questioning regarding Handi-Van staffing data.	
3/29/2012	Mission Memorial Auditorium Steven Ishimoto	Bus Service Changes	Eliminating Service around Diamond Head	Route 14	Eliminating service around Diamond Head, along the shoreline, appears would not be a good idea if we are trying to encourage tourist to ride the bus. Are bus routes well published for tourist access?	
		Bus Service Changes	Elimination of Route 14 Service			Route #14, St. Louis - Kahala - Maunalani should not be discontinued. It would be inconvenient for a lot of students, senior citizens, and tourists. We live where Kahala Ave., meets Diamond Head Road. If this route was eliminated on Kahala Ave., the nearest bus stop would be by KCC (about a 20-25 minute walk).
		SRTP	Express Busses			What will happen to the express bus service once rail becomes operational?
		Bus Service Changes	Bus Service Headway	Route 52		Need for a 5:45pm bus from Ala Moana for bus route 52 weekdays, westbound. The bus that leaves AMC at 6:15pm is very crowded. Hopefully, the proposed change for #52 will help.
4/2/2012	Ben Parker Elem. - Kaneohe	SRTP	Hearing Impaired			Question regarding hearing impaired access issue.
		SRTP	Handi-Van			Question regarding statistics and meeting the Handi-Van passenger count standards and on time performance for windward Oahu.
		SRTP	Medical Transportation			State system for medical transport. Can the City take over this program with Handi-Van vehicles?
		Bus Changes	Bus Routes			Question on the direction of the bus by the Hygienics store in Kahaluu. Resident thought it would be safer and facilitate easier boarding if the bus remained on Heeia Drive.
		SRTP	Transit Centers			Question on what is a transit center and why do we need one on the windward side?
		SRTP	Transit Centers			Which buses would be involved in the transit center, what vehicles would they transfer to?
		SRTP	Transit Centers			Is the funding for the windward transit center dependent on rail?
		Bus Changes	Tourism			How will the bus service changes affect the tourism industry (coach service)?
		SRTP	Transit Centers / Zoning			Are zoning code changes around bus transit centers necessary? The fear is that "inappropriate" uses will occur around these areas?
		SRTP	Privatization			Can parts of the city bus system be privatized?
		SRTP	School Bus			Do current plans account for the potential loss of the school bus?
		SRTP	Transit Center			Will these transit centers require additional infrastructure? Do residents have a say on the need of a windward transit center?
		SRTP	Federal Funding			Is federal funding connected to public input?
		Bus Changes	Headway changes	Route 55		How will windward bus service change? A: 55 running hourly, 65 goes to Kahekili.
		Bus Changes	Permanent Change vs. Temporary			Will these changes be permanent? A: our changes are flexible and can be revisited if the changes become problematic.
		Bus Changes	Budget			What is the budget for the bus this year? Will you increase it because of growing demand?
Bus Changes	Budget			Where are the cuts coming from? What is the rationale?		
Bus Changes	Routing Question	Route 65		How is Route 65 going to change? A: Removed Ahiamanu service to North Shore Service.		
Bus Service Changes	Leeward Express Bus over H-3			Still interested in a windward to leeward express bus over H-3. Transit won't really help windward residents. It would require too many changes to get to Kapolei / Campbell Industrial area.		

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Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
4/3/2012	Oahu Veterans Center	S RTP	Rail		It seems that this plan is highly dependent upon the success of rail, is there a contingency plan for the S RTP if rail doesn't happen?	
		S RTP	Rules & Regs		How are the rules adopted by the S RTP?	
		S RTP	Rail		What is the relationship between TheBus and HART?	A: It's a collaborative relationship that has been increasing over time.
		S RTP	Rail		What does the planned integration between TheBus and Rail call for?	
			Handi-Van		Eligibility for Handi-Van question. Followed up by question of cost to operate Handi-Van.	
			Handi-Van		What is the cost per trip for the Handi-Van? Can any of this be privatized?	A: The cab has standardized rates and does transport disabled, but ride is very costly. They also charge for lift fees.
			Handi-Van Privatization		Comment: If someone can afford to take the cab by themselves, they will.	
		Bus Changes	Route 53	Route 53	Comment: Individual does not want 53 to become a circulator. Transferring on Kam Hwy would be dangerous (as is envisioned) could be dangerous for seniors. Also, it will cause the commentator to be late to her job in Waikiki due to additional wait time.	
			Route 43	Route 43	Comment: cost will dictate what we can do with this route	
			Rail vs. Bus funding		Comment on degradation of bus service due to resources being used for rail (Wayne take issue with the question and sets the record straight).	
		Bus Changes / Route 2 & B	Route 2 & B	Route 2 & B	Comment and concern regarding the elimination of Route B in favor of more Route 2 service. Route B is needed (according to the sentiment of many in the audience). Route B is fast and pleasant offering a better experience than Route 2.	A: the plan is to space out Route 2 better to facilitate faster travel and less wait time.
			Bus Purchases		Question regarding the cost to purchase City Buses and Handi-Van vehicles.	
		Bus Changes / Route C	Route C	Route C	Comments and concerns regarding the elimination of Route C. Waianae Coast may be severely impacted.	
		Timeframe for decisions			When will final decisions be made regarding bus service changes? What factors will be used to make final decision? How will public input be used?	
		Timeframe for decisions			How will the public know when the final decisions are made?	
		Transfers			Comment: Transfers for the elderly and youth may be difficult.	A: One seat rides are a convenience that OTS and DTS may not be able to afford
Transit Centers			Q: When will the alapai transit center be operational?			
4/5/2012	Aina Haina Neighborhood Board	Bus Changes	Headway changes	Route 24	Question regarding headway changes for Route 24.	A: Changed to 60 minute Headways
			Haunama Bay		Will the change affect tourist getting back to Waikiki from Haunama Bay	A: First priority is moving locals around the island. Tourist can transfer on Kapahulu.
			Tourist Numbers		Question regarding the number of tourist going to Waikiki from the Aina Haina area?	
			Transfer time	Route 24	How long will it take to get to go to Waikiki (including transfer time) with the envisioned changes to Route 24?	A: We anticipate travel time will take 35 minutes (depending upon dependable transfers on Kapahulul Ave.
		Projection of ridership	Route 24	Does OTS or DTS have a projection of future ridership with Route 24 changes		
e-mail comment	Bus Service Changes	Transfers	Route 14	My 12 year old daughter catches the #14 Bus by Kilauea District Park to home on St. Louis Drive. It's safe and convenient. If she needs to transfer she may not be safe and she will be at different stops. She may be approached by strangers. We rely on the direct route home.		
letter comment	Bus Service Changes	Rider Friendly Route	Route 14	I certainly appreciate the existing route 14; it is rider friendly. Any changes will inconvenience my daily work schedule to Waikiki. Please keep the existing route to Waikiki.		
		Cutting Route 14 into two segments		Watching the presentation, I wonder about traffic along Kahala Avenue. My family lives on Aukai Avenue. The only access I have to this area is the #14, getting off on Kala Avenue. There was a proposal mentioned about cutting up the 14 into two segments. St. Louis Heights past Market City thru Kapahulu and around Kapiolani Park returning to St. Louis Heights via Kapahulu. Maunalani: through Kahala neighborhoods, around Kahala Mall, back through Kahala neighborhoods, up Koko Head, back up the heights. Can the bus transfer be used to transfer more than one bus as long as they are within the time limit.		
4/9/2012	e-mail comment	Bus Changes	Safety / Health Concerns	Route 14, 18, 22, 23 & 24	<p>I am a resident of the Huanui Street area, which is located between Puu Panini and 22nd Avenues on the eastern side of Diamond Head, and depend on the Route 14 bus for transportation to and from Kaimuki, Kahala Mall, Waikiki, and Kapahulu. My neighbors, many of whom are widows living alone and have no choice but to age-in-place, also rely on the Route 14 bus for grocery and drugstore shopping, for medical and dental appointments, to attend senior citizen activities, and as the only source of transportation. Due to challenges related to physical mobility, many elderly individuals need bus service to continue on Huanui Street. Walking to and from 18th Avenue or to and from Kilauea Avenue would be dangerous for the following reasons:</p> <p>Safety</p> <ol style="list-style-type: none"> 1. Walking on 22nd Avenue between Puu Panini and Kilauea Avenues, pedestrians must negotiate every step as the shoulder of 22nd Avenue is uneven, with loose pebbles, weeds, parked vehicles, holes, raised asphalt, and animal feces. 2. Traffic on 22nd Avenue is heavy, with most vehicles travelling above the speed limit. 	

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Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
					<p>3. In order to catch eastbound buses on Kilauea Avenue (Routes 22, 23, and 24), one must cross 22nd Avenue, where cars are turning from Kilauea Avenue. To catch the same buses heading west, one must then cross Kilauea Avenue, which is notorious for speeding cars. Although there are traffic lights at the intersection, speedsters sometimes cannot stop in time. One can only recall the fatalities at the intersection of Kilauea and 18th Avenues, where traffic lights are also positioned.</p> <p>4. Waiting for the westbound buses at the Kilauea/22nd Avenue bus stop is extremely risky. There is no curbing/sidewalk, the ground is uneven, and waiting bus riders must stand at the shoulder of Kilauea Avenue, facing speeding vehicles, in order for the bus driver to see them. And, on rainy days, the area is muddy.</p>	
					<p>5. Routes 22 and 23 mainly serve tourists travelling to and from Waikiki and Sea Life Park. These buses are usually very crowded by the time they reach Kapahulu/Kalakalua Avenues, going eastward; and Kahala Mall, going westward. This leaves standing room only for elderly residents who wish to board at these respective locations. I have often tried to board at these bus stops but due to overcrowded buses, decided to wait a bit longer for the Route 14 bus. The Route 24 bus is not as crowded as the Routes 22 and 23 buses.</p> <p>6. From Huanui Street, in order to catch buses on 18th Avenue, one must walk at least four city blocks on uneven, and sometimes wet ground, through Diamond Head Memorial Park (the shortest route); at least five blocks along 22nd Avenue and Diamond Head Road; or at least five blocks along 22nd Avenue and then up Kilauea Avenue and cross at the deadly intersection at 18th Avenue.</p> <p>Health</p> <p>1. The length of 22nd Avenue between Puu Panini and Kilauea Avenues is notorious for water collecting in puddles and along the shoulder of the road during and after rainy weather. Vehicular traffic, many times speeding, causes brown water to splash on pedestrians, who have no recourse but to get wet. We all have been warned by the Health Department about flesh-eating bacteria in brown water.</p> <p>2. I cannot emphasize enough the hazardous roadside conditions of 22nd Avenue for all pedestrians (adults and children alike), especially for those who are unsteady on their feet and are likely to fall, causing physical and mental pain and suffering. Finally, now that gasoline prices and parking fees are continuing to rise, more residents, especially working people, are opting to use city bus service.</p> <p>Given the above, I respectfully request that bus service not be cut from Huanui Street and would prefer that the current Route 14 remain as is. At the same time, I understand the City's need to cut costs and to streamline operations. Having learned about the proposal to consolidate Routes 24 and 18, I support the general concept provided that the new route includes Huanui Street. As such, early start and late end times (currently 5:23 A.M. to 10:00 P.M. for Route 14) and service at all designated stops to and from Aina Haina and Ala Moana Center during this time span are critical and necessary.</p>	
4/9/2012	e-mail comment	Bus Service Changes	Mililani Service		<p>Why is it that the people that are DIRECTLY going to get affected by these changes can't even have a meeting in their area? Of course I am speaking about the Mililani and Wahiawa residents. For years, TheBUS has treated Mililani (in particular) residents as an afterthought. This is just another example of this. **Newsflash** There ARE huge communities in central Oahu beyond Waipahu.</p>	<p>The current set of proposed bus service changes does not include any plans for The Queens Medical Center complex. We will consider requests for future planning but any changes will depend on available resources; if you give us a more specific request we will include consideration in future planning.</p>
4/3/2012	e-mail comment	Bus Service Changes	Queen's Hospital		<p>Would you consider providing more excess to Queens Medical Center for those who have a disability and those with illnesses?</p>	
4/3/2012	e-mail comment	Bus Service Changes	Manoa Valley Service	Route 5 & 6	<p>Someone told me that in a few months, the #5 schedule will change and one of the driver/routes will be eliminated. There are currently 3 driver/routes per day: the "morning" one starts in early morning until early afternoon, the "night run starts in early afternoon and drives until the late night, and a "split-shift" driver/route that works the rush hours. The rumor I heard was that the "split-shift" driver/route will be eliminated.</p> <ol style="list-style-type: none"> 1) Is this rumor true? 2) If yes, why isn't Route #5 listed as one of the routes being affected at http://www1.honolulu.gov/dts/bus+service+route+changes.htm ? 3) What changes are being proposed? 4) Will one of the three driver/routes be eliminated? Effective when? 5) How will the frequency of buses be affected? 6) Are any changes to Route#5 being considered? 7) How can I find out more information about the changes being considered/proposed? 8) Why don't you publish the proposed changes on the buses that are affected? 	

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Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
	e-mail comment				I live deep in the western side of Manoa Valley, and ride the #5 daily. I depend on the bus to get around, because I don't drive and live pretty far in. On occasion I take the #6 because I missed the #5; it takes me 20 minutes to walk through the park (which I wouldn't do after dark) to get home. If the "split-shift" driver/route is eliminated, then the bus will only come every 50-60 minutes! It is very unreasonable to have to wait that long for the next bus. An able-bodied person may be able to walk the distance (from Punahou to Paradise Park) in an hour. However, many people who ride the #5 bus are elderly, have or are children, or for other reasons walking is not an alternative. Granted, the bus is usually only half-full from Punahou and up into the valley, but it is usually quite full between Punahou and Ala Moana Center. For people going to/from Shriners Hospital, Kapiolani Hospital, Arcadia, Punahou, and points beyond into the western side of Manoa Valley, the #5 bus is our only option. It is the only bus that goes on Punahou Street, Manoa Road, and in the western part of the valley.	
4/11/2012	e-mail comment	Bus Service Changes	Turtle Bay	Route 53 & 55	DC any stop longer than 5 min. at Turtle Bay. Why don't you change bus drivers at this point? Does not make sense for any delay. 98% of the time you're behind schedule. Why advise people to wait ahead?	
	e-mail comment		Random Comments		Provide testimony times with bus schedule last bus times! I have school, exams and businesses in Honolulu. Travel access and availability are crucial.	
					If the below is your guidelines you must enforce with penalties or why have them? Screen riders to eliminate public safety and health hazard to include odor smelling people from hygiene to heavy smokers-call ER or ask to clean before boarding. Ask large people to not take two seats or add charge. Same with people with carry-ons. Ask people to not: Stand / sit nor block at entrances / exits. Put their personal items on their seats. No cell phones and audio except in emergencies.	
			Crowded Buses	Route 52	Regular busses are full with tourists. Need another route and/or bus that will have tourists like a double deck bus? Locals don't have space: Disabled takes space, Senior citizens, and school people. Need 2 more busses to run after 9:30PM to midnight because business in Honolulu. Shuttle bus last?	
	e-mail comment	Bus Service	83 Express	83 Express	83 EXPRESS Haleiwa to Kalihi Transit, Ala Pai or Ala Moana Weekday need one bus to run earlier than 5:20 AM Saturday need one bus to run earlier than 6:17 AM Need 1 or two busses mid-day and two to three late afternoon 3-6 PM 83 EXPRESS Alapai to Weed Circle Please consider adding different boarding sites to include Ala Moana and Kalihi Transit. Label B & C Express D/E? Stagger and rotate departure times to 10-20 minutes in afternoon. One site 5-10 min. apart from the other.	
	e-mail comment	Bus Service	Elimination of Route 8	Route 8	Eliminate Route 8. There are many buses that run between Waikiki and Ala Moana Center (#s 8, 19, 20, 23, 42, and E Express come immediately to mind). Additionally, there are numerous private trolleys and shuttles that tourists use between the two destinations. Route 8 is a waste of bus resources (drivers, operation, and maintenance). Connect Mililani with Kapolei. Currently there is no bus service between the two major population centers. As jobs, businesses, etc. continue to emerge in the Kapolei area, bus riders will need a direct route to get there. Improve Route 501. Right now Mililani Mauka is the most underserved population center on Oahu. The current 501 route goes only about three-fourths of the way up Mauka; thus there are hundreds of homes unserved. Also, Mauka is as wide as it is deep, so the current route leaves many homes on the fringes without bus service. This problem is compounded by the weather in Mauka (rains a lot). Please consider an expansion. The neighborhood board is already aware of this.	
	letter comment	Bus Service	Military Personnel	Route 42, 62, 72	Aloha...I was not able to attend the March 28 meeting concerning improvements to TheBus Service, but would like you to consider adding a direct route from Ewa Beach to Schofield Barracks. There is a large population of Army active military personnel/families, military retirees/families and Army civilian employees who live in Ewa Beach (especially the Ocean Pointe/Ka Makana residential areas). Schofield Barracks is approximately 14 miles from Ewa Beach via Kunia Road and is the closest military installation serving Ewa Beach/Ocean Point/Ka Makana. However, the only way to use TheBus to get to Schofield Barracks from Ewa Beach requires taking bus routes 42, 62, then 72 (from Ewa Beach to Pearl city area and then back up through Mililani and then to Schofield. Or taking routes E, 40, 62, and 72 (again through the Pearl City to Mililani to Schofield Barracks. The route ranges from 2 hours to 2 hours and 43 minutes one way with considerable wait period between various routes. (We know...we've done this). I work part-time at Schofield and we use the Schofield facilities at least 3 times a week as we are military retirees. We would certainly use TheBus to go to work and for the other trips to use the Schofield facilities.	

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Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
					<p>We both have annual bus passes and use TheBus for the majority of our transportation requirements. Our bus system on Oahu is outstanding and we appreciate the value and cost savings of using TheBus.</p> <p>Please consider adding a more direct route from Fort Weaver to Schofield via Kunia. Perhaps one with a 30 minute interval in the morning and afternoons and maybe a 1 hour interval during the remainder of the day and terminating service at 7 or 8 p.m. (as a suggestion). Perhaps the 72 route (which already goes onto Schofield Barracks) could be extended to come down Kunia to Fort Weaver Road and then return.</p>	
	e-mail comment	Bus Route Changes	More Buses	Route 23 & 24	<p>Route 23 and Route 24: There is a need for either more buses or articulated buses east and west bound between Ala Moana Shopping Mall and Diamond Head Crater bus stop on <u>Saturday mornings</u> to accommodate the Farmers Market at Kapiolani Community College and hikers. The buses are so overcrowded. There is a need for either more buses or articulated buses during the weekday afternoons to accommodate students from elementary school, middle school and KCC. Going westbound at Kahala Mall on Kilauea Avenue, the bus frequently does not stop because it is full.</p> <p>I have been on buses where there are already 2 passengers in wheelchairs and when another person in wheelchair wants to get on, he is told to wait for the next bus. As more people age in Hawaii, there will be more people in wheelchairs and with walkers that the bus needs to accommodate.</p>	
				Route 432	<p>I used to take the A Bus and transfer to Rte 432 at the Waipahu Transit Center but the schedule does not seem to be coordinated. The A Bus was either too early or too late.</p> <p>I ride the bus almost daily and I have seen cars on the left of the bus cut right in front of bus to turn right. It is convenient to have bus stops toward the intersection because for old people, the bus stop may be more accessible (less walking).</p>	
		Fleet bus Issues	Stairs and rider experience	Route 1	<p>Fleet issues: Old buses with stairs and do not kneel: Old people have difficulty maneuvering steps, especially when they have cane and groceries. This is especially true on the Makiki line and 1 Bus when the old buses are used and old ladies do not ask drivers to use the ramp. Bus drivers ask people to move back on the bus when there is standing room only. However, when people have shoulder problems, balance problems or are holding possessions, there are not enough things to hold on to comfortably on all the buses. It is worse when the bus driver keeps jerking on the brakes.</p>	
		Bus Route Changes	Bus Information		<p>Public information: Not everyone has internet or smartphone to access information about the bus. People have difficulty when there is a change of the route bus schedule or holiday schedule. The change of schedule is usually posted over front seat but anyone getting on the bus and walking toward the rear of the bus will not see it. Changes should be posted facing the rear of the bus, maybe on the partition behind the bus driver.</p>	
		Future Transit Development	Enforcement of Rules and Regulations		<p>Orient future development to transit:</p> <p>--At bus stops, there needs to be more seating and more shade for rain and sun</p> <p>--A NO SMOKING law should be written to include all bus stops. Right now courtesy signs are rampantly ignored. At the Ala Moana Shopping Mall bus stops, NO SMOKING signs should be readily visible and law enforced.</p>	
	neighborhood board meeting	Bus Route Changes	Middle Street Transit Center Stop	Route 52 & C	<p>Hi , I was 1 out of 4 people that came to the meeting last night. I was really impressed on how much improvements are going to happen to our bus system in the coming years. The only comment that I forgot to ask is why not put the route C and 52 to stop at the middle street transit center. I think there would be a lot of benefits for the west and central side of the island, one the location is right since both buses travel via H1 viaduct, two so there is transfer to the Kalihi, Tripler, Salt Lake and the airport. Maybe if you can squeeze that option into the 2012 service change. Thank you and keep up the good work DTS and please keep me updated on more changes to the route system and meetings on transit.</p>	
	letter comment	Short Range Transit Plan	Handi-Van Service		<p>In order to improve the effectiveness of TheBus and TheHandi-van, DTS is currently in the process of developing and implementing the latest Short Range Transit Service Operations Plan. This plan will guide future changes to TheBus and TheHandi-Van in the next 6 years</p> <p>I do not have adequate and safe transportation to this meeting, therefore I will not be attending as I am trying to reduce my travel as the City and County of Honolulu and OTS have seen fit to deny me my civil right to safe Para-transportation as a person with a disability while I in equal stead choose to maintain my right to refuse services of a free physical exam from a person that does not maintain a any medical licensure to gauge balance, gait, or cognition, nor to have access to my medical information as it is of a personal and confidential nature as a employee of the Handi-Van, sub-contracted under OTS and in contract with the City and County of Honolulu.</p> <p>I have released all information that is necessary to make adequate judgement for my situation, however due to the lack of medical expertise and training by your transit personnel and management occurring over the span of not one but two meetings and inclusive of the viewing of a brain MRI.</p>	

TheBus and TheHandi-Van SHORT RANGE TRANSIT OPERATIONS PLAN | Appendix A
 Department of Transportation Services, City and County of Honolulu

Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
					<p>I do not have adequate and safe transportation to this meeting, therefore I will not be attending as I am trying to reduce my travel as the City and County of Honolulu and OTS have seen fit to deny me my civil right to safe Para-transportation as a person with a disability while I in equal stead choose to maintain my right to refuse services of a free physical exam from a person that does not maintain a any medical licensure to gauge balance, gait, or cognition, nor to have access to my medical information as it is of a personal and confidential nature as a employee of the Handi-Van, sub-contracted under OTS and in contract with the City and County of Honolulu. I have released all information that is necessary to make adequate judgment for my situation, however due to the lack of medical expertise and training by your transit personnel and management occurring over the span of not one but two meetings and inclusive of the viewing of a brain MRI.</p> <p>I have still been refused safe transportation of Para-transportation, under contract with the City and County of Honolulu, so it is at this time, until I am so provided said safe transportation to such functions, I have now been refused that chance to participate as a normal taxpaying member of society in this function as well, due to my inability to garner safe transportation. Of course I am at risk using fixed route transportation as the record clearly shows, and as witnesses can clearly document, and have done so in the past. I have been told since my last seizure on fixed route transit on theBus "...you must avoid doing anything that might cause danger to you or others if you have another one." I am at risk according to medical personnel and should refrain from placing myself at further danger. You and your situations are the danger! You have also refused the transportation I desire and need as a tax payer while I continue to maintain my civil rights in full! Please get with the Constitutional program of people with disabilities.</p> <p>You have also refused the transportation I desire and need as a tax payer while I continue to maintain my civil rights in full! Please get with the Constitutional program of people with disabilities. You had me taken from the floor of your fixed route bus to a hospital for a situation caused by your bus operator, that is a repeated problem with fixed route, and still you deny my Paratransit? I am the one without a full brain, but what is your excuse? I do hope you have better future plans for Paratransit!</p>	
	e-mail comment	Bus Service Changes	24-Hour Service between Waikik and Ala Moana	Waikiki - Ala Moan Routes / 40	I am writing this message as a suggestion on improvement on TheBus service. I was wondering if you can change the bus schedules to 24-hour for the service between Waikiki to Ala Moana. If this happens, the people are able to board the buses from Waikiki to the locations through downtown and beyond into Makaha. That will be more convenient for us, especially if we plan to stay in Waikiki past the end of the bus schedule at 1:30AM daily.	
	letter comment	Short Range Transit Plan	Paratransit Issues		<p>I would ask, before you start denying people with disabilities the ability to acquire tax paid federally subsidized Citizen transportation services for the disabled that you would not act in the capacity of medical professionals performing physical exams to gauge functionality of body systems, and you provide a form to be completed by the treating and licensed physician in the State of Hawaii. The person with the disability as the option to refuse your physical exam and refuse to relinquish medical confidentiality under civil right amendment 9 of the Federal Constitution. To force a physical exam and full release of medical confidentiality upon a competent disabled individual is equal with removing the competency and individual choice of personhood from said individual, although the individual is still held to traffic and safety laws of transportation in the State of Hawaii, and may not drive due to disability, having to rely on the public tax paid transportation system the citizen has already paid into.</p> <p>In this regard of forced physicals and removal of confidentiality, the competent and disabled person has been relegated to reduced human status, without parity of other citizens in the Nation. Having no transportation options available, either taxpaid, or legal, you have forced the disabled and competent individual to: break the law and seek own transportation if able, find other means if able, take other unsafe transportation where able.</p> <p>Means available of unsafe transportation may include legal or illegal means, but it should first be noted, the person did try to conform to the letter of the law, maintaining full civilian rights under the Constitution of the United States of America, inclusive of the 9th and 14th amendments.</p> <p>There is indeed a width, breadth, and wide scope of choices available under Project Action, unless it is processed through narrow minds that know nothing of people with disabilities and not enough of the transportation industries.</p>	
4-Apr	e-mail comment	Bus Service Changes	Travel in Kaimuki	Route 3, 9 & 14	My mother is concerned she will lose her convenient and economical transportation from her home on 22nd Avenue in Kaimuki. She uses TheBus on weekdays on a continuous basis. She will not be able to catch the bus on 18th Avenue due to health conditions. Can Route 3 or Route 9 be rerouted to include a run on 22nd Avenue like Route 14? Hard to imagine two routes (#3 and #9) going on 18th Avenue.	Thank you for sharing your concern and questions regarding the Route 14 proposed changes. We are looking at alternatives to serve certain portions of Route 14 which are proposed for elimination. If you would tell us where on 22nd Avenue (if not address at least which block), we can comment more specifically. Routes 3 and 9 are proposed to both end at Kapiolani Community College, with Route 9 replacing Route 3 between Koko Head Avenue and KCC via 18th Avenue.

TheBus and TheHandi-Van SHORT RANGE TRANSIT OPERATIONS PLAN | Appendix A
 Department of Transportation Services, City and County of Honolulu

Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
4/5/2012	e-mail comment	Bus Service Changes	Opposite to Changes	Route 14	I wanted to take this time and opportunity to express my opposition of the proposed bus route change for Route 14. 1. Convenience; a. Elderly Customers - I currently reside with and take care of Elderly woman whose mode of transportation is the bus. She enjoys the convenience of being able to go to the Diamond Head Cemetery on one bus route, Kahala Mall post office on one bus route, and enjoys the route of being able to go through Waikiki. Making it then difficult and or challenging for elderly customers to take various routes to get to such places. b. Beach Customers - now forcing them to take two or three routes just to get to the beach (Waikiki Area) from the St. Louis or Manilani Heights area. This then presents the timing issue. c. Easy transferability to Waikiki Hotels/Ala Moana and other bus routes. 2. Timing; the bus schedule for Route 14 is fine. No changes should be made	Thank you for sharing your concerns and suggestions regarding our proposed changes to Route 14. Based on your comments and similar comments from others, we are examining alternatives which may reduce the impact of our proposal or change our plans entirely; we will come back to the riders with any change in our plans. As Director Yoshioka has said many times, this is how we learn whether our proposals are valid or not.
9-Apr	e-mail comment	Bus Service Changes	Headway Changes	Route 55	I saw the route changes on your website, but what are the proposed changes as far as schedule/frequency of service? Is that available on the website? If not, what are they? Can a meeting be held in Kaneohe or Kahaluu? All the route 65 riders live in Kaneohe or Kahaluu. My question was not regarding the ROUTE CHANGES, but changes to frequency/# of buses. Are any changes being proposed to CUT the number of buses on these two routes? Thanks.	Here is a brief summary of the changes for 52/55/62/65: * Route 62 ends at Wahiawa TC and Alapai TC (June) * Route 52 ends in Wahiawa Heights via Wahiawa TC, frequency changes to every half hour (June) * Route 55 ends at Wahiawa TC, frequency changes to hourly (June) * Route 65 changes to Kahekili Hwy. at Haiku Rd., Heeiea service deleted (June) Route 55 is proposed to change from a bus every 40 minutes to a bus every hour; I am checking on the frequency of the proposed Route 65 service and will get back to you. If more schedule information is available we will provide that as well.
11-Apr	e-mail comment	Bus Service Changes	Pauoa Valley / UH Service	Route 6	This morning while I was boarding the bus to go to work, on the fare box was a white paper that read: This route the service may change. I checked the website of the bus to see if Route 6 was on there for the route changes, and it was not listed. Will Route 6 servicing Pauoa Valley and the University of Hawaii area be changing, as far as the service schedule?	Thank you for noticing our paper and checking with us. Route 6 is NOT included in the current set of proposed service changes.
12-Apr	e-mail comment	Bus Service Changes	Elimination of Bus Routes / Headway Changes	Route 5, 6	<p>Are you aware of, and has the TheBus notified you of, their plans to eliminate one of the 3 bus runs on the #5 route (Ala Moana Ctr., up Punahou St/Manoa Road) to West Manoa? This will particularly affect the "peak period" (i.e., workers) morning and afternoon commuters. Currently, the Bus comes every ½ hour or so during the rush hours. If this proposed change goes into place, the bus will come by every 55 minutes all of the time.</p> <p>Their website mentions proposed route changes, but there is no mention of the #5 change or any community meetings in Manoa or Makiki. I believe this change will particularly affect those who live or work in West Manoa (all of Manoa Road and Punahou Street) because there is no other bus that goes on those streets.</p> <p>The #6 Bus (which goes past/through UH and up along East Manoa Road to Alani Drive) comes by every 20-30 minutes or so. However, that bus takes much longer to get to Manoa (via University rather than Punahou St), and it would still take someone who lives on Manoa Road 20 minutes to walk across the valley (if they are mobile). There are a lot of older folks and workers who commute to avoid downtown driving/parking fees. It currently takes me 45 minutes to get to work downtown, and over an hour to get home (have to leave the office early to allow for the transfer to #5).</p> <p>The #5 is usually only about ½ full from Punahou to the end of Manoa Road, and the #6 usually at Manoa Shopping Center. However, those of us who live deeper in the valley are the ones that have no other options. Were any bus route changes (i.e., have the #6 go to Manoa Road before heading back) explored? Having to wait 55 minutes for the next bus is a long time.</p> <p>I would like to know what options were considered, why this route is targeted, does the entire route need to be stopped? What can I do to find out more information?</p>	<p>Thank you for noticing our paper and checking with us. Route 6 is NOT included in the current set of proposed service changes.</p> <p>Minor schedule adjustments are made from time-to-time, so be sure to check www.thebus.org for the current timetable.</p>
9-Apr	e-mail comment	Bus Service Changes	Headway Changes	Route 5	<p>The Route 5 Manoa-Ala Moana Center weekday peak route that currently operates every 30 minutes is an important service for working residents, students and senior citizens who live in Manoa Valley and Makiki along the Punahou Street corridor.</p> <p>The proposed peak frequency change from every 30 minutes to every 55 minutes will directly impact and discourage the use of the Route 5 bus by many residents and students who currently rely on the two buses that service the Manoa Valley and Makiki/Punahou communities to travel to and from work and school. Senior citizens who also rely on these buses to travel to doctor appointments and conduct other necessary chores will be negatively impacted. Finally, many tourists who are encouraged to visit the popular Manoa Falls destination will also be inconvenienced by the proposed route change.</p>	

TheBus and TheHandi-Van SHORT RANGE TRANSIT OPERATIONS PLAN | Appendix A
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Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
					Based on the above, I hereby oppose the Route 5 Manoa-Ala Moana Center weekday peak frequency change to every 55 minutes and request that the Department of Transportation Services and Oahu Transit Services, Inc. maintain the operation of the Route 5 Manoa-Ala Moana Center weekday peak route to every 30 minutes.	
14-Apr	e-mail comment	Bus Route Changes	Bus Route Changes in Kaimuki	Route 9	What do you expect the Kaimuki tax paying citizens-Seniors, handicapped, students, etc. to use as transportation, as you are eliminating the entire section of service for 18th Avenue through Kokohead? is there a plan to mitigate this debacle in some way? What is the thinking behind this plan, and why are you focusing on Kaimuki /East Honolulu for this disastrous deprivation of service? We are regular, steady users of TheBus, and chose our home because it was convenient for transportation island-wide. What do non-drivers do now?	<p>Thank you for your questions about our proposed bus service changes for the Kaimuki area. First, I believe you are referring to the proposal to terminate Route 3 at Kapiolani Community College (KCC). There is a companion change proposed for Route 9 in which it would bypass Palolo Valley (replaced there by a new Palolo Valley shuttle), proceed up Waialae Avenue to Koko Head Avenue and replace what is now Route 3 along Pahoehoe Avenue, 18th Avenue, Diamond Head Road and terminate at KCC.</p> <p>Second, these proposed route changes are part of a set of route and/or schedule changes proposed for many areas of Oahu, and they are listed on our website www1.honolulu.gov/dts along with a set of maps to help illustrate route changes.</p> <p>If this is not what you are concerned with, or you have further questions, please email back.</p> <p>We look forward to meeting you at the Kaimuki Neighborhood Board meeting; please introduce yourself to us.</p>
16-Apr	e-mail comment	Bus Route Changes	Elimination of Route 9 into Palolo Valley	Route 9 / Palolo Valley Shuttle Service	My brother is disabled and has a very limited source of income. He comes to my house in Palolo valley once or twice a week. He lives near Don Quixote. How often will a shuttle run and how much will it cost? I don't think this route 9 into Palolo valley should be eliminated. Also children going to and from intermediate school and high school and the elderly rely on the bus. They can't afford a cab and do not have cars or drivers licenses. They also cannot walk all the way to Waialae Avenue. How will they get around without a bus? I'm almost at that age where I will have to depend on the bus. I can't imagine how it will affect me.	If we go ahead with our plan to send Route 9 up Waialae to Kaimuki and Kapiolani Community College, we will implement a dedicated shuttle route to replace Route 9 within Palolo Valley. This shuttle bus will follow the same route and use the same bus stops within Palolo Valley as Route 9 does now. The shuttle will make the loop approximately every 30 minutes. We expect this to be much more reliable as the bus will never leave Palolo; it will come out on 9th Avenue to Waialae, turn up Palolo Avenue and repeat the loop. There is no difference in the fare - the shuttle will be TheBus, so all passes and cash fares and transfers will be the same as now.
18-Apr	letter comment	Bus Route Changes	Route 14 Changes	Route 14	Would it be possible to route the upper end of #14 up Pauhoa (sp?) and beyond during the morning and afternoon to accommodate school children and the elderly? I do not see a significant need for evening and night travel.	

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24-Apr	e-mail comment				<p>I have depended upon The Bus for more than 38 years for my transportation needs. I do not own a car and I don't have access to one. I have spent the last 15 years living in Kailua Town. Prior to that, I lived in the Kapahulu (route 3), Moiliili/UH (route 4,6), Kakaako (route 6), and downtown.</p> <p>(1) Kailua-Kaneohe Service Yes, there needs to be major improvements to service between various windward communities. I rarely go to Kaneohe because, quite frankly, I can get to downtown or Ala Moana a lot faster on a bus than to Kaneohe. It can take as long as an hour to get from Kailua to Kaneohe and that doesn't include walking several blocks across Kailua Town to catch the 56 bus and waiting for the 56 bus. Bus 57A is 2 minutes from my house and gets me downtown within 30 minutes. Checking the Hea web site at home saves me time so I don't have to wait so long at the bus stop.</p> <p>(2) The proposed changes to Route 57A does nothing to improve service to Kaneohe and only aggravates the current 57A riders who commute to town for work. The proposed route is just as long, indirect, and inefficient as the current 56 bus. I have access to bus 57 but avoid it whenever possible - way too crowded, way too many tourists, way too many kids on school days.</p> <p>(3) What is really needed is a true spoke and hub system that lets people travel easily within and between their communities on the windward side. Folks who live in Kailua are disconnected from each other. Try getting from Castle Hospital to Enchanted Lake, to Lanikai, to the beach, to Aikahi, to Kailua Town. Too many bus changes and too much waiting.</p> <p>(4) An hourly express bus that stops only at the major shopping centers would be a major improvement - Enchanted Lake/Keolu Shopping Center, Kailua Shopping Center, Aikahi Shopping Center, Windward City Shopping Center, and Windward Mall. (and maybe Temple Valley SC)</p> <p>(5) Lack of late night bus service I use to live in urban Honolulu for over 20 years. I seriously miss not being able to attend night time cultural and arts events in Honolulu - events at the NBC, the Waikiki Shell, Hawaii Theater, Doris Duke Theater, UH, movies with friends in town. I can only attend matinee performances which pretty much eliminates stuff like Elton John and Neal Diamond. It costs way too much money for tickets only to have to leave early and get to ala moana center or downtown to catch a 10:30 departure of bus 57. At a minimum, offer late night service (until 1 am) on Friday and Saturday nights only.</p> <p>(6) Real time information (Hea) While I really like the Hea website, I only have a wifi device to access when I'm mobile. No smartphone, no pricy mobile plan. There is a lack of free wifi access around Kailua bus stops and routes even in Kailua town. The site also doesn't take into consideration of known traffic delays/problems. Recently, I left home expecting to catch a 57 bus at 4:30 or 5:00 pm. Well, both buses were stuck in traffic due to down pole in Hawaii Kai. Both buses arrived well after 5:30 pm. The traffic incident happened at 3 pm.</p>	
30-Apr	e-mail comment				<p>Please keep circle-island routes: Our family lives in Pupukeya and being able to take the circle-island is very important to us. Please consider residents and visitors who utilize this important route. This route will become even more important to the public as the cost of driving a car continues to increase.</p>	
30-Apr	e-mail comment				<p>Please maintain the circle-island route. I encourage you to maintain routes in rural areas and to expand services rather than cut them. The bus is a critical resource for people on the North Shore and elsewhere. Thank you very much.</p>	
1-May	e-mail comment				<p>Aloha! I personally do not use the bus system because I suffer from motion sickness. But there are many whose livelihood and personal finances depend on this core city service. It's for these patrons that I wish to register our grave concerns to the cuts in bus services throughout Oahu. Specifically, I'm very concerned about Route 55 that serves the Ko'olauloa Windward area. This is the only route that services this part of the island. If you further cut this service, it would mean that patrons have to wait for an hour instead of the normal half an hour wait. This action will further add hardship and burden those who depend on public transportation services. I'm also deeply disappointed to hear the Circle Island route is also on the chopping block. This has been a favorite among tourists and also senior citizens. Please do not marginalize the bus system on Oahu. It should be made more efficient and beefed-up rather than the other way around. This Bus service provides options to cut down on gas, travel costs, and congestion, among other good reasons. Please reconsider your plans.</p>	

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Date	Meeting Location / Contact Person	Category	Issue	Route Number	Comments	Answers
1-May	e-mail comment				<p>I am a regular, daily user of TheBus. I would like to ask some questions on the proposed route changes.</p> <p>If the 62 originates and stops at Alapai, are the times changing? The 5:30am #62 leaving from Alapai can be crowded and can take a long time to get through Dillingham. I have to make my connection to the 72 in Wahiawa and have missed that connection which means I have an hour walk into Schofield. My primary and main concern is how this connection will be affected.</p> <p>For the Route 52 change to every half hour frequency: What are the times? I ride the 52 and 62 weekdays twice a day during the work week. I have waited for an hour at times for either bus going to Honolulu. Also, if it originates from Middle Street, what would the times be? I need a 52 (or 62) that will get me into Wahiawa by 6:40 am to make my connection to the 72. I heard that the 52 will only run on weekends?</p> <p>I appreciated the depth and careful analysis of the proposed changes. On the whole, I am quite satisfied with the explanation and potential route changes. I am also a daily rider of the #4 and would agree with the route break up. I also like the 18 and 24 combination. That being said, however, the proposed 62 and 52 changes would depend on the times leaving in the morning.</p> <p>Thank you very much!</p>	
13-May	e-mail comment				<p>Subject: Planned route change to #3 Salt Lake and #9 Palolo buses beginning June or August 2012 To save \$6-7 million dollars.</p> <p>A tourist issue. The problem of crowding at the Kapiolani Community College (KCC) bus stop was identified as a reason for changing the #3 Salt Lake bus route. This problem is a tourist issue.</p> <p>Hawaii residents who ride the #3 Salt Lake bus will be cut off from service between Kapiolani Community College and Waialae Avenue to benefit tourists. Hawaii residents pay not only federal taxes but also property taxes that are used to operate the bus system. Tourists who use the #3 bus to get from Waikiki to the Diamond Head Crater trail or to the KCC Farmers Market may pay federal taxes but they do not pay property taxes. Since the state, who operates the Diamond Head Crater trail site, and the KCC Farmers Market vendors benefit from entrance and parking fees paid or from product sales, they should pay a percentage of their sales to support the bus system used by their customers or provide a trolley bus to transport their customers to these sites. By supporting agricultural events such as city and county farmers markets, the Mayor's Office of Economic Development also generates more bus riders, so this office should also contribute to the bus system that services the KCC bus stop.</p> <p>The Short Range Transit Plan Report on the Honolulu.gov website did not provide a breakdown of the resident vs. non-resident status of riders from the point they board the #3 bus and when they depart the bus at the KCC bus stop, nor the breakdown of the bus system's dollars by federal vs. property tax collections, so it is difficult to see how much property tax payers vs. the federal government subsidize tourists who ride the #3 bus. This information needs to be shared with property tax payers on the Honolulu.gov website.</p> <p>Solution:</p> <p>1) Keep the #3 Salt Lake bus operating to Waialae Avenue until taxpayers are given stronger justification for the need for this change. In the interim, require that the state, the KCC Farmers Market vendors and the hotel and restaurant industry in Waikiki contribute to the operating budget of bus service that serves their customers.</p> <p>2) If the DTS insists on having the #3 Salt Lake bus end at KCC, then DTS needs to synchronize the schedules of the #3 Salt Lake and the #9 Palolo buses. By cutting off service on the #3 Salt Lake bus to Waialae Avenue, riders who live between Kapahulu Avenue and KCC will have to take the #3 Salt Lake bus to the KCC bus stop and then transfer to the #9 Palolo bus to get to Waialae Avenue. The wait should be no longer than 15 minutes (See Nelson/Nygaard Consulting Associates Inc., Short Range Transit Plan Report for the Department of Transportation Services, City and County of Honolulu, p. 15).</p>	

Appendix L

2013 Annual DTS Title VI and Environmental Justice Report

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

TheBus Service—2013 Title VI and Environmental Justice Report
Routes 11,14,24,403



Department of Transportation Services

City and County of Honolulu

Contract #SC-DTS-1200133

February, 2015

February 2015

Department of Transportation Services

City and County of Honolulu

650 South King Street

Honolulu, HI 96813

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Purpose

This report is compiled for the Department of Transportation Services (DTS) Public Transit Division (PTD) for its bus system (TheBus). It provides an in-depth analysis of routes operating in the City and County of Honolulu (Island of O'ahu).

This review is conducted annually as an assurance that: 1. Federal Transit Administration (FTA)-assisted benefits and related services are made available and are equitably distributed without regard to race, color, or national origin, 2. The level and quality of FTA-assisted transit services are sufficient to provide equal access and mobility for any person, without regard to race, color, or national origin, 3. Opportunities to participate in the transit planning and decision-making process are provided to race, color, or national origin, 4. Decisions on the location of transit services and facilities are made without regard to race, color, or national origin, and 5. Corrective and remedial action is taken by all applicants and recipients of FTA assistance to prevent discriminatory treatment of any beneficiary based on race, color, or national origin.

Findings

There were no changes to the Title VI Program policies, procedures, and standards established in 2007.

The 2013 Title VI and Environmental justice Compliance Report found no major changes to bus services and no discriminatory, disproportional, or disparate impacts to Environmental Justice (EJ) and Non-Environmental (Non-EJ) communities served by Routes 11,14,24, and 403.

Title VI Certification and Annual Assurance

The City and County of Honolulu DTS certifies that all policies are in accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. §2000d, Section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. §6102, Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. §12132, and Federal Transit law at 49 U.S.C. §5332. Ass of DTS operations, services, activities, and programs shall not discriminate on the grounds of race, color, creed, national origin, sex, age, or disability. In addition, DTS shall comply with applicable federal implementing regulations and other implementing regulations that the FTA may use.

Complaint Procedures

No changes (see Attachment 1).

Record of Investigation, Complaints, and Lawsuits

In compliance with 49 CFR Section 21.9(b) and in accordance with DTS, Oahu Transit Services, Inc. (OTS), the City's bus service contract operator, tracks and maintains a record list of active investigations and complaints. OTS utilizes the Customer Service Reports (CSR) program to compile a record of complaints and investigations that are logged into the Customer service Commendations and Complaints report system that is monitored by DTS-PTD. The documents within the CSR report describe the following five-step process for handling a complaint: 1. Complaints are logged into the CSR database upon receipt, 2. The alleging complainant is contacted within 30 days of receipt, 3. The complaint is sent to the investigating officer for investigation and resolution, 4. A report containing the findings and recommendations for corrective action is written, and if warranted, 5. A document trail of complaint processing is maintained.

The table below presents the record of complaints from 2013 and their resolution. It can be seen that of the 15 complaints logged, only 2 were found to be valid; the other 13 were invalid or inconclusive.

Access to Services by Persons with limited English Proficiency (LEP)

Phone Interpreter services are available through Pacific Interpreters and CTS Language links for the customer service and the information offices of TheBus. Portions of TheBus website are available in Chinese, Chuukese, Ilokano, Japanese, Korean, Laotian, Marshallese, Spanish, Tagalog, Thai, and Vietnamese. Written materials such as brochures are also available in these languages.

Notify Beneficiaries of their Rights

No changes.

Inclusive Public Participation

No changes.

Demographic Data

U.S. Census data¹ and original surveys² have been performed to assess customer make-up and satisfaction.

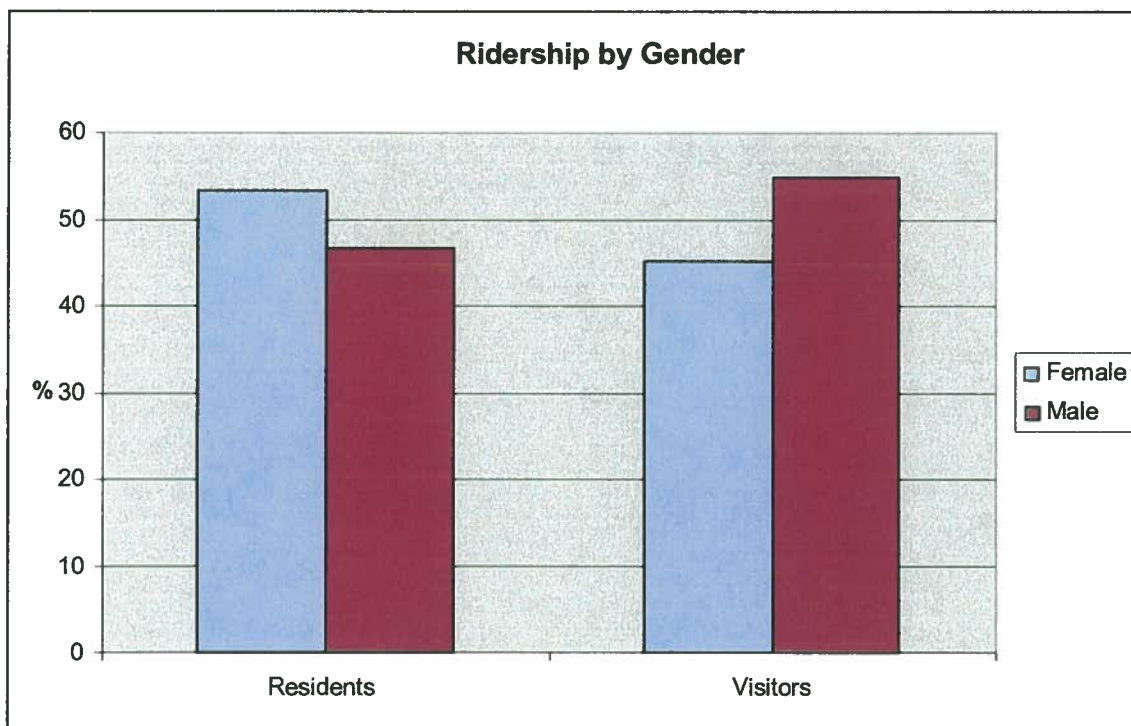
Maps showing the routes examined in this report with U.S. Census Block Groups which are identified as Title VI/Environmental Justice areas are provided in the Map Appendix.

¹ See "Geographic Distribution of minority and Poverty populations on O'ahu: 2010," DTS, City and County of Honolulu, Jan, 2015 rev.

² "HART On-Board Study," 2112.

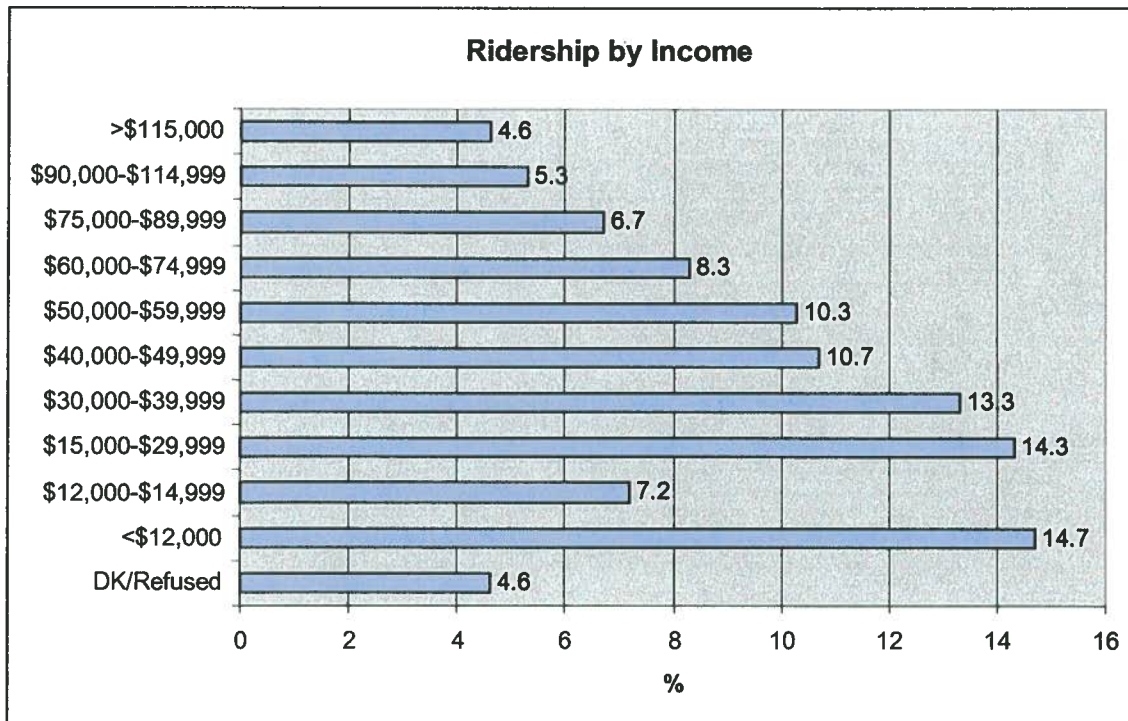
Gender of Riders

While ridership is generally comparable between the genders, the graph below shows that a pattern of slightly more females among residents and slightly more males among visitors use TheBus.



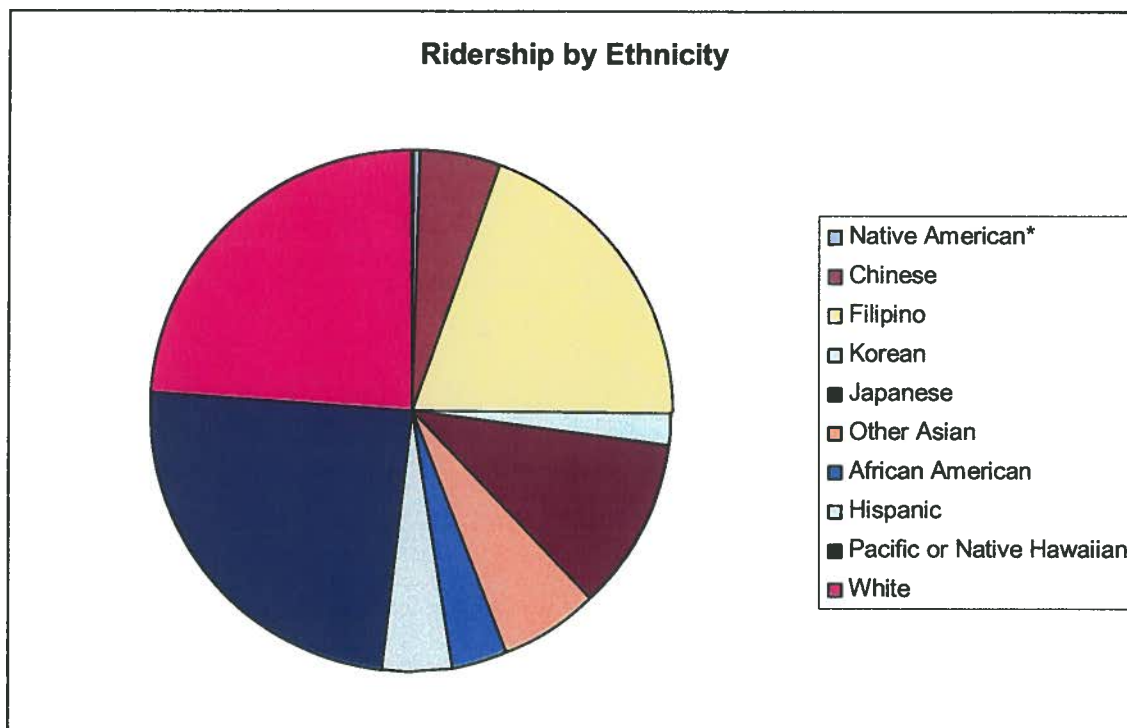
Income and Mobility Measures

Ridership is greater among lower income groups. TheBus, in general, provides mobility for all income levels, but mostly serves lower income riders.



Ridership Ethnicity

Ethnic groups in Honolulu are extremely diverse. Among the ridership, three groups dominated; Filipinos, Whites and Pacific Islanders or Native Hawaiians.



The following tables show the U.S. Census Block Groups served by routes, 11, 14, 24, and 403. The population of each served block group is colored red if that block group was determined to be TVI/EJ designated. Proportions of TVI/EJ population are provided in bottom table rows.

Route 11

	Census Tract	Block Group	Population
1	38	1	2309
2	39	1	655
3	40	1	768
4	40	2	784
5	41	2	2169
6	42	2	2351
7	51	1	1627
8	51	2	1463
9	52	1	1078
10	52	2	2215
11	53	1	2424
12	53	2	1212
13	54	1	1637
14	55	1	860
15	55	2	1218
16	56	1	2385
17	56	2	941
18	56	3	2354
19	56	4	1069
20	57	1	1047
21	57	2	1101
22	58	2	2050
23	59	1	1920
24	59	2	1433
25	60	2	2318
26	60	3	1976
27	61	1	2227
28	61	2	1948
29	62.01	2	2643
30	62.01	3	585
31	66	1	374
32	69	1	3021
33	69	2	802
34	70	1	2249
35	70	2	877
36	70	3	915
37	71	1	2713
38	74	1	3981
39	75.03	1	3048
40	75.03	2	2112
41	75.04	1	1508
42	75.05	1	2406
43	75.05	2	1932

44	75.05	3	1000
45	77.01	1	1356
46	77.01	2	1819
47	77.01	3	1065
48	77.02	1	315
49	77.02	2	2625
50	77.02	3	2158
51	78.07	4	1113
52	78.07	5	927
53	78.08	2	1845
54	98.02	1	2764
55	9813	1	8
56	9814	1	97
Total Population=			91797
EJ=			54502
EJ=			59%

Route 14

	Census Tract	Block Group	Population
1	5	1	638
2	5	2	560
3	5	3	917
4	5	5	972
5	6	1	0
6	6	2	1218
7	7	2	890
8	7	3	609
9	8	1	1164
10	8	2	949
11	8	3	1190
12	9.01	2	1688
13	9.02	1	2920
14	9.02	2	1168
15	9.03	2	1455
16	12.01	1	1151
17	12.01	2	1773
18	13	1	947
19	13	2	1411
20	13	3	985
21	13	4	864
22	15	1	1359
23	15	2	923
24	16	2	1307
25	16	3	702
26	17	1	1039
27	17	2	1398
28	18.01	2	661
29	18.04	1	1849
30	21	1	1739
31	21	2	2125
32	27.01	3	1076
33	28	1	1519
34	28	2	2159
Total Population=			41325
		EJ=	1646
		EJ=	4%

Route 24

	Census Tract	Block Group	Population
1	3.01	1	1081
2	3.01	2	2226
3	3.02	1	1245
4	3.02	2	603
5	3.02	3	1142
6	4.02	1	2040
7	4.02	2	1959
8	5	1	638
9	5	2	560
10	5	3	917
11	5	4	720
12	5	5	972
13	6	1	0
14	6	2	1218
15	7	1	1467
16	7	2	890
17	7	3	609
18	8	4	468
19	9.01	2	1688
20	15	1	1359
21	15	2	923
22	16	1	1774
23	16	2	1307
24	16	3	702
25	17	1	1039
26	17	2	1398
27	18.01	2	661
28	18.04	1	1849
29	21	1	1739
30	21	2	2125
Total Population=			35319
		EJ=	661
		EJ=	2%

Route 403

	Census Tract	Block Group	Population
1	96.03	2	3069
2	96.03	3	1201
3	96.08	1	2727
4	96.08	2	2955
5	97.03	1	2952
6	9400.02	2	1578
7	9400.02	3	2319
8	9400.02	4	2196
		Total Population=	18997
		EJ=	18997
		EJ=	100%

Service Standards

New service standards have been developed and adopted. These standards are detailed in the City and County of Honolulu, Department of Transportation Services Short Term Operations Plan.

Service Policies

New service policies have been developed and adopted. These policies are also detailed in Short Term Operations Plan.

Evaluate Service and Fare Changes

No fare changes in 2013.

Monitoring Transit Service

Time schedules for routes 11, 14, 24, and 403 are presented in Attachment 1.

Route standards are determined by type:

<u>Route</u>	<u>Type</u>
11	Suburban trunk
14	Urban feeder
24	Urban feeder
403	Community circulator

Passenger pass-ups in 2013 are presented in the table below. While no “standard” exists for passenger pass-ups, the two TVI/EJ routes, recorded no pass-ups, while the non-TVI/EJ routes had a total of 28.

Passenger Pass-Ups 2013

<u>Route</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Total</u>
11	0	0	0	0	0	0	0	0	0	0	0	0	0
14	0	0	1	0	0	0	0	0	0	0	0	0	1
24	1	0	0	1	1	1	0	1	5	3	6	8	27
403	0	0	0	0	0	0	0	0	0	0	0	0	0

Vehicle headways show consistency across the routes. The standards are 10-60 minutes across all routes except route 403 for which the standard is 60 minutes. Routes 14 and 403 do not meet current standards.

Vehicle Headways 2013

<u>Route</u>	<u>Base Headways</u>		
	M-F	S-S	Hol
11	60	60	60
14	75	100	100
24	55	60	60
403	70	70	70

Crowded bus conditions are a rarity among these routes. Only fractionally does it occur on Route 11. Load standards are that the load should not exceed 150% load factor for more than 5 minutes. No route approaches the maximum load factor standard.

Vehicle Loads 2013

Route	West Bound				East Bound				Standard
	Average Riders	Average Trip Time	Load Factor	120% Load Duration	Average Riders	Average Trip Time	Load Factor	120% Load Duration	
11	32	56.9	0.313	0	41	60.6	0.358	0.1	5%
14	12	26.2	0.113	0	10	19.7	0.104	0	1%
24	15	26.5	0.11	0	13	26.8	0.094	0	1%
403	23	27.3	0.2	0	13	21.3	0.158	0	1%

While no routes meet the on-time standards, the non-TVI/EJ Routes 11 and 403 show better on-time records than the non-TVI/EJ routes.

On-Time Performance 2013

Route 11

	<u>Total Trips</u>	<u>% Early</u>	<u>% Late</u>	<u>% On- Time</u>
Jan	798.00	5.70	27.50	66.70
Feb	722.00	4.00	37.00	59.00
Mar	608.00	3.60	32.50	63.00
Apr	836.00	4.10	32.60	63.30
May	760.00	5.40	26.00	68.60
Jun	342.00	5.40	22.90	71.80
Jul	266.00	6.40	18.00	75.60
Aug	798.00	4.60	32.70	62.70
Sep	760.00	4.00	31.90	64.10
Oct	874.00	5.40	32.40	62.20
Nov	722.00	4.20	38.90	56.90
Dec	798.00	4.30	48.70	47.00
Ave	690.33	4.76	31.76	63.41
Standard				80.00

On-Time Performance 2013

Route 14

	<u>Total Trips</u>	<u>% Early</u>	<u>% Late</u>	<u>% On- Time</u>
Annual	1162.00	12.20	21.90	65.90
Standard				70.00

On-Time Performance 2013

Route 24

	<u>Total Trips</u>	<u>% Early</u>	<u>% Late</u>	<u>% On- Time</u>
Jan	651.00	3.00	40.90	56.10
Feb	589.00	3.50	38.50	58.00
Mar	496.00	1.60	40.30	58.10
Apr	682.00	2.20	29.20	68.70
May	620.00	2.80	28.40	68.70
Jun	279.00	4.00	32.10	63.90
Jul	217.00	2.30	30.20	67.40
Aug	655.00	5.00	34.90	60.20
Sep	636.00	8.20	33.00	58.80
Oct	727.00	2.40	34.70	62.90
Nov	603.00	3.20	38.90	57.90
Dec	663.00	1.70	39.60	58.70
Ave	568.17	3.33	35.06	61.62
Standard				70.00

On-Time Performance 2013

Route 403

	<u>Total</u> <u>Trips</u>	<u>% Early</u>	<u>% Late</u>	<u>% On-</u> <u>Time</u>
Jan	819.00	16.40	16.40	67.20
Feb	741.00	21.80	15.00	63.20
Mar	624.00	16.00	18.40	65.60
Apr	858.00	17.70	14.60	67.70
May	780.00	16.60	15.10	68.40
Jun	351.00	6.70	13.00	80.30
Jul	273.00	14.10	12.50	73.40
Aug	819.00	12.40	19.90	67.70
Sep	780.00	12.10	17.50	70.40
Oct	897.00	14.20	16.40	60.40
Nov	741.00	11.80	24.10	64.10
Dec	819.00	13.00	21.10	65.90
Ave	708.50	14.40	17.00	67.86
Standard				90.00

Bus stop amenities and average transfers either on or off for stops serving the studied bus routes are detailed in the following tables. Shelters, benches, stools, and rubbish receptacles were tallied for each stop. The overall percentage of each amenity is presented in the last rows of the tables. In general, EJ route 11 and non-EJ route 24 show a higher proportion of stops with amenities. Non-EJ route 14 and EJ route 403 have fewer amenities.

As shown below, Route 11 has the highest percentage of shelters (28%) and benches (60%) and the second lowest percentage of stools (3%) and trash receptacles (27%). Route 14 has the second lowest percentage of shelters (16%), benches (42%), and trash receptacles (21%) and the second highest percentage of stools (5%). Route 24 has the second highest percentage of shelters (26%) and benches (59%) and the highest percentage of stools (10%) and trash receptacles (31%). Route 403 has the lowest percentage of shelters (14%), benches (20%), stools (1%), and rubbish receptacles (14%).

Routes/Stops	Shelters	Benches	Stools	Trash Recpt
11 (EJ) 118 stops Suburban Trunk	28%	60%	3%	27%
14: 170 stops Urban Feeder	16%	42%	5%	21%
24: 91 stops Urban Feeder	26%	59%	10%	31%
403 (EJ) 86 stops Comm Circulator	14%	20%	1%	14%

The level of amenities also is well correlated with the amount of on and off activity at the individual stops. Route 11 is a suburban trunk route, routes 14 and 24 are urban feeder routes, and route 403 is a community circulator route. Per weekday, route 11 averages 33 trips with 118 stops, route 14 averages 63 trips with 170 stops, route 24 averages 30 trips with 91 stops, and route 403 averages 36 trips with 86 stops.

Routes 11, 14, and 24 provide service for more individuals than route 403 due to their service area in the Primary Urban Core. It should be noted that route 403 is a rural route with a large portion of the route traversing narrow two-lane roads. Based upon collected data for the four routes, it can be concluded that bus stop amenities were not dependent upon location, but were dependent upon the average number of individuals served which is illustrated through total number of trips and total number of bus stops per route.

Bus stops are identified in the maps attached in the Map Appendix.

Bus Stop Amenities and ON/OFF Route 11

<u>STOP ID</u> <u>R11</u>	<u>Shelter</u>	<u>Bench</u>	<u>Stools</u> <u>(#)</u>	<u>Rubbish</u> <u>Can</u>	<u>Sign</u>	<u>Mean</u> <u>ONOFF</u>
45	x	x		x	x	5.3
53	x	x		x	x	2.09
123	x	x		x	x	2.12
125	x		x	x	x	4.79
126	x	x		x	x	1.03
127		x		x	x	1.57
128		x		x	x	7.13
129		x		x	x	2.08
130	x	x		x	x	0.89
131	x	x		x	x	6.32
437	x	x		x	x	4.93
438	x	x		x	x	1.73
439	x	x		x	x	1.51
440	x	x	x	x	x	0.65
474		x			x	0.41
481	x	x		x	x	2.84
482	x	x		x	x	1.48
591				x	x	0.81
699	x	x		x	x	1.36
700	x	x		x	x	0.17
738	x	x		x	x	1.91
739		x			x	1.91
740	x	x		x	x	1.44
741		x			x	0.6
742	x	x		x	x	1.03
977	x	x		x	x	3.54
978		x			x	0.45
979	x	x			x	1.18
980	x	x		x	x	1.15
981	x	x			x	3.31
1003	x	x		x	x	3.48
1035					x	0.08

1036					x	0.25
1037					x	0.14
1038					x	0.93
1039	x	x			x	2.46
1040		x			x	1.35
1041		x			x	0.7
1042		x			x	0.18
1867					x	0.19
1868					x	0.43
1869					x	0.91
1870					x	2.01
1871					x	0.14
1872					x	0.77
1873					x	0.1
1874					x	0.08
1875					x	0.11
1876		x			x	0.19
1877	x	x			x	0.17
1878	x	x		x	x	3.13
1879		x			x	1.6
1880					x	0.19
1881		x			x	0.81
1882					x	0.39
1883		x			x	1.18
1884					x	0.43
1885		x			x	0.07
1886		x			x	0.43
1887					x	0.42
1888		x			x	0.82
1889					x	0.09
1890					x	0.61
1891					x	0.42
1892		x			x	0.12
1893					x	0.01
1894					x	0.13
1895					x	0.23
1896					x	0.48
1897					x	0.43
1898				x	x	0.42
1899					x	0.31
1900					x	0.12

1901					x	0.17
1902		x			x	0.16
1903	x	x			x	1.34
1904	x	x		x	x	0.39
1905					x	0.41
1906					x	0.21
1907					x	0.19
1908					x	1.37
1909					x	0.08
1910		x			x	0.7
1911					x	0.35
1912		x			x	0.56
1913					x	0.1
1914		x			x	0.41
1915					x	0.05
1916		x			x	0.39
1917					x	0.19
1918		x			x	0.92
1919		x			x	0.49
1920		x			x	0.21
1921					x	0.25
1922		x			x	1.46
1923		x			x	0.31
1924	x	x			x	1.71
1925					x	0.67
1926		x			x	1.54
1927		x			x	1.82
1928	x	x		x	x	0.66
1929	x	x		x	x	0.22
1930	x	x		x	x	0.34
2288	x	x		x	x	5.11
2569		x			x	2.52
2942					x	2.48
2954		x			x	2.75
2962		x			x	2.69
2963		x			x	3.48
3349					x	0.44
3803		x			x	1.28
4356		x			x	0.62
4357					x	0.87
4358		x			x	0.81

4359		x			x	0.16
4360					x	0.94
4361			x		x	1.41
4362		x			x	0.01
118	33	71	3	32	118	
Percent	28%	60%	3%	27%	100%	

Bus Stop Amenities and ON/OFF Route 14

<u>STOP ID</u> <u>R14</u>	<u>Shelter</u>	<u>Bench</u>	<u>Stools</u> <u>(#)</u>	<u>Rubbish</u> <u>Can</u>	<u>Sign</u>	<u>Mean</u> <u>ONOFF</u>
						0.93
12	x	x		x	x	0.31
13	x		x	x	x	0.13
14	x	x		x	x	1.57
15	x	x		x	x	1.68
16	x	x		x	x	0.63
17	x	x			x	1.18
18	x	x		x	x	0.91
19	x	x		x	x	0.65
89			x	x	x	2.06
156	x		x	x	x	0.86
157					x	0.59
159			x		x	1.02
161	x	x		x	x	0.22
162		x			x	1.2
184	x			x	x	2.84
218	x	x		x	x	0.96
219		x		x	x	0.01
220		x		x	x	3
2103		x		x	x	0.38
2996	x		x	x	x	1.88
2997		x			x	0.46
2998		x			x	0.15
2999					x	1.33
3045	x	x		x	x	1.11
3057	x	x		x	x	3.6
3058		x			x	0.61
3071	x		x	x	x	0.45
3073	x	x		x	x	0.35
3075		x		x	x	0.26
3076	x	x		x	x	2.94
3078		x			x	0.53
3084		x			x	0.27
3085		x		x	x	1.33
3176	x	x		x	x	0.16

3177		x		x	x	0.1
3179	x	x			x	0.22
3233	x	x		x	x	0.2
3315		x			x	0.21
3318		x			x	0.29
3320		x			x	0.34
3322		x			x	2.79
3673				x	x	0.95
3994					x	0.39
3995					x	0.05
3996		x			x	0.56
3997					x	0.24
3998						0.08
3999					x	0.57
4000					x	0.25
4001					x	0.29
4002					x	0.28
4003					x	0.63
4004					x	0.31
4005					x	0.28
4006					x	0.03
4007					x	0.12
4008					x	0.05
4009					x	0.71
4010					x	1.24
4011					x	0.44
4012					x	1.48
4013		x		x	x	0.46
4014	x	x		x	x	0.51
4015		x			x	0.64
4016			x		x	0.51
4018	x	x		x	x	0.28
4019		x			x	0.05
4020					x	0.15
4021					x	0.37
4022					x	0.1
4023					x	0.06
4024					x	0.55
4025					x	0.18
4026					x	0.09
4027					x	0.11

4028		x			x	0.02
4029		x			x	0.01
4030		x			x	0.07
4031		x			x	0.22
4032		x			x	0.07
4033		x			x	0.1
4034		x			x	0.02
4035		x			x	0.36
4036		x			x	0.03
4037					x	0.01
4038					x	0.09
4039	x	x	x		x	3.22
4040	x	x		x	x	0.33
4052		x			x	0.14
4054					x	0.34
4055					x	0.49
4056					x	0.32
4057					x	0.28
4058					x	0.72
4059					x	0.22
4060					x	0.31
4061					x	0.52
4062					x	0.54
4063					x	0.25
4064					x	0.42
4065					x	1.79
4066					x	0.26
4067					x	0.31
4068		x			x	0.7
4069	x	x		x	x	0.28
4070					x	1.47
4071	x	x		x	x	0.26
4072					x	0.68
4073					x	1.32
4074		x			x	0.44
4075		x			x	1.23
4076					x	0.26
4077					x	0.33
4078					x	0.22
4079					x	0.14
4080					x	0.12

4081					x	0.25
4082					x	0.37
4083					x	0
4084					x	0.55
4085		x			x	0.16
4086					x	0.21
4087					x	0.06
4088					x	4.02
4089					x	0.57
4104		x			x	0.03
4105					x	0.03
4106					x	0.01
4107					x	0.57
4108		x			x	0.05
4109		x			x	0.13
4110		x			x	0.01
4112		x			x	0.21
4113		x			x	0.19
4114		x			x	0.03
4115					x	0
4116		x			x	0.13
4117		x			x	0.15
4118		x			x	0.05
4119		x			x	0.35
4120		x			x	0.47
4122		x		x	x	0.26
4123		x			x	0.51
4124		x			x	0.15
4125					x	0.03
4126					x	0.18
4127					x	0.68
4129	x		x		x	0.31
4130				x	x	2.1
4131		x		x	x	2.3
4132					x	0.24
4133					x	0.08
4134					x	0.21
4135					x	0.07
4136					x	0.28
4137					x	0.41
4138					x	0.39

4139					x	0.46
4140					x	0.36
4141					x	0.28
4142					x	0.52
4143					x	0.57
4144					x	0.7
4145					x	1.34
4146					x	0.17
4147					x	0.46
4148					x	0.9
4149					x	0.09
4150		x			x	1.06
4151					x	4.17
170	28	72	9	36	170	
Percent	16%	42%	5%	21%	100%	

Bus Stop Amenities and ON/OFF Route 24

<u>STOP ID</u> <u>R24</u>	<u>Shelter</u>	<u>Bench</u>	<u>Stools</u> <u>(#)</u>	<u>Rubbish</u> <u>Can</u>	<u>Sign</u>	<u>Mean</u> <u>ON/OFF</u>
16	x	1		1	x	2.54
17	x	1			x	0.85
18	x	1		1	x	1.02
19	x	1		1	x	1.17
88		1		1	x	0.94
89			3	1	x	1.12
96	x		1	1	x	0.72
156	x	1	2	1	x	2.5
184		1		1	x	1.74
209		1			x	0.07
210					x	0.05
211		1			x	0.05
212	x		1	1	x	0.21
213		1			x	0.26
214			1		x	0.8
215	x	3		1	x	1.6
216		1		1	x	0.25
217	x	1		1	x	1.8
218		1		1	x	3.45
219		x		x	x	1.1
220		1		1	x	0.07
222		1			x	0.3
223		1			x	0
224		1			x	0.66
226	x	1		1	x	1.03
228		1		1	x	0.75
229	x	3		1	x	1.98
230	x	2		1	x	3.59
231			2		x	0.34
232					x	0.66
234		1			x	0.3
235	x	1		1	x	1.01
236					x	0.53
237					x	0.01

238					x	0.12
239					x	0.13
240	x	1			x	2.53
241	x	2		1	x	1.05
242		1			x	0.27
244	x	2		1	x	1.46
246	x	1			x	0.85
248		1			x	0.11
253		1			x	0.12
254		2			x	0.57
255					x	0.14
256		1			x	0.03
257		1			x	0.02
258			2		x	0.57
259					x	0.07
3084					x	1.63
3085		1			x	0.73
3086	x		2		x	2.25
3087					x	0.01
3095		1			x	0.09
3096					x	0.06
3097					x	0.12
3098					x	0.33
3099					x	0.17
3100					x	0.13
3101		1		1	x	2.21
3102					x	0.48
3103					x	0.43
3104		1			x	0.71
3105					x	0.09
3106					x	0.12
3184		1			x	0.21
3185					x	0.08
3186		1			x	0.03
3187	x	3		1	x	1.11
4013	x	2		1	x	1.71
4014					x	0.31
4015				1	x	0.47
4016		1			x	0.66
4018	x	1		1	x	0.43
4040	x	1			x	1.29

4043					x	0.16
4044					x	0.32
4045					x	0.31
4046		1			x	0.19
4047		1		x	x	0.38
4097					x	0.11
4098		1			2	0.18
4099					x	0.24
4100		1			x	0.11
4101		1			x	0.15
4104		1			x	1.57
4127		1			x	0.71
4129	x		2		x	0.64
4130		1		1	x	0.8
91	24	54	9	28		
Percent	26%	59%	10%	31%		

Bus Stop Amenities and ON/OFF Route 403

STOP ID R403	Shelter	Bench	Stools (#)	Rubbish Can	Sign	Mean ON/OFF
509		1		x	x	1.22
510					x	0.39
511	x	1		2	x	5.36
512		1			x	0.35
513					x	0.43
514					x	0.58
515					x	0.11
533	x	1		x	x	0.6
534		1			x	0
627					x	0.02
644	x	1			x	0.32
645	x	1		x	x	1.36
646	x	1		x	x	0.69
647					x	0.03
648	x	1		1	x	3.31
649					x	0.52
650	x	1		1	x	0.86
651					x	0.27
710	x	1			x	3.4
711					x	0.18
712					x	0.44
713					x	0.29
714					x	0.23
715					x	0.34
716					x	1.09
717					x	1.88
718					x	0.57
719					x	1.15
720		1			x	0.67
721					x	1.35
722					x	0.15
723					x	0.81

724					x	0.49
725					x	3.2
726					x	0.38
727					x	0.29
728					x	0.63
729					x	0.04
2645	x	2		x	x	1.59
2737					x	1.33
2738					x	0.19
2739					x	0.34
2740					x	0
2741					x	0.57
2742					x	0.31
2743		1			x	0.79
2744					x	0.36
2745					x	0.09
2746						0.08
2747					x	0.77
2748					x	0.79
2749					x	0.16
2750					x	0.49
2751					x	0.41
2752					x	0.32
2753					x	0.48
2754					x	0.2
2758					x	0.06
2759					x	0.55
2760					x	0.55
2761					x	0.48
2762	x	1		x	x	0.61
2763					x	0.06
2764					x	1.03
2765					x	0.84
2766					x	0.09
2767					x	0.05
2768		1			x	0.51
2769					x	0.58
2770					x	0.38
2771					x	0.8
2772					x	0
2773					x	0.28

2774					x	0.05
2775	x		2		x	1.07
4295					x	0.56
4296					x	0.2
4297					x	0.54
4298					x	0.21
4300					x	0.68
4301					x	0.02
4302					x	0.65
4395					x	0.01
4396					x	0
4406	x			5	x	5.42
86	12	17	1	12		
Percent	14%	20%	1%	14%		

Attachments

Attachment 1: How DTS Handles Complaints

How DTS handles complaints

Complaints that allege discrimination based on race, color, national origin, low income, or limited English proficiency 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, Fixed Route Operations (FRO).

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

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.

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.

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.

Attachment 2: Time Schedules

Route 11 - Makalapa - Halawa - Alea Heights

Effective 12/4/11

Weekday: To Alea Heights									To Honolulu								
H	G	F	E	D	C	B	A		A	B	C	D	E	F	N		
7:00a	7:02a	7:08a	7:10a	7:18a	7:28a	7:34a	7:49a		8:38a	8:54a	9:04a	9:14a	9:28a	9:32a	9:47a		
8:00a	8:02a	8:08a	8:10a	8:18a	8:28a	8:34a	8:49a		9:00a	9:16a	9:26a	9:36a	9:50a	9:54a	10:09a		
9:00a	9:02a	9:08a	9:10a	9:18a	9:28a	9:34a	9:49a		10:00a	10:16a	10:26a	10:36a	10:50a	10:54a	11:09a		
10:00a	10:02a	10:08a	10:10a	10:18a	10:28a	10:34a	10:49a		11:00a	11:16a	11:26a	11:36a	11:50a	11:54a	12:09a		
11:00a	11:02a	11:08a	11:10a	11:18a	11:28a	11:34a	11:49a		12:00p	12:02p	12:08p	12:10p	12:18p	12:28p	12:34p		
12:00p	12:02p	12:08p	12:10p	12:18p	12:28p	12:34p	12:49p		1:00p	1:02p	1:08p	1:10p	1:18p	1:28p	1:34p		
1:00p	1:02p	1:08p	1:10p	1:18p	1:28p	1:34p	1:49p		2:00p	2:02p	2:08p	2:10p	2:18p	2:28p	2:34p		
2:00p	2:02p	2:08p	2:10p	2:18p	2:28p	2:34p	2:49p		3:00p	3:02p	3:08p	3:10p	3:18p	3:28p	3:34p		
2:30p	2:32p	2:38p	2:44p	2:50p	3:05p	3:13p	3:30p		3:30p	3:32p	3:38p	3:44p	3:50p	4:05p	4:13p		
3:00p	3:02p	3:08p	3:14p	3:20p	3:35p	3:43p	● 4:00p		4:00p	4:02p	4:08p	4:14p	4:20p	4:35p	4:43p		
3:30p	3:32p	3:38p	3:44p	3:50p	4:05p	4:13p	● 4:35p		4:30p	4:32p	4:38p	4:44p	4:50p	5:05p	5:13p		
4:00p	4:02p	4:08p	4:14p	4:20p	4:35p	4:43p	● 5:04p		5:00p	5:02p	5:08p	5:14p	5:20p	5:35p	5:43p		
4:30p	4:32p	4:38p	4:44p	4:50p	5:05p	5:13p	● 5:43p		5:30p	5:32p	5:38p	5:44p	5:50p	6:05p	6:13p		
5:00p	5:02p	5:08p	5:14p	5:20p	5:35p	5:43p	● 6:04p		6:00p	6:02p	6:08p	6:14p	6:20p	6:35p	6:43p		
5:30p	5:32p	5:38p	5:44p	5:50p	6:05p	6:13p	● 6:55p		6:30p	6:32p	6:38p	6:44p	6:50p	7:05p	7:13p		
6:00p	6:02p	6:08p	6:14p	6:20p	6:35p	6:43p	● 7:00p		7:00p	7:02p	7:08p	7:14p	7:20p	7:35p	7:43p		
6:30p	6:32p	6:38p	6:44p	6:50p	7:05p	7:13p	● 7:45p		7:10p	7:12p	7:18p	7:24p	7:30p	7:45p	7:53p		
7:00p	7:02p	7:08p	7:14p	7:20p	7:35p	7:43p	● 8:00p		7:30p	7:32p	7:38p	7:44p	7:50p	8:05p	8:13p		
7:30p	7:32p	7:38p	7:44p	7:50p	8:05p	8:13p	● 8:45p		8:00p	8:02p	8:08p	8:14p	8:20p	8:35p	8:43p		
8:00p	8:02p	8:08p	8:14p	8:20p	8:35p	8:43p	● 9:00p		8:30p	8:32p	8:38p	8:44p	8:50p	9:05p	9:13p		
8:30p	8:32p	8:38p	8:44p	8:50p	9:05p	9:13p	● 10:00p		9:00p	9:02p	9:08p	9:14p	9:20p	9:35p	9:43p		
9:00p	9:02p	9:08p	9:14p	9:20p	9:35p	9:43p			9:30p	9:32p	9:38p	9:44p	9:50p	10:05p	10:13p		
10:00a	10:02a	10:08a	10:10a	10:18a	10:28a	10:34a	10:49a		10:00a	10:02a	10:08a	10:10a	10:18a	10:28a	10:34a	10:49a	
11:00a	11:02a	11:08a	11:10a	11:18a	11:28a	11:34a	11:49a		11:00a	11:02a	11:08a	11:10a	11:18a	11:28a	11:34a	11:49a	
12:00p	12:02p	12:08p	12:10p	12:18p	12:28p	12:34p	12:49p		12:00p	12:02p	12:08p	12:10p	12:18p	12:28p	12:34p	12:49p	
1:00p	1:02p	1:08p	1:10p	1:18p	1:28p	1:34p	1:49p		1:00p	1:02p	1:08p	1:10p	1:18p	1:28p	1:34p	1:49p	
2:00p	2:02p	2:08p	2:10p	2:18p	2:28p	2:34p	2:49p		2:00p	2:02p	2:08p	2:10p	2:18p	2:28p	2:34p	2:49p	
3:00p	3:02p	3:08p	3:10p	3:17p	3:23p	3:30p	3:47p		3:00p	3:02p	3:08p	3:10p	3:17p	3:23p	3:30p	3:47p	
4:00p	4:02p	4:08p	4:10p	4:17p	4:23p	4:30p	4:44p		4:00p	4:02p	4:08p	4:10p	4:17p	4:23p	4:30p	4:44p	
5:00p	5:02p	5:08p	5:10p	5:17p	5:23p	5:30p	5:44p		5:00p	5:02p	5:08p	5:10p	5:17p	5:23p	5:30p	5:44p	
6:00p	6:02p	6:08p	6:10p	6:17p	6:23p	6:30p	6:44p		6:00p	6:02p	6:08p	6:10p	6:17p	6:23p	6:30p	6:44p	
6:30p	6:32p	6:38p	6:44p	6:50p	7:05p	7:13p	● 7:45p		6:30p	6:32p	6:38p	6:44p	6:50p	7:05p	7:13p	● 7:45p	
7:00p	7:02p	7:08p	7:14p	7:20p	7:35p	7:43p	● 8:00p		7:00p	7:02p	7:08p	7:14p	7:20p	7:35p	7:43p	● 8:00p	
7:30p	7:32p	7:38p	7:44p	7:50p	8:05p	8:13p	● 8:45p		7:30p	7:32p	7:38p	7:44p	7:50p	8:05p	8:13p	● 8:45p	
8:00p	8:02p	8:08p	8:14p	8:20p	8:35p	8:43p	● 9:00p		8:00p	8:02p	8:08p	8:14p	8:20p	8:35p	8:43p	● 9:00p	
8:30p	8:32p	8:38p	8:44p	8:50p	9:05p	9:13p	● 9:45p		8:30p	8:32p	8:38p	8:44p	8:50p	9:05p	9:13p	● 9:45p	
9:00p	9:02p	9:08p	9:14p	9:20p	9:35p	9:43p	● 10:00p		9:00p	9:02p	9:08p	9:14p	9:20p	9:35p	9:43p	● 10:00p	

Route 11 Destination Signs

Westbound to Alea Heights:
 11 HALAWA AIEA HEIGHTS
 Eastbound to Alapai Transit Center:
 11 ALAPAI TRANSIT CENTER

Route 11 Symbols

● - Ends at Kam Hwy/Pali Mornl 3 minutes later

NOTE - Numbers next to timepoints are HEA (Honolulu Estimated Arrival) stop numbers. Go to the HEA website at <http://hea.hawaii.gov>

Bold indicates PM service.
 Schedule to change without notice.
 All buses are lift and bicycle rack equipped.

Route 14 - St Louis - Maunalani Effective 7/1/13

Weekday: From Peter/Ruth to Sierra/Lurline

Peter Ruth (17:25p)	Hokulani Spokane	P. Lurline Waiwale (12:35p)	Maunalani Heights (11:55a)	Diamond Head Kalihi (11:00a)	Kaunaloa Pohaka (10:20a)	Sierra/Kaunaloa Waiwale (9:35a)	Lanana/Kaunaloa Pohaka (8:55a)	Peter Lurline (8:07a)
E	F	G	L	N	U	O	O	R
630a	640a	.....	.....	.....	649a	620a	630a
640a	610a	.....	.....	.....	615a	650a	600a
628a	638a	.....	.....	.....	645a	617a	627a
730a	740a	.....	.....	.....	747a	662a	702a
730a	742a	744a	.....	.....	.....	751a	755a	805a
803a	813a	821a	831a	838a	848a	850a	900a
903a	913a	921a	931a	938a	948a	950a	1000a
958a	1008a	1018a	1028a	1031a	1041a	1050a	1100a
1058a	1108a	1110a	1128a	1131a	1141a	1150a	1200p
1158a	1208p	1218p	1228p	1231p	1241p	1248p	1258p
1258p	108p	118p	128p	131p	141p	148p	158p
168p	208p	218p	228p	231p	241p	248p	258p
258p	308p	314p	324p	328p	338p	348p	358p
358p	408p	.....	.....	.....	410p	420p	430p
448p	458p	.....	.....	.....	.....	.....	.....
458p	608p	.....	.....	.....	612p	622p	632p
.....	648p	658p
657p	607p	618p	628p	630p	640p	648p	658p
658p	708p	713p	723p	728p	738p	748p	758p
758p	808p	813p	823p	828p	838p	848p	858p
858p	908p	913p	923p	928p	938p	938p	948p
948p	958p	.....	.....	.....	.....	.....	.....

School Holiday
School Day

Saturday/Sunday/State Holiday

510a	.....	620a	628a	638a	641a	649a	658a	610a
610a	.....	620a	628a	638a	641a	649a	658a	710a
710a	.....	720a	728a	738a	741a	749a	758a	810a
810a	.....	820a	828a	838a	841a	849a	858a	910a
910a	.....	920a	928a	938a	941a	949a	958a	1010a
1010a	.....	1020a	1028a	1038a	1041a	1049a	1058a	1110a
1110a	.....	1120a	1128a	1138a	1141a	1149a	1158a	1210p
1210p	.....	1220p	1228p	1238p	1241p	1249p	1258p	110p
110p	.....	120p	128p	136p	141p	149p	158p	210p
210p	.....	220p	228p	236p	241p	249p	258p	310p
310p	.....	320p	328p	336p	341p	349p	358p	401p
410p	.....	420p	428p	436p	441p	449p	458p	510p
454p	.....	504p	.....	.....	.....	.....	.....	.....
510p	.....	620p	628p	636p	641p	649p	658p	610p
610p	.....	620p	628p	636p	641p	649p	658p	710p
710p	.....	720p	728p	736p	741p	749p	758p	810p
810p	.....	820p	828p	836p	841p	849p	858p	905p
910p	.....	820p	828p	836p	841p	849p	848p	1001p
958p	.....	1008p	.....	.....	.....	.....	.....	.....

Route 14 Destination Signs

- To St. Louis Heights via Waiwale Ave - 14 ST. LOUIS HEIGHTS via Waiwale
- To St. Louis Heights via Waikiki - 14 WAIKIKI-ST. LOUIS HEIGHTS
- To Sierra/Waiwale - 14 WAIWALE AVE

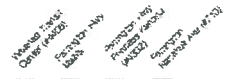
- To Maunalani Heights via Waiwale Avenue - 14 MAUNALANI HEIGHTS via Waiwale
- To Maunalani Heights via Waikiki - 14 WAIKIKI - MAUNALANI HEIGHTS
- To St. Louis/Waiwale - 14 WAIWALE AVE

NOTE - Numbers next to timepoints are MEA (Honolulu Estimated Arrives) stop numbers. Go to the MEA website at <http://hea.honolulu.gov>.

Bold indicates PM service.
Schedule to change without notice.
All buses are lift and bicycle rack equipped.

**Route 403
Nanakuli/Mailli/Waianae**
Effective 12/2/12

Weekday: To Nanakuli



436a	443a	453a	458a
524a	528a	538a	544a
637a	642a	653a	658a
742a	747a	758a	803a
845a	850a	901a	906a
943a	948a	958a	1004a
1050a	1055a	1106a	1111a
1150a	1155a	1206p	1211p
101p	106p	117p	122p
207p	212p	223p	228p
310p	315p	326p	331p
412p	417p	428p	434p
510p	515p	527p	531p
612p	617p	629p	633p
718p	719p	729p	733p
810p	814p	824p	828p
925p	929p	939p	943p
1007p	1011p	1021p	1025p

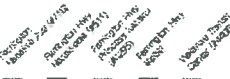
Saturday

446a	450a	500a	504a
546a	550a	600a	604a
642a	646a	656a	700a
748a	751a	802a	806a
845a	851a	902a	906a
945a	951a	1002a	1006a
1045a	1051a	1102a	1106a
1145a	1151a	1202p	1206p
105p	110p	121p	125p
205p	210p	221p	225p
308p	310p	321p	325p
409p	410p	421p	425p
508p	510p	521p	525p
608p	610p	621p	625p
705p	709p	719p	723p
805p	809p	819p	823p
905p	909p	919p	923p
1000p	1004p	1014p	1018p

NOTE - Numbers next to timepoints are HEA (Honolulu Estimated Arrival) stop numbers. Go to the HEA website at <http://hea.thbus.org>

**Route 403
Nanakuli/Mailli/Waianae**
Effective 12/2/12

Weekday: To Waianae



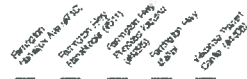
Sunday

446a	450a	500a	504a
546a	550a	600a	604a
642a	646a	656a	700a
748a	751a	802a	806a
845a	851a	902a	906a
945a	951a	1002a	1006a
1046a	1051a	1102a	1106a
1146a	1151a	1202p	1206p
105p	110p	121p	125p
205p	210p	221p	225p
308p	310p	321p	325p
409p	410p	421p	425p
508p	510p	521p	525p
608p	610p	621p	625p
705p	709p	719p	723p
805p	809p	819p	823p
905p	909p	919p	923p
1000p	1004p	1014p	1018p

Saturday

415a	426a	430a	436a	443a
507a	518a	522a	531a	535a
609a	620a	624a	634a	638a
705a	719a	723a	734a	738a
810a	825a	829a	840a	845a
910a	925a	929a	940a	945a
1010a	1025a	1029a	1040a	1045a
1110a	1125a	1129a	1140a	1145a
1225p	1240p	1244p	1255p	1300p
125p	140p	144p	155p	200p
225p	240p	244p	255p	300p
325p	340p	344p	355p	400p
425p	440p	444p	455p	500p
525p	540p	544p	555p	600p
625p	640p	644p	655p	700p
730p	741p	745p	754p	758p
825p	836p	840p	850p	854p
935p	946p	950p	956p	1003p

Route 403 Destination Signs
To Nanakuli: 403 Nanakuli
To Waianae Transit Center: 403 Waianae Transit Center



Sunday

415a	426a	430a	436a	443a
507a	518a	522a	531a	535a
609a	620a	624a	634a	638a
705a	719a	723a	734a	738a
810a	825a	829a	840a	845a
910a	925a	929a	940a	945a
1010a	1025a	1029a	1040a	1045a
1110a	1125a	1129a	1140a	1145a
1225p	1240p	1244p	1255p	1300p
125p	140p	144p	155p	200p
225p	240p	244p	255p	300p
325p	340p	344p	355p	400p
425p	440p	444p	455p	500p
525p	540p	544p	555p	600p
625p	640p	644p	655p	700p
730p	741p	745p	754p	758p
825p	836p	840p	850p	854p
935p	946p	950p	956p	1003p

State Holiday

415a	426a	430a	436a	443a
507a	518a	522a	531a	535a
609a	620a	624a	634a	638a
705a	719a	723a	734a	738a
810a	825a	829a	840a	845a
910a	925a	929a	940a	945a
1010a	1025a	1029a	1040a	1045a
1110a	1125a	1129a	1140a	1145a
1225p	1240p	1244p	1255p	1300p
125p	140p	144p	155p	200p
225p	240p	244p	255p	300p
325p	340p	344p	355p	400p
425p	440p	444p	455p	500p
525p	540p	544p	555p	600p
625p	640p	644p	655p	700p
730p	741p	745p	754p	758p
825p	836p	840p	850p	854p
935p	946p	950p	956p	1003p

◆ Arrives at Nanakuli Ave/Mahe Ave at 1 minute later and terminates at Haleakala Ave/Farrington Hwy 3 minutes later thereafter

Map Appendix

