

MOTION NO. M2016-92
2016 Title VI Program Submittal

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Executive Committee	09/01/2016	Cancelled	Leslie Jones, Director, Office of Small Business Development & Labor Compliance Jonté Robinson, Diversity Programs Specialist
Board	09/22/2016	Final Action	

PROPOSED ACTION

Approves Sound Transit's 2016 Title VI Program for submittal to the Federal Transit Administration.

KEY FEATURES SUMMARY

- As a recipient of federal financial assistance, primarily from the Federal Transit Administration (FTA), Sound Transit must continue to ensure that it complies with Title VI of the Civil Rights Act of 1964, which protects individuals from discrimination on the basis of race, color and national origin in any program receiving federal funds.
- As a part of its Title VI obligations, Sound Transit must submit a Title VI Program for FTA approval every three years.
- The 2016 Title VI Program submittal addresses how Sound Transit complies or intends to comply with Title VI requirements and guidelines.
- The Sound Transit Title VI Program is to be submitted to the FTA on or before October 1, 2016 and the 2013 Title VI Program will expire on November 30, 2016.

BACKGROUND

Section 601 of Title VI of the Civil Rights Act of 1964 states 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.

Sound Transit receives federal financial assistance to design and build the regional transit system through grants primarily awarded and administered by the Federal Transit Administration (FTA) of the U. S. Department of Transportation. As an FTA grant recipient, Sound Transit cannot, on the basis of race, color or national origin, either directly or through contractual means:

- Deny an individual any service, financial aid or benefit provided under the program to which he or she might otherwise be entitled;
- Make distinctions in the quality, quantity or manner in which the service or benefit is provided; or
- Segregate or separately treat individuals in any matter related to the receipt of any service or benefit.

As a part of its ongoing Title VI obligations, Sound Transit must continue to ensure that it complies with Title VI of the Civil Rights Act of 1964, which protects individuals from discrimination on the basis of race, color and national origin in any program receiving federal funds.

Included among the Title VI obligations, Sound Transit must submit a Title VI Program for FTA approval, every three years, which require that “the Title VI Program must be approved by the recipient’s board of directors...prior to submission to FTA.”

Sound Transit’s 2016 Title VI Program is attached as Exhibit 1 to this action. FTA requires that the program be submitted on or before October 1, 2016. The 2013 Title VI Program is set to expire on November 30, 2016.

FISCAL INFORMATION

Failure to comply with Title VI requirements could jeopardize Sound Transit’s eligibility for future funds distributed, endorsed or administrated by FTA and potentially freeze drawdowns until compliance is recognized.

SMALL BUSINESS/DBE PARTICIPATION, APPRENTICESHIP UTILIZATION, AND TITLE VI COMPLIANCE

Not applicable to this action.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Not applicable to this action.

TIME CONSTRAINTS

The 2016 Title VI Submittal is due to the FTA on or before October 1, 2016. A delay would compromise making that date and risk FTA not approving the Title VI Submittal prior to the November 30, 2016 expiration of the 2013 program.

PRIOR BOARD/COMMITTEE ACTIONS

Motion No. M2013-73: Approved Sound Transit’s 2013 Title VI Program for submittal to the Federal Transit Administration.

ENVIRONMENTAL REVIEW

JI 8/23/2016

LEGAL REVIEW

RM 8/26/16

MOTION NO. M2016-92

A motion of the Board of the Central Puget Sound Regional Transit Authority approving the submittal of Sound Transit's 2016 Title VI Program to the Federal Transit Administration.

BACKGROUND:

Section 601 of Title VI of the Civil Rights Act of 1964 states 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.

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- Deny an individual any service, financial aid or benefit provided under the program to which he or she might otherwise be entitled;
- Make distinctions in the quality, quantity or manner in which the service or benefit is provided; or
- Segregate or separately treat individuals in any matter related to the receipt of any service or benefit.

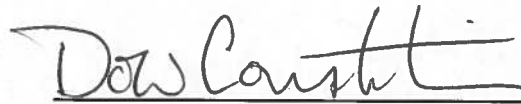
As a part of its ongoing Title VI obligations, Sound Transit must continue to ensure that it complies with Title VI of the Civil Rights Act of 1964, which protects individuals from discrimination on the basis of race, color and national origin in any program receiving federal funds. Included among the Title VI obligations, Sound Transit must submit a Title VI Program for FTA approval, every three years, which require that "the Title VI Program must be approved by the recipient's board of directors...prior to submission to FTA."

Sound Transit's 2016 Title VI Program is attached as Exhibit 1 to this action. FTA requires that the program be submitted on or before October 1, 2016. The 2013 Title VI Program is set to expire on November 30, 2016.

MOTION:

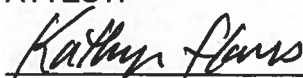
It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the submittal of Sound Transit's 2016 Title VI Program to the Federal Transit Administration is approved.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 22, 2016.



Dow Constantine
Board Chair

ATTEST:



Kathryn Flores
Board Administrator

CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY

“SOUND TRANSIT”

TITLE VI PROGRAM

Submitted

to the

Federal Transit Administration - Region X

of the

U.S. Department of Transportation

(October 2016)

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Section I. INTRODUCTION

Section 601 of Title VI of the Civil Rights Act of 1964 states 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.

The Federal Transit Administration (FTA) is responsible for ensuring that federally supported transit services and related benefits are distributed by applicants and recipients of FTA assistance in a manner consistent with Title VI, and has published guidelines for transit agencies to examine current services and practices for compliance.

The Central Puget Sound Regional Transit Authority (“Sound Transit”) submits this Title VI Program Update in compliance with the requirements set forth in FTA Title VI Circular C 4702.1B (FTA Circular).¹

Section II. GENERAL REQUIREMENTS FOR ALL RECIPIENTS

1. Board Action demonstrating that the Board has reviewed and approved the Title VI Update Submittal.

Sound Transit Motion No. M2016-92 was passed by the Sound Transit Board of Directors on September 22, 2016, approving Sound Transit’s 2016 Title VI Program for submittal to the Federal Transit Administration. A copy of the Board Staff Report and Motion No. M2016-92 is included in the Appendix to this program submittal as **Appendix A**.

2. Title VI Notice to the Public, Including List of Locations Where (& How) Notices are Published

A. A Title VI Notice is included on the Sound Transit Website under the heading of Contact Us, and may be accessed at the following website link:

<http://www.soundtransit.org/Contact-Us>

B. Sound Transit includes a Title VI notice in the “Ride the Wave Transit Guide”, under the heading, ‘Fair and equal treatment (non-discrimination)’ for all members of the public who wish to use the systems and access schedules. The Transit Guide is published 2 times a year (March and September), and is available at Sound Transit’s Union Station headquarters, on ST Express buses, and Sounder commuter rail trains, and is distributed throughout the region at and may also be accessed at the following website link: http://www.soundtransit.org/sites/default/files/RTW_March2016.pdf

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

- C. Sound Transit also has a Title VI Brochure (updated January 2016), which is at the reception desk at Sound Transit's Union Station headquarters and is also distributed at outreach events.
- D. Title VI and non-discrimination provisions are included in Sound Transit's contract provisions as appropriate.

Samples of the Title VI Notices are included in this program submittal as **Appendix B**.

3. Title VI Complaint Procedures

- A. A current copy of Sound Transit's Title VI Complaint Procedures is included this program submittal as **Appendix C**. The Procedures are included in the Title VI Notice on the Sound Transit website under the heading of Contact Us, and may be accessed at the following website link: <http://www.soundtransit.org/Contact-Us>. In addition, the Complaint Form is imbedded in the procedures also as a link for immediate access.
- B. The complaint procedures are also outlined in Sound Transit's Title VI Brochure, which is included as a sample in **Appendix B**.
- C. A copy of the complaint procedures are available for people who come to Sound Transit's headquarters offices' reception area, and can also be mailed to people interested in obtaining the form and procedures, but do not have access to receiving electronic copies.

4. Title VI Complaint Form

A current copy of Sound Transit's Title VI Complaint Form is included in this program submittal as **Appendix D**. The Form is imbedded in the Title VI Complaint Procedures as a part of the link following the discussion of Sound Transit's Title VI Notice on the Sound Transit website under the heading of Contact Us, and may be accessed at the following website link: <http://www.soundtransit.org/Contact-Us>.

In addition, the Complaint Form is available for people who come to Sound Transit's headquarters offices' reception area, and can also be mailed to people interested in obtaining the form and procedures, but do not have access to receiving electronic copies.

5. List of Transit Related Title VI Investigations, Complaints & Lawsuits.

A list of transit-related Title VI Complaints (and the disposition of those complaints) from October 2013 through July 2016, has been provided in a table included in this program submittal as **Appendix E**.

6. Public Participation Plan.

In December 2011, Sound Transit adopted **Resolution R2011-15** Inclusive Public Participation Policy, to assure meaningful access to public involvement and community outreach programs for minority, low-income and limited English proficient populations. The policy formally incorporated practices and strategies that have been in use and continued development since Sound Transit's initial program to build the regional transit system. An overview of those practices and strategies for inclusive public participation is included in the Appendix to this Program.

Key features of the policy are to ensure that Sound Transit's public involvement and community outreach programs are designed to meet the following goals, pursuant to Title VI of the Civil Rights Act of 1964:

- Providing services without regard to race, color, or national origin;
- Promoting the full and fair participation of affected populations in transit decision making;
- Preventing denial, reduction, or delay in benefits related to programs and activities that benefit minority or low-income populations; and
- Facilitating meaningful access to programs and activities by persons with limited English proficiency.

The policy applies to planning and service aspects of Sound Transit projects. The policy re-affirms Sound Transit's commitment that it will continue to include low-income, minority and limited English groups in its public involvement and community outreach programs, including service changes, fare changes and future service planning.

As set forth in the policy, Sound Transit's public involvement and community outreach programs will continue to be designed to engage diverse populations by:

- Meeting environmental justice requirements and limited English proficiency needs.
- Making materials available in multiple formats, holding meetings in accessible facilities and providing meeting and project information to underserved populations.
- Providing the public with innovative opportunities and methods for accessing agency and project information.
- Engaging diverse populations early in the planning and development process.
- Making information available to minority, low-income, and limited English proficient populations.

A copy of the Board Staff Report and **Resolution R2011-15**, the Overview of Sound Transit's Inclusive Public Participation Program, and a comprehensive summary table of the outreach efforts to engage minority, low income and limited English proficient populations from 2013 to the present are included in this program submittal as **Appendix F**.

7. Language Assistance Plan.

The following are key elements in Sound Transit's plan and actions for providing language assistance to persons with limited English proficiency based on the DOT LEP Guidance:

- A. Prepared a Four Factor Analysis and Language Implementation Plan from which it was determined that the primary non-English language group throughout the region was Spanish.
- B. The following elements have been prepared and implemented as a result for Spanish Language Speakers—
 - Spanish Language information in the Ticket Vending Machines. [Note: Chinese (Mandarin) is also provided as it is the 2nd largest non-English language group.]
 - Spanish on the Sound Transit public website for basic information for riding the system at <http://www.soundtransit.org/Spanish>
 - Spanish language rider information in the "Ride the Wave Transit Guide: http://www.soundtransit.org/sites/default/files/RTW_March2016.pdf (starts on page 11 of the document), with printed copies available at Sound Transit's Union Station headquarters, at locations throughout the region, or on Sound Transit buses or trains.
 - Video information is also provided on the Sound Transit public website for using the ORCA fare card is located at <http://www.soundtransit.org/Fares-and-Passes/ORCA-card>.
- C. If space is limited, a language information block is provided for obtaining information in Spanish and Chinese (Mandarin) [Note: Chinese is the 2nd largest non-English language group]. Where space is available, such as on the Transit Guide, additional language blocks are included for Korean, Russian, Tagalog (major language in the Philippines) and Vietnamese.
- D. Sound Transit has Over-the-phone interpreter services for anyone calling in for information. This service is available for 150 languages and connects the caller with Sound Transit customer service personnel.
- E. Recognizing that some persons within the LEP populations may not be able to read or write in their own languages, Sound Transit Link stations have used pictograms to identify stations along the route and is working on increasing the use of international symbol signage for all riders, regardless of their language barriers.
- F. In planning projects, especially during planning activities for design and construction, or service and fare changes, an assessment is made regarding LEP-impacted populations and efforts are made to provide various communications strategies to reach LEP populations. This may include written materials and notices, providing

interpreters at public meetings, or accessing interpreter services in the field, especially during construction.

A copy of Sound Transit's Four Factor Analysis and updated Language Implementation Plan are included in this program submittal as **Appendix G**.

8. Table depicting the membership of non-elected committees and councils, selected by Sound Transit, broken down by race, and a description of the process ST uses to encourage the participation of minorities on those committees.

The Table depicting minority representation on Sound Transit appointed committees is included in this program submittal as **Appendix H**. This table shows the minority representation on Sound Transit's Citizens' Accessibility Advisory Committee, Citizens' Oversight Panel, and Diversity Oversight Committee. A key consideration for all of these committees is representation spread across the three counties (King, Pierce and Snohomish) that comprise the Sound Transit District and also the 5 subareas (Pierce & Snohomish Counties, and East, North & South King Counties).

The recruitment processes for each of these committees are as follows:

Citizens' Accessibility Advisory Committee (CAAC): The CAAC charter directs that the committee will have a maximum of 15 appointed members who may be senior citizens, persons with disabilities or advocates for seniors. There are currently eight voting members on the committee due to recent attrition. We are actively recruiting new committee members. The committee is comprised of two appointed members from each of the five subareas and up to five-large members. (Subareas are South King, North King, East King, Pierce, and Snohomish counties). All members will be appointed for two year terms and can be invited to extend their term an additional term for up to two more years for a total of four years.

Citizens' Oversight Panel (COP): The COP is represented by at least 2 members from each of the 5 subareas. The recruitment process seeks to follow Board direction to: 1) Establish a process to incorporate input from Boardmembers within the subarea where recruitment is taking place, and 2) provide a process that is inclusive and allows for a diverse COP. Vacancies on the panel are advertised to a wide audience by posting on the Sound Transit website, sending a news release to media outlets, including community newspapers serving diverse populations and blogs and forums. The web posting and news release includes a statement that persons of color and women are encouraged to apply. Sound Transit Staff will also inform all Sound Transit Boardmembers and Sound Transit Diversity Oversight Committee members, along with jurisdictions within the subarea with a vacancy.

Diversity Oversight Committee (DOC): The DOC is composed of members from throughout the Sound Transit District, and includes representatives from small business,

trade and craft organizations, communities and community organizations in impacted neighborhoods, and other such interested parties as deemed appropriate by the CEO. Committee members are independent of Sound Transit, meaning they have no contracts with Sound Transit and no plan to compete for bid on Sound Transit contracts or subcontracts. The committee reflects the cultural and ethnic diversity of the communities in the Sound Transit District. Recruitment is especially made to the small and minority business, labor and community organizations that engage with Sound Transit's Office of Small Business Development & Labor Compliance on issues regarding employment and contracting on the Sound Transit project.

9. Description of how Sound Transit monitors its subrecipients for compliance with Title VI and a schedule of subrecipient Title VI submissions.

ST does not have subrecipients receiving FTA Funds.

10. Title VI equity analysis if ST has constructed a facility, such as vehicle storage facility, maintenance facility, operation center, parking garages etc., since October 1, 2012 issuance of FTA Circular 4702.1B.

- S. 200th St/parking garage and station, under construction, anticipated completion, Sept 2016
- Sounder Yard Expansion, Design/Build contract
- East Link Extension and stations, under construction, anticipated completion 2023
- Northgate Link Extension and stations, anticipated completion 2020

The Environmental Justice Analyses for these projects are included in this program as **Appendix P**.

Section III. REQUIREMENTS FOR ALL FIXED ROUTE TRANSIT PROVIDERS

11. Service Standards and Policies, including:

- **Vehicle Load for Each Mode**
- **Vehicle Headway for Each Mode**
- **On-Time Performance of Each Mode**
- **Service Availability for Each Mode**

The system-wide service standards for each of Sound Transit's modes are described in the Sound Transit Service Standards and Performance Measures- 2014 Edition, which is included in this program submittal as **Appendix I**. A copy of the Sound Transit Board Documents adopting the policies are also included in **Appendix I**. The Service Standards and Performance Measures-2014 Edition include measures and performance targets for vehicle passenger loads, headways, on-time performance and service availability.

12. Service Policies, including:

- **Transit Amenities for Each Mode**
- **Vehicle Assignment for Each Mode**

Transit Amenities for Each Mode

Criteria for passenger amenities at on-street bus stops is described in the *Sound Transit Service Standards and Performance Measures- 2014 Edition* which is included in **Appendix I**. Criteria for passenger amenities at off-street bus facilities and Sounder stations is described in the [*Design Standards and Guidelines for Sounder and ST Express Passenger Facilities*](#). Criteria for passenger amenities at Link light rail stations is described in the [*Link Design Criteria Manual*](#).

Vehicle Assignments

Bus vehicle assignments and train assignments are based on passenger demand, with larger buses and longer trains assigned as needed to meet passenger load standards. Bus vehicle assignments are also driven by the vehicle maintenance capabilities of Sound Transit's three different bus operating contractors.

Link Light Rail and Commuter Rail

For Link Light Rail, Tacoma Link Light Rail, and Sounder Commuter Rail, the system-wide service is uniform as there is no distinction in equipment being used for those modes of transit from one end of the fixed routes to the other.

Regional Express Bus

Sound Transit contracts with Pierce Transit, King County Metro, and Community Transit, the local service providers in Sound Transit' 3-county region, to operate and maintain the ST Express fleet. Vehicle assignment of Regional Express Bus operations is based on a combination of ridership estimates and the type of equipment that can be maintained at the various bus bases. A few of the oldest buses were manufactured in 1999 and a few of the newest buses are 2015 vehicles. Most of the fleet is between 2004 and 2015. As vehicles are replaced, they are retired from service for Sound Transit.

SECTION IV. REQUIREMENTS FOR ALL 50+ PEAK SERVICE FIXED ROUTE PROVIDERS IN URBANIZED AREAS WITH A POPULATION OF 200,000+ PEOPLE

13. Demographic and Service Profile Maps and Charts

Demographic and Service Profile Maps and Charts updated in June 2016 are included in this program submittal in **Appendix K**.

14. Demographic Ridership and Travel Patterns Collected by Surveys

Sound Transit collects demographic ridership and travel pattern data using an on board Origin-Destination survey. The last survey was conducted October 2015 through March 2016. Copies of the survey instrument are attached. Results will be available by December 2016.

15. Results of monitoring ridership and fare usage survey reports including evidence that the ST Board has considered, was aware of the results and approved the analysis.

Sound Transit developed a system to monitor transit service comparing customer satisfaction surveys with quality of service analysis focusing on the ST Express bus service network. The performance measures included service availability, on-time performance, customer complaints and preventable accident rates. The analysis last completed in 2013 did not find any significant performance disparities between routes serving higher-than-average Title VI populations and the ST Express system as a whole. Thus, no corrective actions were taken as a result of the analysis.

16. Description of the public engagement process for setting the major service change policy, and fare change policy, including disparate impact policy, and disproportionate burden policy.

On September 26, 2013, the Sound Transit Board approved Resolution No. R2013-18: Establishing policies for conducting equity analyses of Major Service Changes impacting minority and low income populations; and Resolution No. R2013-19: Establishing policies for conducting equity analyses of Fare Changes impacting minority and low income populations.

On August 5th, 2013 over 60 organizations and individuals in the Sound Transit region representing minority and low income advocacy, interest and community based organizations, were sent a letter notifying recipients of the proposed policies and soliciting comments. The letter included a summary of the proposed actions along with copies of the draft resolutions, and offering to provide further information or respond to questions regarding the draft policies. The information also contained a discussion of Title VI, and the process for public comment not only to staff, but also the dates and times in which the Executive Committee and the Sound Transit Board meeting would take place to take action on the resolutions should they decide to provide comments directly to Board members. A second communication was sent on August 19, 2013. In addition, this information was provided to Sound Transit's Diversity Oversight Committee for discussion and comments at their meeting, held on August 23, 2013.

As a result of the request for comments Sound Transit was contacted jointly by four organizations with suggestions on how the policies should be implemented and proposed a revision to the fare change resolution to specifically include “changes in payment type, payment media, and availability or duration of paper or electronic transfers.” Sound Transit incorporated that revision into the approved resolution.

A copy of the joint Board Staff Report for Resolutions R2013-18 and R2013-19 and the Resolutions are included in **Appendix M**.

17. Description of the service and/or fare equity analyses conducted since the last Title VI Program Submission, including evidence that the ST Board was aware of, and approved the results of the analysis.

The following fare changes and service changes were conducted since the last Title VI Program Submission.

Fare Changes:

- FFY 2015—Increase one-way trip fares by \$0.25 on Link light rail and introduce \$1.50 flat fare for qualified Low Income adults effective March 1, 2015. Title VI Fare Equity Analysis performed.
- FFY 2015—Conducted a Title VI Fare Equity Analysis to consider impacts of charging for monthly permits at Sound Transit park-and-ride facilities.
- FFY 2016—Increase one-way trip fares by \$0.50 on Sounder Commuter Rail and \$0.25 on ST Express bus and introduce discounted fares for qualified Low Income adults effective March 1, 2016. Title VI Fare Equity Analysis performed.

Service Changes

- FFY 2014— No major service changes
- FFY 2015—A Title VI analysis was conducted for the implementation of Rt. 580, a Sounder Commuter Rail which took place during FFY 2015.
- FFY 2016—A Title VI analysis was conducted on the following service changes that took place or are planned for FFY 2016: 1) One additional round trip added on Sounder commuter rail between Seattle and Lakewood; 2) implementation of new Route 541 service between Overlake and University District; 3) routing changes to Route 555, Route 556, and Route 560 in the City of Bellevue accessing the Bellevue Transit Center; 4) extension of Link light-rail service to the University of Washington, and also to Angle Lake (**Appendix O**).

For all of the Fare and Service Changes a Title VI Analysis was performed and where negative impacts were assessed disproportionately regarding minority or low-income populations, mitigation measures were taken. For the major service changes, the results of the Title VI Analysis was also added as a feature in the Board Staff Report beginning with adoption of the 2013 Service Implementation Plan (SIP), and subsequent SIPs (2014-present).