

| TITLE VI PROGRAM AND COMPLIANCE GUIDELINES | PROCEDURE | |
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| | Document Number: | AS-HR-PR-2585 |
| | Version Number: | 01 |

1.0 Purpose:

To provide guidance on Title VI of the Civil Rights Act of 1964 (Title VI) compliance and reporting requirements for the Santa Clara Valley Transportation Authority (VTA), as required by the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA) and in compliance with Department of Transportation (DOT) Title VI regulations (49 CFR part 21), and any other applicable state and federal laws, regulations, and executive orders. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

VTA is a recipient of federal funding; as such, it is required to ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner; and promotes full and fair participation in public transportation decision-making without regard to race, color, and national origin. Other federal and state laws and regulations have expanded these protections to include sex, sexual orientation, age, disability, religion, genetic information, and ethnic group identification. VTA must also ensure meaningful access to transit-related programs and activities by persons with limited English proficiency (LEP), and address environmental justice in minority populations and low-income populations.

2.0 Scope:

This procedure applies to all VTA departments, programs, projects and other VTA sponsored activities. This procedure also encompasses the intent of VTA policy AS-HR-PL-2580 (Title VI/Nondiscrimination) prohibiting discrimination.

3.0 Responsibilities:

All VTA employees are required to comply with federal and state Title VI and Environmental Justice regulations and executive orders with regard to policies, projects, programs, services, and activities. FTA Title VI and Environmental Justice Circulars, VTA's Title VI/Nondiscrimination Policy AS-HR-PL-2580, Limited English Proficiency Plan, and Public Participation Plan provide guidance, standards, and protocols for regulatory compliance. These documents should be reviewed annually by all departments. Any revised document will supersede its previous version. VTA's Limited English Proficiency and Public Participation Plans can be accessed online at: <http://www.vta.org/titlevi/index.html>. The following is a list of VTA's obligations by the division and department with primary responsibility. However, many functions overlap with other divisions and departments and will therefore require coordination and collaboration.

3.1 Administrative Services

Human Resources:

- Oversight and compliance with this Procedure.

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Risk Management:

- Carrying out multicultural/multilingual emergency preparedness exercises.

Title VI Program Unit

- Documenting compliance with 49 CFR part 21 by creating and submitting a Title VI Program to the FTA and other applicable entities with approval from VTA Board of Directors.
- Making the Title VI Public Notice of Rights multilingual and available to public.
- Maintaining and tracking lists of Title VI investigations, complaints, and lawsuits.
- Updating Limited English Proficiency Plan every three years and incorporating it into the Title VI Program for approval by the Board of Directors and submittal to the FTA.
- Updating the Public Participation Plan as necessary. Every three years incorporating it into the Title VI program for approval by the Board of Directors and submit to the FTA.
- Monitoring contractors (prime & sub) and sub-recipients for Title VI compliance and including a description of the efforts in the Title VI Program.
- Creating Disparate Impact and Disproportionate Burden Policies in accordance with the guidance provided in the FTA Title VI Circular. Submitting it to the Board of Directors for approval and incorporating it into the Title VI Program for submittal to the FTA.
- Creating an Adverse Effects definition and including it in the Title VI Program for Board approval and submitting it to the FTA.
- Participating on Bay Area Rapid Transit (BART)/VTA Joint Committee for the BART extension to San Jose.

3.2 BART Silicon Valley

- Providing multilingual public notices and correspondence to the public.
- Actively engaging the public according to guidance provided by VTA's Public Participation Plan.
- Providing appropriate language assistance (translated documents and interpreters) according to the guidance provided by VTA's Vital Document, Public Participation and LEP Plans.
- Ensuring the opportunity for customer feedback, questions, or comments through various means including, but not limited to, VTA's website <http://www.vta.org/bart/communications.html>, email VTAbart@vta.org, Facebook, Twitter or other social media sites, public meetings, and telephonically to BART Silicon Valley hotline (408) 934-2662 with consideration of the multiple language needs of VTA's service area.

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- Ensuring that documents are translated by qualified VTA contractors or certified VTA employees.
- Ensuring that translations are reviewed for accuracy by qualified VTA contractors.
- Submitting a report of Title VI/LEP community outreach/engagement activities to Title VI Unit for incorporation into the Title VI Program and submitting it to the FTA.

3.3 Board Office

- Creating and maintaining a table depicting the racial breakdown of VTA selected members (members that are not appointed by Member Agencies) of non-elected boards, advisory councils or committees.
- Providing, via VTA's on-line Portal, copies of meeting minutes, or similar documentation to the Title VI team as evidence that the Board of Directors has approved the following documents:
 - Major Service Change Policy
 - Results of the monitoring program of service standards and policies
 - Disparate Impact Policy
 - Disproportionate Burden Policy
 - Adverse Effects Definition
 - Title VI Program

3.4 Congestion Management Agency Environmental Planning

- Engaging the public and considering environmental justice principles early and continuously throughout the transportation planning and project development processes.
- Preparing residential demographic profiles pursuant to "Know Your Community" standards detailed in FTA Circular 4703.1.
- Conducting Title VI equity analysis (formerly fixed facility impact analysis), if applicable, for construction projects.
- Conducting environmental justice analyses; i.e. identifying and avoiding, minimizing, or mitigating any disproportionately high and adverse human health or environmental effects on minority, low-income, or Tribal populations.
- Ensuring meaningful public engagement with environmental justice populations.

Grants

- Receiving, processing, and submitting Certifications and Assurances for FTA compliance.

Planning (Modeling & Analysis) and Project Development

- Conducting and providing Title VI compliance with demographic analysis.

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- Conducting and providing Title VI compliance with GIS mapping.
- Conducting and providing Title VI compliance with residential demographic profiles.

Real Estate Acquisitions and Relocation

- Providing multilingual notices and correspondence to public.
- Providing interpretation services for non/limited English proficient persons.

3.5 Construction and Engineering

- Providing a list of site locations of fixed facilities (as opposed to a list of construction projects).

3.6 External Affairs

Community Outreach

- Actively engaging the public according to guidance provided by VTA's Public Participation Plan.
- Ensuring the opportunity for customer feedback, questions, or comments through various means including, but not limited to, VTA's website, public meetings, and telephonically with consideration of the multiple language needs of VTA's service area.
- Providing appropriate language assistance (translated documents and interpreters) according to the guidance provided by VTA's Vital Document Plan, as well as the Public Participation and LEP Plans.
- Ensure employee access to telephone language line translation services (primarily for employees who do not work in the External Affairs Division).
- Submitting reports of Title VI/LEP community outreach/engagement activities to Title VI Unit for incorporation into the Title VI Program and submittal to the FTA.
- Ensuring documents are translated by qualified VTA contractors or certified VTA employees.
- Ensuring translations are reviewed for accuracy by qualified VTA contractors.

Creative Services

- Maintaining transit glossaries in multiple languages to ensure VTA consistency in use of transit terminology in public notices and marketing materials.
- Maintaining interpretation and translation professional services contracts.

Customer Service

- To the extent practicable, hiring bi/multilingual customer service personnel with consideration of the language needs of VTA's service area.

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- Documenting, coding, and forwarding civil rights complaints to appropriate departments for resolution.
- Providing multilingual prerecorded messages for holiday schedules and service changes/impacts to bus and light rail.

Marketing

- Providing multilingual information regarding construction projects, downed elevators and escalators, service disruptions, etc.; utilizing VTA signage, websites, media advertising and new releases, passenger flyers, GovDelivery notifications (email and text messages), etc.
- Producing multilingual marketing collateral, advertisements, outreach, etc.

Media Relations

- Maintaining relationships with multicultural/multiethnic media.

Public Affairs/Governmental Affairs

- Staying abreast of governmental affairs related to policies under Title VI regulations; advising appropriate staff of substantive changes to these regulations.

3.7 Fiscal Resources

Budget

- Coordinating public engagement/outreach strategies for budget proposals with External Affairs.

Capital and Revenue Accounting

- Serving as organizational liaison for:
 - FTA Triennial Reviews
 - Caltrans Compliance Reviews
 - Other audits and reviews

Contracts & Office of Small and Disadvantaged Businesses Enterprises (SBE/DBE)

- Maintaining Title VI/Anti-discrimination language for VTA contract boilerplate.
- Incorporating Title VI requirements into pre-bid meetings.
- Ensuring contractor database is kept current to allow for contractor and sub-recipient training and compliance monitoring by the Title VI Unit.

Revenue Services

- Providing fare equity analyses of fare changes since the submission of the last Title VI Program with a description of the public engagement process that was used; and the Board minutes, memos, or other documents that verify the Board's awareness and approval of the analysis.

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- Providing oversight of any fare equity analysis not conducted by Revenue Services.
- Completing fare equity analyses for New Starts, Small Starts, and/or other new fixed guideway capital projects six months prior to revenue service (Note: BART Silicon Valley will be responsible for completing the fare equity analysis for the BART extension to Santa Clara Valley project).
- Coordinating public engagement strategies for fare changes with External Affairs.

3.8 Office of the General Counsel

- Providing advice and guidance regarding civil rights compliance generally and Title VI specifically.

3.9 Operations

Safety, Security, and Facilities Maintenance

- To the extent practicable, hiring bi/multilingual fare inspectors with consideration of the language needs of VTA's service area.
- Ensuring compliance with U.S. Department of Homeland Security's Language Access Plan.
- Providing multilingual emergency preparedness signage and/or announcements (real time and pre-recorded) in collaboration with Risk Management.
- Using symbols (non-text), to the extent practicable, when communicating safety, security, and emergency information, in collaboration with Risk Management.
- Recruiting Service Response Team (SRT) members with consideration of the language needs of VTA's service area, to the extent practicable.
- Providing multilingual ambassadors with consideration of the language needs of VTA's service area, to the extent practicable.
- Dispatching Service Response Team members with consideration of the language needs of target locations within the service area. Pre-planning so that SRTs are ready to be dispatched in the event of a major emergency.
- Ensuring compliance with state and federal emergency preparedness regulations for vulnerable populations. Vulnerable populations include, but are not limited to, communities of color, persons with disabilities, persons who are low-income, persons who are limited English proficient, and persons who do not own cars.

Service and Operations Planning

- Providing Major Service Change Policy, a description of the public engagement process that was used to set the policy, and the Board minutes, memos, or other documents that verify the Board's awareness and approval of the policy.
- Providing service equity analyses of service changes since the submission of the last Title VI Program with a description of the public engagement process that

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was used to set the service change(s), and the Board minutes, memos, or other documents that verify the Board's awareness and approval of the analysis.

- Completing service equity analysis for New Starts, Small Starts, and/or other new fixed guideway capital projects six months prior to revenue service (Note: BART will be responsible for completing the service equity analysis for the BART extension to Santa Clara Valley project).
- Preparing system-wide service standards and policies and provide to the Title VI team for incorporation into the Title VI Program and submission to the FTA.
- Providing results of the monitoring program of service standards and policies and any action taken, including documentation to verify the Board of Director's consideration, awareness, and approval of the monitoring results. Providing the documentation to the Title VI team for incorporation into the Title VI Program for submission to the FTA.
- Conducting system-wide ridership survey no less frequently than every five years.
- Providing demographic analysis of service area.

4.0 Procedure:

VTA is a recipient of federal financial assistance. As such, it is required to complete and submit its Title VI Program to the FTA regional civil rights officer once every three years or as otherwise directed by the FTA. The Title VI Program must be approved by VTA's Board of Directors prior to submission to FTA. Proof of approval, by way of Board resolution, meeting minutes, etc., must be submitted with the Title VI Program.

In addition, any sub-recipient of federal funding from VTA shall submit its Title VI Program to VTA. Contractors and subcontractors providing services on federally funded projects are responsible for complying with VTA's Title VI Program, but are not required to prepare or submit a Title VI Program.

VTA may also be required to participate in FTA Triennial Reviews, Caltrans (FHWA) compliance reviews, or reviews/audits by other entities from which it receives funding.

FTA Title VI and Environmental Justice Circulars and applicable state or federal regulations will be reviewed each year for any changes or updates to its general requirements and guidelines. Changes to applicable regulations may result in changes to the Title VI Program.

4.1 Title VI Compliance

VTA is required to submit a Title VI Program to the FTA, consistent with the guidelines and procedures as provided in the Title VI Circular. The Program must be uploaded to the designated FTA website (currently called TEAM) no fewer than sixty calendars days prior to the date of expiration of the previously approved Title VI Program. If deficiencies are identified during the FTA's review, VTA may have the opportunity to

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rectify or propose corrective actions before the expiration date of their Title VI Program. Failure to address any deficiencies or submittal of a Program after its expiration date may result in FTA suspension of VTA privileges or grant processing.

5.0 Definitions:

5.1 49 CFR part 21

A federal regulation “to effectuate the provisions of Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds of race, color, or national origin, to 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.” It applies to any program for which federal financial assistance is authorized under a law administered by the Department of Transportation.

5.2 Direct Recipient

An entity that receives funding directly from FTA and/or FHWA. The FTA distinguishes a direct recipient from a primary recipient in that a direct recipient does not extend financial assistance to sub-recipients, whereas a primary recipient does.

5.3 Discrimination

Any action or inaction, whether intentional (disparate treatment) or unintentional (disparate impact), in any program or activity of a federal aid recipient, sub-recipient, or contractor that results in perpetuating the effects of discrimination based on race, color, national origin, sex, age, disability, religion, sexual orientation, ethnic identification, and genetic information.

5.4 FTA Environmental Justice Circular

Provides guidance on the implementation of Executive Order 12898, and incorporating environmental justice principles into the transportation decision-making processes.

Environmental justice is the fair treatment of all people regardless of race, color, national origin, culture, and income with respect to the adoption, development, implementation, and enforcement of environmental laws, regulations, and policies.

5.5 FTA Title VI Circular

A notice that provides guidance and instruction necessary to carry out U.S. Department of Transportation (DOT) Title VI regulations (49 CFR part 21) to recipients of Federal Transit Administration (FTA) financial assistance.

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- 5.6 Limited English Proficient (LEP) Persons
Persons for whom English is not their primary language and who have a limited ability to speak, understands, read, or write 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.
- 5.7 National Origin
The particular nation in which a person was born, or where the person's parents or ancestors were born.
- 5.8 Noncompliance
An FTA or FHWA 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 for Title VI, or other protected classifications under other federal and state laws or regulations.
- 5.9 Public Transportation
Transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, intercity bus transportation, courtesy shuttle, or Amtrak. 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.
- 5.10 Recipient
Any public or private entity that receives federal financial assistance from FTA or FHWA. This term includes sub-recipients, direct recipients, designated recipients, and primary recipients. The term does not include any ultimate beneficiary under any such assistance program.
- 5.11 Sub-recipient
An entity that receives federal financial assistance from FTA through a primary recipient.
- 5.12 Title VI of the Civil Rights Act of 1964
This Act prohibits exclusion from the participation in, denial of benefits of, and discrimination under federally assisted programs on the basis of race, color, or national origin.
- 5.13 Title VI Program
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

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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.

6.0 Records:

Title VI program documents and compliance reports shall be maintained in the Title VI Unit.

7.0 Appendices:

N/A.


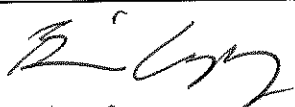

8.0 Training Requirements:

VTA employees will receive Title VI and Environmental Justice training appropriate for their job classifications and positions. Training may be provided by various means including Operator VTT and certification training, webinars, seminars, and VTAPS online.

9.0 Summary of Changes:

This is the initial release of this procedure.

10.0 Approval Information:

| <i>Prepared by</i> | <i>Reviewed by</i> | <i>Approved by</i> |
|---|--|---|
|  Camille Williams Accessible Services Program Manager/ Title VI Project Manager |  7/23/13 Bill Lopez Chief Administrative Officer |  7/24/13 Michael T. Burns General Manager |

Date Signed