

<i>EQUITY ANALYSIS POLICY FOR THE DETERMINATION OF SITE OR LOCATION OF FACILITIES</i>	POLICY	
	Document Number:	BSD-PL-001
	Version Number:	01

1.0 Purpose:

Federal Transit Administration's (FTA) Title VI Circular, FTA C 4702.1B, requires an equity analysis before determining the site or location of facilities. The guidance is found in Chapter III-11, paragraph 13, and states the following:

Determination of Site or Location of Facilities:

Title 49 CFR Section 21.5(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."

In compliance with the FTA Circular, the Santa Clara Valley Transportation Authority (VTA) shall conduct an equity analysis when determining the site or location of facilities.

2.0 Scope:

This policy applies to "facilities" as described in Chapter III-11 of the Title VI Circular and does not include bus shelters, which are evaluated as transit amenities, transit stations, or power stations, which are evaluated during project development and the NEPA process. For the purposes of this policy, facilities include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. 49 CFR Part 21.23(b) further defines a "facility" to include 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.

This policy requires that a Title VI equity analysis be completed before determining the site or location of facilities. This policy does not cover Environmental Justice analysis or the NEPA process as those are not required during this stage of a project.

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3.0 Responsibilities:

All VTA employees are required to comply with federal and state Title VI laws, regulations, administrative directives, and VTA policies with regard to developing and implementing policies, projects, programs, services, and activities.

4.0 Policy:

In determining the site or location of facilities, VTA shall 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 on the grounds of race, color, or national origin. Further, 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.

To comply with this directive, VTA shall complete a Title VI equity analysis during the project planning stages to ensure that the proposed project location was selected without regard to race, color, or national origin. In addition, VTA shall consider the overall impact to a community, including the cohesion and characteristics of a community, when determining the site or location of a facility.

The equity analysis for the location of facilities shall include the following:

Project Description/Location or Site of Facilities

VTA's equity analysis shall include a project description providing an overview of the proposed project. This overview includes, among other things, a detailed list of project plans, a discussion of the identified location or site of the facilities, any proposed alternatives considered, and the reasons for why the chosen location is recommended.

Criteria for Selection of Location

The equity analysis shall include a discussion of the criteria used to select the proposed site or location of facilities and an explanation of the methodology used to select the criteria.

Public Outreach

In accordance with its Public Participation Plan and Limited English Proficiency Plan, VTA shall engage in outreach to persons potentially impacted by the siting of facilities. A discussion of the outreach conducted and a summary of its results shall be included in the equity analysis. The summary shall include among other things, date, time and

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location of meetings, groups represented, community identified issues and concerns, and community recommendations and solutions.

Alternative Sites or Locations

VTa's equity analysis shall include a comparison of the equity impacts of various siting alternatives before the preferred site is selected.

Cumulative Adverse Impacts

When evaluating locations of facilities, VTA should give attention to other facilities (both VTA and non-VTA owned) with similar impacts in the area to determine if any cumulative adverse impacts might result. This analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts. FTA recognizes that facilities (as defined in this policy) are not likely to be built near each other or in the same area; and as such, an in depth "cumulative" impact analysis will not always be applicable. However, VTA must still consider the impact on the surrounding community when a facility is built. Although analyses for non-VTA owned facilities is not required to be as detailed as those done for VTA owned facilities, the compounding effects from both must be documented and Title VI protections must be taken into account after the analyses.

Impacted Businesses or Communities

VTa's equity analysis shall include a list of the potentially impacted businesses or communities, specifically identifying minority, low-income populations and limited English proficient communities near the facility. The analysis should include how these communities will be impacted by such activities as increased traffic, reductions in the amount of available parking, etc. and describe how these impacts were considered in making the final determination of the site or location. Consideration to maintain the cohesion of potentially impacted communities should be included in the analysis when determining the site or location of facilities.

Disparate Impact

If VTA determines that the location or site of the facilities will result in a disparate impact on the basis of race, color, or national origin or will impose a disproportionate burden on a low-income population, VTA may only locate the facilities in that location if there is a substantial legitimate justification for locating there, **and** if there are no alternative locations that would have a less disparate impact on the basis of race, color, or

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national origin. VTA must show how both these tests are met, which includes analyzing alternatives to determine if another alternative location could serve the same legitimate objective with less of a disparate impact on the basis of race, color, or national origin, and then implementing the least discriminatory alternative.

Overall Project

If the siting of a facility is part of a larger project, a copy of the equity analysis conducted as required by this policy shall be included in the overall project development documents.

5.0 Definitions:

5.1 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.

5.2 Disproportionate Burden

Refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations.

5.2 Environmental Justice

The overarching objective of environmental justice is a fair distribution of the benefits or burdens associated with Federal programs, policies, and activities.

5.3 Facilities

"Facilities" as used in this policy does not include bus shelters, as these are transit amenities and are covered in Chapter IV of the Title VI Circular, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this policy include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. Facilities 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.

5.4 Low-income population

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.

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5.5 Minority population

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.

5.6 National Origin

Refers to the particular nation in which a person was born, or where the person's parents or ancestors were born.

5.7 National Environmental Policy Act (NEPA)

NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. Using the NEPA process, agencies evaluate the environmental and related social and economic effects of their proposed actions. Agencies also provide opportunities for public review and comment on those evaluations.




5.8 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.

6.0 Summary of Changes:

Initial release of this policy.

7.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Manager, Accessible Services Program/Title VI Project Manager	 Director, Business Services	 General Manager/CEO

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