

FTA

FEDERAL TRANSIT ADMINISTRATION

City of Phoenix Title VI Compliance Review

Final Report
December 2020



U.S. Department of Transportation
Federal Transit Administration

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Executive Summary

Objective and Methodology – This report details the findings of a compliance review of the City of Phoenix Transit Department’s (PTD) Title VI Program implementation. The compliance review examined this agency’s Title VI Program procedures, management structures, actions, and documentation. The review team collected documents and information from the Federal Transit Administration (FTA) and PTD. In addition, the review team interviewed the following local entities as part of this review: Chicanos por La Causa, the Chinese Senior Center, the Central Arizona Council on Developmental Disabilities, and the Native American Senior Center. The review team also toured the East Valley Bus Operations and Maintenance Facility, a minority bus route (Route 27) and a nonminority route (Route 44), a low-income route (Route 60) and a non-low-income route (Route 170), and transit centers (Paradise Valley Transit Center, Metro Center North Side, Montebello 19th Avenue Park and Ride, Bell Road Park and Ride, 79th Avenue/I-10 Park and Ride, and Desert Sky Transit Center). In addition, the review team conducted subrecipient site visits to the City of Glendale (5307 and 5310), the City of Tempe (5307), and the Treasure House (5310). The four-day review included interviews, assessments of data collection systems, and review of program documents.

PTD’s Title VI Program includes the following positive program elements –

Positive Program Elements

- **Inclusive Public Participation** – PTD effectively engaged the public through a variety of media (including minority media), providing early and ongoing opportunities for the public (including persons with limited English proficiency) to participate in its planning and decisionmaking activities.
- **Language Access to LEP Persons** – PTD provided a variety of language assistance measures to its Spanish-speaking LEP riders.
- **Providing Assistance to Subrecipients** – PTD provided effective assistance to its FTA Section 5310 subrecipients on the development and implementation of their Title VI Programs.
- **Monitoring Subrecipients** – PTD recently implemented (and continues to implement) improved subrecipient monitoring and oversight resources, procedures, tools, and activities in accordance with corrective actions following deficiencies identified in its 2018 Triennial Review.

The program has the following deficiencies –**Deficiencies**

- **Title VI Complaint Procedures** – PTD did not implement important elements of its Title VI complaint procedures.
- **Record of Title VI Investigations, Complaints, and Lawsuits** – PTD’s list of Title VI investigations, complaints, and lawsuits did not contain all required elements.
- **Systemwide Service Standards and Systemwide Service Policies** – PTD did not have an off-peak vehicle load standard for its local, circulator, or RAPID bus services. PTD did not have systemwide service policies for the distribution of all amenities.
- **Demographic Data** – PTD did not develop demographic profile maps as required by FTA Circular 4702.1B(VI)(5)(a)(b).
- **Evaluation of Service and Fare Changes** – PTD’s disparate impact and disproportionate burden policies for service change evaluations did not compare the proportion of minorities adversely affected to the proportion of nonminorities adversely affected.
- **Section 5310 Program Planning Activities** – PTD’s administration of its Section 5310 Program did not include Title VI planning activities, as required by FTA C 4702.1B, Chap. V-2, Sec. 3.
- **Section 5310 Program Administration** – PTD’s administration of its Section 5310 Program did not include Title VI Program administration activities, as required by FTA C 4702.1B, Chap. V-3, Sec. 4.

1. General Information

This chapter provides basic information concerning this compliance review of the City of Phoenix Transit Department (PTD). Information on PTD, the review team, and the dates of the review are as follows:

Grant Recipient:	City of Phoenix
City/State:	Phoenix, AZ
Recipient Number:	1683
Executive Official:	Jesús Sapien
On-site Liaison:	Christina Hernandez
Report Prepared By:	The DMP Group, LLC
Dates of On-site Visit:	February 18–21, 2020
Compliance Review Team Members:	Donald Lucas John Potts Gregory Campbell Melanie Potts

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2. Jurisdiction and Authorities

The Secretary of Transportation authorized the Federal Transit Administration (FTA) Office of Civil Rights to conduct civil rights compliance reviews. PTD is a recipient of FTA funding assistance and is therefore subject to the Title VI compliance conditions associated with the use of these funds pursuant to the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d)
- Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.)
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.)
- Department of Justice regulation, 28 CFR Part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs” (December 1, 1976, unless otherwise noted)
- U.S. Department of Transportation (DOT) regulation, 49 CFR Part 21, “Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964”
- FTA Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”
- FTA Circular 4703.1, “Environmental Justice Policy Guidance for Federal Transit Administration Recipients”
- DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons (December 14, 2005)
- Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency”
- Section 12 of FTA’s Master Agreement 25 (October 1, 2018)

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3. Purpose and Objectives

3.1 Purpose

The Federal Transit Administration (FTA) Office of Civil Rights periodically conducts discretionary reviews of grant recipients and subrecipients to determine whether they are honoring their commitments, as represented by certification, to comply with the requirements of 49 U.S.C. 5332. In keeping with its regulations and guidelines, FTA determined that a compliance review of PTD's Title VI Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC, to conduct the Title VI compliance review of PTD. The primary purpose of this compliance review was to determine the extent to which PTD has met its General Reporting and Program-Specific Requirements and Guidelines, in accordance with FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients." Members of the compliance review team also discussed with PTD the requirements of DOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087). The compliance review had a further purpose to provide technical assistance and to make recommendations regarding corrective actions, as deemed necessary and appropriate. The compliance review was not an investigation to determine the merit of any specific discrimination complaints filed against PTD.

3.2 Objectives

The objectives of FTA's Title VI Program, as set forth in FTA Circular 4702.1B, dated October 1, 2012, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" are to:

- Ensure that the level and quality of public transportation service are provided in a nondiscriminatory manner;
- Promote full and fair participation in public transportation decision making without regard to race, color, or national origin;
- Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

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4. Introduction to the City of Phoenix

The City of Phoenix Public Transit Department (PTD) is one of 21 agencies (19 cities, the Regional Public Transit Authority (RPTA) and Valley Metro Rail (VMR)) collectively branded as the Valley Metro regional transit system (Valley Metro). The City of Phoenix is the designated recipient of Section 5307, 5309, 5310, 5337, 5339, Congestion Mitigation and Air Quality, and Surface Transportation Program funds for the Phoenix/Mesa Urbanized Area. As the designated recipient, the City passes through Section 5307 funds to the following 20 Valley Metro agencies: Valley Metro Rail, Regional Public Transportation Authority (RPTA), Avondale, Buckeye, Chandler, El Mirage, Fountain Hills, Gilbert, Glendale, Goodyear, Maricopa County, Mesa, Peoria, Queen Creek, Scottsdale, Surprise, Tempe, Tolleson, Wickenburg and Youngtown.

PTD operates fixed-route bus and paratransit services in the City of Phoenix with some routes extending outside the City into surrounding Maricopa County. PTD operates 60 percent of the region's bus service. Private contractors are responsible for the day-to-day operation of the bus service. Currently there are three contractors for fixed-route service: Transdev Transportation Services, First Transit, and MV Transportation.

Valley Metro Rail operates 28 miles of light rail service and RPTA operates fixed-route bus and paratransit service on behalf of 12 Valley Metro municipalities and in conjunction with four Valley Metro municipalities (City of Phoenix, Glendale, Peoria, and Scottsdale).

The City of Phoenix also passes through Section 5310 funds to 57 subrecipients, providing oversight to organizations providing eligible transportation services to seniors and people with disabilities.

PTD is governed by the Phoenix City Council; the Transportation, Infrastructure, and Innovation subcommittee; and the Citizens Transportation Commission. PTD is led by the City of Phoenix Public Transit Director, who oversees four divisions: Director's Office, Facilities and Oversight, Management Services, and Operations. The Phoenix City Council makes policy decisions about the City's service levels, service changes, and fares based on recommendations and negotiations with PTD.

Currently, the fixed-route fares are consistent across all services in the region. The basic adult fare for bus service is \$2.00. A reduced fare of \$1.00 is offered to persons 6–18 years and 65 years and older, persons with disabilities, and Medicare cardholders during all hours. There is a premium fare of \$3.25 for Express and Rapid service. Within the Phoenix city limits, the one-way ADA-certified fare is \$4.00, and there are no zone or transfer charges.

The City of Phoenix operates a network of 38 local fixed routes, four circulator routes, and six Rapid routes. Service is provided weekdays from approximately 4:00 a.m. to 12 a.m. Saturday service is operated from 5:00 a.m. to 2:00 a.m., and service on Sunday is from 5:00 a.m. to 11:00 p.m. Complementary paratransit service, known as Dial-a-Ride, operates during the same days and hours of service as the fixed routes.

Currently there are two private contractors for fixed-route service (Transdev Transportation Services and First Transit) and one contractor for Dial-a-Ride (MV Transportation). The City of Phoenix has three FTA-funded bus maintenance facilities in Phoenix (North Transit, South

Transit, and West Transit). Services incorporate six bus Transit Centers as well as eight park-and-ride lots.

Transdev operates 27 local routes and six Rapid routes, the Downtown Area Shuttle (DASH) circulator, the ALEX neighborhood circulator service in Ahwatukee, and the Sunnyslope Multi-Access Residential Transit (SMART) neighborhood circulator. Transdev operates from the North and South Transit Facilities.

First Transit operates 11 local routes and the Maryvale Area Ride for You (MARY) neighborhood circulator primarily in the north and west valley. It is based at the West Transit Facility.

MV Transportation operates the Phoenix Dial-A-Ride paratransit service for persons with disabilities certified under the Americans with Disabilities Act guidelines. MV Transportation operates from an operator-leased facility within the City of Phoenix. To supplement the Dial-A-Ride service, the City's Alternative Transportation Program currently contracts with MV Transportation to provide transportation assistance via taxi vouchers for persons with disabilities, persons receiving dialysis treatments, and seniors.

In 2015, voters approved Transportation 2050 (T2050), a dedicated transportation funding initiative that began in January 2016. T2050 is a 35-year voter-supported dedicated sales tax projected to generate \$16.7 billion for transit-related projects. T2050 projects include:

- 680 miles of new asphalt pavement on major arterial streets
- 1,080 miles of bicycle lanes
- 135 miles of new sidewalks
- 2,000 new streetlights
- \$240 million for major street improvement projects
- Improved frequency of local bus service
- Service through midnight on weekdays and 2 a.m. on weekends for local bus and Dial-A-Ride service
- New transit-related technology, such as Wi-Fi on buses and trains, reloadable transit passes, real-time data for Dial-A-Ride, and security improvements for bus and light rail
- 75 miles of new RAPID routes
- 42 miles of new light rail and addition of new light rail stations

PTD's service area demographics were as follows:

PTD Service Area (City of Phoenix)				
Racial/Ethnic Group	2000 U.S. Census		2010 U.S. Census	
	Number	Percent	Number	Percent
White	940,433	71.1%	951,958	65.85%
Black	67,430	5.1%	93,608	6.48%
American Indian and Alaska Native	26,713	2.02%	32,366	2.24%
Asian	26,444	2%	45,597	3.15%
Hawaiian/Pacific Islander	1,768	0.13%	2,555	0.18%

PTD Service Area (City of Phoenix)				
Racial/Ethnic Group	2000 U.S. Census		2010 U.S. Census	
	Number	Percent	Number	Percent
Other Race	216,806	16.39%	267,214	18.48%
Two or More Races	43,345	3.28%	52,234	3.62%
Hispanic Origin ¹	450,445	34.05%	589,877	40.8%
Total Population	1,773,384		2,035,409	

Limited English Proficiency*	-	-	203,954	10.02%
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*LEP information from the 2000 U.S. Census for the City of Phoenix was not available on the U.S. Census website, which only contained LEP information for Maricopa County. The 2000 U.S. Census reported the Maricopa County LEP population to be 328,035 or 11.6 percent of the population. The 2010 U.S. Census reported the Maricopa County LEP population to be 359,478 or 10.1 percent of the population.

From 2000 to 2010, PTD's service area population increased 14.7 percent. The White population increased 1.23 percent, the Black population increased 38.82 percent, the Hispanic population increased 30.95 percent, the Asian population increased 72.43 percent, the American Indian/Alaskan Native population decreased 21.16 percent, and the Hawaiian/Pacific Islander population increased 44.51 percent. In 2010, 65.85 percent of the total population was White, 6.48 percent was Black, 40.8 percent was Hispanic, 3.15 percent was Asian, 2.24 percent was American Indian/Alaskan Native, and Hawaiian/Pacific Islanders were 0.18 percent.

¹ Per the 2000 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories.

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5. Scope and Methodology

5.1 Scope

The Title VI compliance review of PTD examined the following requirements and guidelines as specified in FTA Circular 4702.1B:

General Reporting Requirements and Guidelines – All applicants, recipients, and subrecipients must maintain and submit the following:

- Annual Title VI Certification and Assurance
- Title VI Complaint Procedures
- Record of Title VI Investigations, Complaints, and Lawsuits
- Information on Language Access to LEP Persons
- Notice to Beneficiaries of Protections under Title VI
- Information on Monitoring Subrecipients
- Title VI Program
- Determination of Site or Facilities Location
- Minority Representation on Planning or Advisory Bodies
- Information on Inclusive Public Participation

Requirements and Guidelines for Fixed-Route Transit Providers – All providers of fixed-route public transportation that receive Federal financial assistance must also submit the following:

- Systemwide Service Standards and Policies

Requirements and Guidelines for Fixed-Route 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:

- Demographic Data
- Evaluation of Service and Fare Changes
- Monitoring Transit Service

Requirements and Guidelines for States (or other Designated Recipients of Section 5310 Program Funds):

- Planning
- Program Administration

5.2 Methodology

The review team conducted initial interviews with the FTA Headquarters Civil Rights staff and the FTA Region 9 Civil Rights Officer to discuss specific Title VI issues and concerns regarding PTD. FTA sent an agenda letter covering the compliance review to PTD advising it of the site visit and indicating additional information requests and issues to discuss. The review team focused on the General Reporting Requirements and Guidelines, the applicable Requirements

and Guidelines for Fixed-Route Transit Providers, and the applicable Requirements and Guidelines for States (or other Designated Recipients of FTA Section 5310 Program Funds) contained in FTA Title VI Circular 4702.1B, which became effective on October 1, 2012. The General Reporting Requirements and Guidelines include implementation of the Limited English Proficiency (LEP) Executive Orders.

FTA requested PTD to provide the following documents in advance of the site visit:

- Current Title VI Program
- PTD's organization chart
- Any service and fare equity analyses conducted over the past three years
- A list of any siting, locating, and/or constructing of facilities, and any associated Title VI equity analyses within the last three years
- A current list of Title VI investigations, complaints, and lawsuits
- A summary of public outreach efforts and events since the last Title VI Program submission, including any language efforts/activities to ensure LEP persons are able to meaningfully participate and contribute during the public outreach efforts and events
- A summary of any monitoring or technical assistance activities provided to subrecipients within the last three years
- A list of subrecipients and their respective Title VI Program statuses
- A list of interested parties or external organizations, including but not limited to community- and faith-based organizations and educational institutions with which PTD has interacted on Title VI issues. Provide contact information such as a point of contact, telephone number, or email address.
- Other information determined by PTD staff to be pertinent and demonstrative of its Title VI compliance efforts.

PTD assembled the documents listed above prior to the site visit and provided them to the review team for advanced review. The review team then developed a detailed schedule for the four-day site visit.

The site visit to PTD occurred on February 18–21, 2020. The review team conducted an opening conference held at 9:00 a.m. on Tuesday, February 18, 2020 at the PTD offices at 200 West Washington Street, Floor 11, Phoenix, AZ 85003. The following people participated in the opening conference:

City of Phoenix

Jesús Sapien, Public Transit Director
Shelley Reimann, Transit Compliance Administrator
Christina Hernandez, Compliance Program Manager

Albert Crespo, Deputy Public Transit Director
Joe Bowar, Deputy Public Transit Director
Ken Kessler, Deputy Public Transit Director
Antionette Cooper, Equal Opportunity Specialist
Kevin Teng, Principal Planner
Brenda Yanez, Public Information Officer
Roberto Valentin, Transit Superintendent
Herb Munoz, Facilities Superintendent
Micah Ray Alexander, Assistant City Attorney II
Stephanie Rangel, Budget Analyst II
Lars Jacoby, Management Assistant II
Wendy Miller, Management Assistant II

Valley Metro Regional Public Transit Agency

Joe Gregory, Manager of Service Planning
Robert Forrest, Environmental Manager
Jessica Parks, Community Outreach Coordinator

FTA Office of Civil Rights (via teleconference)

Shavon Nelson, FTA Office of Civil Rights Headquarters
Nicholas Sun, FTA Region 9 Civil Rights Officer

The DMP Group

Donald Lucas, Lead Reviewer
John Potts, Reviewer
Gregory Campbell, Reviewer
Melanie Potts, Reviewer

Following the opening conference, the review team met with PTD transportation planning and other staff responsible for Title VI compliance. During this meeting, discussions focused on a detailed examination of documents submitted in advance of the site visit and documents provided during the site visit by PTD. The review team then met with PTD staff to discuss how PTD incorporated FTA Title VI requirements into its public transportation program.

During the compliance review, the review team toured a minority bus route (Route 27) and a comparable nonminority route (Route 44), a low-income route (Route 60) and a comparable non-low-income route (Route 170), and several transit centers. During the bus route tours, the review team compared ridership, vehicle condition, and distribution of transit amenities (i.e., shelters, benches, bike racks, and trashcans) along the routes. In summary, all buses sampled for inspection had Title VI notices posted in English and Spanish. Disparities were observed between the number of shelters along the minority route (Route 27) and nonminority route (Route 44). Both routes contained minority and nonminority segments, and as observed by the review team and reported by PTD, shelters were distributed equally on the minority and nonminority segments of the minority route. However, shelters were not distributed equally on the minority and nonminority segments of the nonminority route (i.e., 80 percent of the stops on the nonminority segments had shelters and 60 percent of the stops on the minority segments of

the route had shelters). The opposite was true for the low-income and non-low-income routes toured. On the low-income route, 79 percent of the stops on low-income segments had shelters and 57 percent of the stops on non-low-income segments had shelters. On the non-low-income route, shelters were distributed equally on the low-income and non-low-income segments. As a general observation, the bus stops and shelters along the minority route were in poorer condition than those on the non-minority route.

The Paradise Valley Transit Center (nonminority) had route and fare information available in English and Spanish. Title VI notices were also posted in English and Spanish. The transit center was recently remodeled, and all shelters appeared to be in good condition. The Metro Center North Side Transit Center (minority) did not have route and fare information in Spanish and did not have a Title VI notice posted. The Montebello 19th Avenue Park and Ride (non-low-income) had route and fare information available in English and Spanish, as well as Title VI notices posted in English and Spanish. The Bell Road Park and Ride (low-income) did not have a Title VI notice posted.

At the end of the site visit, the review team held an exit conference with PTD staff and FTA regional staff at which they discussed initial observations with PTD. The exit conference took place at 12:00 p.m. on Friday, February 21, 2020 at the PTD office. Attending the conference were:

City of Phoenix

Jesús Sapien, Public Transit Director
Shelley Reimann, Transit Compliance Administrator
Christina Hernandez, Compliance Program Manager
Albert Crespo, Deputy Public Transit Director
Joe Bowar, Deputy Public Transit Director
Ken Kessler, Deputy Public Transit Director
Antionette Cooper, Equal Opportunity Specialist
Kevin Teng, Principal Planner
Brenda Yanez, Public Information Officer
Roberto Valentin, Transit Superintendent
Herb Munoz, Facilities Superintendent
Micah Ray Alexander, Assistant City Attorney II
Stephanie Rangel, Budget Analyst II
Lars Jacoby, Management Assistant II
Wendy Miller, Management Assistant II

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The DMP Group

Donald Lucas, Lead Reviewer
John Potts, Reviewer
Gregory Campbell, Reviewer
Melanie Potts, Reviewer

5.3 Stakeholder Interviews

During the compliance review, the review team contacted representatives of four organizations serving the minority community: Chicanos por La Causa, the Chinese Senior Center, the Central Arizona Council on Developmental Disabilities, and the Native American Senior Center. None of the individuals interviewed were aware of any efforts made by PTD to specifically notify minority riders about service changes, construction projects, and other disruptions to service, although most thought that PTD advertised service changes and notices of major planned projects to the general public. Only one of the representatives thought that minority representation on nonelected boards and committees reflected the population of the service area. Several of the representatives believed that the bus routes serving minority communities were overcrowded, with one representative stating that overcrowding occurred because the minority communities had more individuals using public transportation to get to and from work.

All of those interviewed believed that “newer” and “older” vehicles were placed in an equitable manner in both the minority and nonminority communities and that the frequency of service was comparable in both. However, not all thought that the public transit amenities were comparable in the minority and nonminority communities (with those in the nonminority communities being newer and better maintained). Most of those interviewed thought that the average travel times from origin to destination were consistent among minority and nonminority users. Not all thought, however, that the fares and fare increases were equitable for services offered to the minority and nonminority users. None were aware of any issues, concerns, or complaints by minorities regarding the level or quality of transit services provided by PTD. All thought that the public transit system adequately communicated with LEP persons.

Several suggestions were offered on ways PTD could better serve and communicate with the minority communities, including providing more information about low-income/reduced fares and increasing outreach to disabled minorities. One individual stated that PTD, as a system, had not quite kept pace with the population increases in the Phoenix Metropolitan Area, but believed efforts were being made to address the deficit.

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6. General Reporting Requirements Findings and Advisory Comments

6.1 Annual Title VI Certification and Assurance

Requirement

FTA recipients must submit their annual Title VI certification and assurance as part of their Annual Certifications and Assurances submission to FTA in the FTA web-based Transportation Award Management System (TrAMS) grants management system (49 CFR § 21.7(a) and FTA C 4702.1B, Chap. III-1, Sec. 2).

Discussion

During this review no deficiencies were found with this requirement. PTD pinned the required Title VI Certification and Assurance in TrAMS on March 20, 2019.

Corrective Actions and Schedules

FTA requires no corrective actions for the Annual Title VI Certification and Assurance requirement at this time.

6.2 Submittal of Title VI Program

Requirement

All direct and primary recipients must 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 officials responsible for policy decisions prior to submission (FTA C 4702.1B, Chap. III-1, Sec. 4).

Discussion

During this review, no deficiencies were found with this requirement. According to TrAMS, PTD initially submitted its most recent Title VI Program (dated November 2018) on time on November 29, 2018. The Title VI Program was approved by PTD's Board of Directors in a resolution dated November 7, 2018. FTA concurred with PTD's program on May 8, 2019. As shown in the following table, PTD's Title VI Program contained all required elements, except two: (1) a list of public involvement activities since its previous Title VI Program and (2) a list of the efforts undertaken to encourage the participation of minorities on nonelected planning and advisory bodies. FTA addressed both of the missing required elements in its letter of concurrence requiring PTD to include the missing elements in its next Title VI Program submission.

General Reporting Requirements/Guidelines (per FTA Circular 4702.1B)	Included in Program Submittal
Copy of agency's notice to public that indicates it complies with Title VI and instructions to public on how to file a discrimination complaint	Yes
Copy of agency's instructions to the public regarding how to file a Title VI complaint, including a copy of the complaint form	Yes
List of any Title VI investigations, complaints, or lawsuits filed with agency since time of last submission. Should include only those investigations, complaints, or lawsuits that pertain to agency submitting report, not necessarily larger agency or department of which entity is a part	Yes
A public participation plan that includes an outreach plan to engage minority and LEP populations and involvement activities undertaken since last submission	Partial
Copy of agency's plan for providing language assistance to persons with limited English proficiency, based on DOT LEP Guidance	Yes
Copy of agency's table depicting the racial breakdown of the transit-related, nonelected planning and advisory bodies and a description of efforts made to encourage the participation of minorities on such committees	Partial
List of any subrecipients and when their Title VI Programs are due, a statement of how the primary recipient stores the submitted Title VI Programs, and a summary of the efforts undertaken to ensure subrecipients comply with their Title VI obligations	Yes
Copy of any conducted Title VI equity analyses related to the siting or location of facilities	Yes
Demographic Data	Yes
Evaluation of Service and Fare Changes	Yes
Monitoring Transit Service	Yes

Corrective Actions and Schedules

FTA requires no corrective actions for the Submittal of Title VI Program requirement at this time.

6.3 Notice to Beneficiaries of Protection under Title VI

Requirement

FTA recipients must provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, a recipient must disseminate this information to the public through measures including a posting on its website, in public areas of the agency's office, and in stations, at stops, and on transit vehicles. Furthermore, notices will detail a recipient's Title VI obligations into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's Language Assistance Plan (LAP) (FTA C 4702.1B, Chap. III-4, Sec. 5).

Discussion

During this compliance review, no deficiencies were found with this requirement. Advisory comments, however, were made regarding this requirement. As shown in the table below, PTD's Title VI Notice to Beneficiaries on its website and as posted on vehicles and at

administration and transit facilities included all required elements as described in FTA Circular 4702.1B(III)(A)(1-3).

Elements Required for Notice to Beneficiaries (per FTA Circular 4702.1B)	Included in Title VI Program Submittal
Statement that agency operates programs without regard to race, color, or national origin	Yes
Description of procedures that members of the public should follow to request additional information on recipient's nondiscrimination obligations	Yes
Description of procedures that members of the public should follow to file a discrimination complaint against recipient	Yes
Notice translated into languages other than English	Yes

According to the results of its LEP four-factor analysis, PTD's LEP population was predominately Spanish speaking. Accordingly, PTD posted a Spanish version of its Notice with every English version. PTD's Notice did not include instructions on how to request language assistance, if needed, by non-Spanish-speaking LEP persons.

PTD stated it posted its Notice on its website, on all revenue vehicles (bus and rail), and at its administrative offices, transit facilities, transit centers, and park-and-ride locations. During the site visit, the review team confirmed PTD posted its Title VI Notice as stated, with some exceptions. Title VI Notices were observed at its administrative office, on all vehicles boarded by the review team, and at some but not all transit facilities (e.g., no Title VI Notice was posted at the 79th Avenue/I-10 Park and Ride facility). Prior to the conclusion of the site visit, PTD provided photo documentation confirming it had posted its Notice at those facilities identified without Notices.

Advisory Comments

It is an effective practice to update the Title VI Notice to Beneficiaries with instructions on how to request language assistance and to ensure the Title VI Notice to Beneficiaries is posted as stated in the Title VI Program.

6.4 Title VI Complaint Procedures and Complaint Form

Requirement

FTA recipients and subrecipients must 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 upon request. 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 C 4702.1B, Chap. III-5, Sec. 6).

Discussion

During this review, deficiencies were found with this requirement. Prior to the site visit, the review team noted that the complaint procedures included in PTD's FY 2018 Title VI Program

(program procedures) and the procedures on PTD's website (website procedures) had minor differences. For example, for filing complaints with PTD using the United States Postal Service, the program procedures instructed customers to send complaints to the attention of the Title VI Coordinator, but the website procedures instructed customers to send complaints to the attention of the Civil Rights Coordinator. The website procedures included an email address to which complaints could be submitted to PTD, but the program procedures did not provide an option for emailing complaints. The program procedures referenced a letter that was to be sent to the complainant that included a detailed description of the complaint, investigation, and final determination; however, the website procedures indicated that either a closure letter or a letter of finding would be sent to the complainant after the conclusion of the complaint investigation. There were no differences between the two versions of the procedures regarding complaints filed with Valley Metro. During the site visit, PTD confirmed its website procedures were its current procedures and, therefore, were the subject of this review. No issues were identified with the online or hard copy Title VI complaint forms used by PTD or Valley Metro customer service staff.

According to PTD's complaint procedures, RPTA is primarily responsible for receiving and overseeing the investigation and resolution of Title VI complaints on behalf of Valley Metro and its participating entities, including PTD. The Valley Metro Customer Service Administrator (Valley Metro CSA), an RPTA staff member, oversees the complaint-handling process for the entire regional system. Complaints are logged in the Valley Metro Customer Assistance System (CAS) and tracked from receipt to resolution. Although RPTA is primarily responsible for handling complaints for the entire Valley Metro system, complaints could also be filed directly with PTD. Complaints filed directly with PTD were also logged into CAS for tracking purposes by the Valley Metro CSA.

Complaint tracking included coordination by the Valley Metro CSA with operations staff and city administrators in the different Valley Metro jurisdictions throughout Maricopa County, including but not limited to Tempe, Glendale, Scottsdale, Mesa, Peoria, and PTD. For example, if a complaint is received by RPTA that involves a transit provider in Tempe, the Valley Metro CSA sends the complaint to the designated transit provider staff in Tempe responsible for complaint investigations. Per the complaint procedures, complaint investigations had to be completed and determinations and resolutions communicated back to the Valley Metro CSA within 30 days. If the complainant disagreed with the initial determination, an appeal could be filed within 60 days to the Valley Metro CSA or PTD for final determination and resolution.

In addition to this general description of how PTD handles Title VI complaints, PTD's procedures describe detailed steps and actions that are to be taken with each complaint. During the site visit, four recent complaint files were reviewed to determine if PTD was implementing its own complaint procedures. The table below includes the results of the complaint file review. For context, it is helpful to reiterate that each Section 5307 subrecipient is a distinct urbanized area within Maricopa County. Each urbanized area (or city) has an administrator. Moreover, transit service provided by each Section 5307 subrecipient operating under the Valley Metro brand is contracted out by each city to third-party operators (e.g., First Transit and Transdev) in most cases. According to PTD's complaint procedures, each city administrator is responsible for ensuring complaints received by the Valley Metro CSA involving its operations contractor/provider are satisfactorily investigated and responded to in a timely manner. As the primary recipient, PTD is responsible for ensuring its Section 5307 subrecipients and RPTA comply with Title VI complaint requirements and PTD's Title VI complaint procedures.

Detailed Complaint Tracking Procedure	Notes
1. When a complaint is submitted it is logged by Valley Metro customer service staff.	Yes. Confirmed during complaint file review.
2. Valley Metro customer service staff then send the complaint to the transit provider (third-party contractor in most cases) involved in the complaint within 24 hours of receipt for investigation and documentation.	Yes. Confirmed during complaint file review.
3. The results of the complaint investigation are reviewed (PTD uses the term “audited” in its procedures) by the city administrator prior to the transit provider’s entering the results of the investigation and initial resolution determination into CAS.	No evidence of review or “audit” by city administrators in complaint files reviewed.
4. The Valley Metro CSA reviews a weekly report identifying outstanding complaints. During the review process the Valley Metro CSA sends notifications to the transit provider involved in the complaint as a reminder that the complaint is not yet resolved or closed out. A copy of the notice is sent to the city administrator who oversees the transit provider involved in the complaint. Weekly notices are sent by the Valley Metro CSA to ensure timely compliance with procedure deadlines.	No evidence of weekly review or “audit” by the Valley Metro CSA was provided during the complaint file review.
5. The Valley Metro CSA reviews (PTD uses the term “audits” in its procedures) all closed Title VI complaints to check for accuracy, completeness, and compliance with procedures. If necessary, the Valley Metro CSA reopens a complaint after it has been closed by the transit operator to address any issues identified during the review of the complaint, which may involve sending the complaint back to the transit operator for further investigation, clarification, or correction.	No evidence of review or “audit” of closed complaints by the Valley Metro CSA was provided during the complaint file review.
Detailed Complaint Investigation Procedure	Notes
1. Summary of the complaint by staff	Yes. Confirmed during complaint file review.
2. Statement of issues – List every issue derived from the complaint summary. Include questions raised by each issue: <ul style="list-style-type: none"> • Who? • What? • When? • Where? • How? 	Yes. Confirmed during complaint file review.
3. Respondents’ replies to each issue <ul style="list-style-type: none"> • Obtain information from each respondent, listen to each tape, review each document. • All staff will document information collected in the customer contact (respondent area). • After all respondent information is documented, complete the documentation (remaining steps). • Determine the action taken. 	Documentation of respondents’ replies was included in three of the four files reviewed.

Detailed Complaint Tracking Procedure	Notes
<ul style="list-style-type: none"> Follow up with the customer. 	
<p>4. Findings of fact – Investigate every “issue” (stated in the “statement of issues” noted in Step 2). Separate facts from opinions.</p>	<p>Documentation of findings of fact were included in three of the four files reviewed.</p>
<p>5. Citations of pertinent regulations and rules – Develop a list of all regulations, rules, policies, and procedures that apply to the investigation.</p> <ul style="list-style-type: none"> Title VI requirements Company rules and procedures Valley Metro policies and service standards 	<p>Citations were included in three of the four files reviewed.</p>
<p>6. Conclusions of law</p> <ul style="list-style-type: none"> Compare each fact from “findings of fact” (Step 4) to the list of regulations, rules, etc. Make a decision on whether violation(s) occurred. The list of violations becomes “conclusions of law.” 	<p>Conclusions of law were included in one of the four files reviewed.</p>
<p>7. Description of remedy for each violation</p> <ul style="list-style-type: none"> Specific corrective actions for each violation found Include plans for follow-up checks Do not conclude report with “no action taken” If no violations found, conclude the report in a positive manner Review policies and procedures Review Title VI provisions 	<p>No violations found in any of the files reviewed. There were multiple conclusions of “no action taken,” inconsistent with procedures.</p>
<p>8. Response to customer includes a detailed summary of conversation with customer, which is sent to the complainant.</p>	<p>No evidence of response to customer in any of the files reviewed.</p>
<p>9. Document action taken</p> <ul style="list-style-type: none"> Must include specific corrective action for each violation found. Include a follow-up action plan. If no violations found, note policies, procedures, etc., reviewed with operator. Never state “no action taken.” Documented information should always include initials and dates. 	<p>No violations found with any of the complaints reviewed. However, no evidence of policies, procedures, etc., reviewed with operator. Multiple files reviewed contained the statement “no action taken,” inconsistent with procedures. Complaint documentation was initialed in three of the four reviewed.</p>

Based on the results of the complaint file review, PTD was not following its own Title VI procedures. Of greatest concern is the lack of documented review and oversight by city administrators, the Valley Metro CSA, and PTD staff of complaint investigations and determinations by contracted transit operators who were responsible for investigating complaints for which they were the subject of the complaint. Without adequate review and oversight by the city administrators, Valley Metro CSA, or PTD, potential conflicts of interest

created by PTD's procedures are unchecked and could affect complaint handling fairness, objectivity, and related compliance with Title VI.

Regarding the detailed complaint tracking procedure for conclusion of law (Step 6 in the table above), during the site visit, the review team cautioned PTD about allowing staff at any level to make conclusions of law if they are not trained in the law and accordingly qualified and credentialed.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, PTD must submit the following to the FTA Office of Civil Rights:

- Detailed oversight and monitoring procedures describing how PTD will ensure all stakeholders are fully implementing its established Title VI complaint procedures. The oversight and monitoring procedures must require documenting the satisfactory implementation and completion of all complaint tracking, investigation, and resolution procedural elements. In addition, the procedures must require and ensure that city administrators, the Valley Metro CSA, and designated PTD staff review and authorize the final determination, resolution, and closure of all complaints.
- Updated Title VI complaint procedures that either remove the requirement to make conclusions of law or add a statement that conclusions of law are only made by a qualified lawyer. PTD's updated Title VI complaint procedures must also be uploaded to its website.

6.5 Record of Title VI Investigations, Complaints, and Lawsuits

Requirement

FTA recipients must prepare and maintain a list of any active investigations (conducted by entities other than FTA), lawsuits, or complaints naming the recipients that allege discrimination based on race, color, or national origin. This list must 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 to the investigation, lawsuit, or complaint (FTA C 4702.1B, Chap. III-5, Sec. 7).

Discussion

During this review, deficiencies were found with this requirement. FTA also issued an advisory comment regarding this requirement. All Title VI complaints were identified as Title VI complaints by the complainant through PTD's or Valley Metro's Title VI complaint form (hard copy or online) and accordingly recorded in CAS. PTD provided a list of Title VI investigations, complaints, and lawsuits in its 2018 Title VI Program, as well as separate reports from its CAS of investigations, lawsuits, and complaints for its fixed-route (PTD and Valley Metro), light rail, trolley and circulator, and paratransit services. The CAS reports included the Title VI investigations, complaints, and lawsuits received since the submission of the 2018 Title VI Program. PTD reported no investigations, one lawsuit (filed on May 15, 2017 and dismissed on

February 6, 2018), and 86 complaints received between November 2015 and June 2018 in its 2018 Title VI Program. PTD reported 17 complaints received since the submission of its 2018 Title VI Program in November 2018.

In its 2018 Title VI Program, PTD stated that it received no investigations, a short narrative description of the one lawsuit it received during the reporting period, and a table listing the 86 complaints received during the reporting period. PTD's table did not include the following required elements: the date the investigation, lawsuit, or complaint was filed (PTD reported the incident date, not the filing date); a summary of the allegation(s); or the status of the investigation, lawsuit, or complaint. The reports generated from CAS and provided as a supplement to the 2018 Title VI Program included all required elements, demonstrating PTD's ability to produce the required reporting in its future Title VI Programs.

As a related matter, PTD's reports of investigations, lawsuits, and complaints for its fixed-route (PTD and Valley Metro), light rail, trolley and circulator, and paratransit services produced from its CAS showed that transit operators responsible for investigating complaints filed against them determined whether complaints were "valid." Included in each report was a column labeled "Valid," and for each complaint in the report, "Yes," "No," or "Undetermined" was entered into the "Valid" column. However, nowhere in PTD's procedures, in staff training materials presented during the review, or elsewhere does PTD describe or provide guidance to complaint investigators and others on what constitutes a valid Title VI complaint. By not doing so, determinations of validity are without standard and subject to the interpretation of the investigator. This lack of standardization is compounded when there is a lack of investigator oversight. For example, in the report "CAS AD Hoc Title VI Complaints EV First Transit 01-01-17 thru 01-05-20," complaint 352343 contained the following customer comment:

We are not treated equal and the roles are reversed. I got on the bus and the bus driver told me to go to the back of the bus. Then he told me to sit down. Then he told me to shut up. This is America and I told him that. He therefore stopped the bus and told me to get off. Where does it say that the bus driver can tell you to sit down or shut up? I told him that I am not getting off until he talks to a supervisor. He told me that he will call the police. I want the driver's name and employee number and what location that he works at so that I can have him served because I am suing him for discrimination.

This is all because I am not black like him. Then the supervisor got nasty with me but they were black too and treated me bad. Then a man who was also black and he was real nice. I didn't say anything wrong but told them that this is America and I have a right to tell people that they are disrespecting me. I want the film pulled and recorded. I am disabled.

The investigator's response for this same complaint was as follows:

Block 4026 Run 4061 Bus 6603 Departs Mill and Baseline N/B at 4:14 pm to be at Mill and Broadway at 4:22 pm. Research finds that the listed location was serviced, however unable to confirm or deny the customers statement.

Operator denies this report and states that he treats all his customers with the courtesy and respect they deserve.

The investigator determined this complaint to be valid.

In the report “CAS AD Hoc Title VI Complaints First Transit 01-1-17 thru 01-05-20,” complaint 327662 contained the following customer comment:

This bus driver is racist towards Hispanics & disabled. He purposely leaves Hispanics behind and disabled people. I was waving this driver down at this stop for the past week and the driver passes me up with an empty bus. He's very rude and disrespectful to disabled persons and Hispanics on his bus. He doesn't care if people turn him in. He only allows me to board the bus when there is a group of people who are mixed races, he then passes up Hispanics along the route on purpose.

The investigator's response for this same complaint was as follows:

Block 2168 Bus 3005 departs 83rd Avenue and Osborn C/W at 1:18 pm to be at Desert Sky Transit Center at 1:31 pm. Complaint found to be invalid, no evidence of discrimination found.

The investigator determined this complaint to be not valid.

Without guidance on what is considered valid, it is unclear why the first complaint (352343) was determined valid and the second complaint (327662) was not. FTA C 4702.1B defines discrimination as “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.” In addition to the lack of oversight discussed above, the lack of a standard definition for what makes a complaint valid that is objectively applied by all Valley Metro stakeholders could result in findings of discrimination as defined by the Circular.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, PTD must submit the following to the FTA Office of Civil Rights:

- An updated list of Title VI investigations, complaints, and lawsuits that contains all required elements described in FTA C 4702.1B, Chap. III-5, Sec. 7. A current list of Title VI investigations, complaints, and lawsuits containing all required elements must also be included in the next Title VI Program.
- An updated Title VI Program that includes a standard definition for what makes a Title VI complaint valid and a description of how its trains all Valley Metro, Section 5307 subrecipients, operations contractors, and PTD customer service staff and related stakeholders on how to assess and make determinations of Title VI complaint validity. Alternatively, an updated Title VI Program that explicitly states that it bases its determinations on the results of its complaint investigations as borne out by the facts.

Advisory Comment

It is an effective practice to maintain and report investigations, lawsuits, and complaints in the same table or log, consistent with the example in FTA Circular 4702.1B, Appendix E.

6.6 Inclusive Public Participation

Requirement

FTA recipients must integrate the content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance into their public participation plan. This includes seeking out and considering the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. While what efforts are made are generally at the discretion of the agency, efforts to include minority and LEP populations in public participation activities can include comprehensive measures, as well as targeted measures to address specific barriers that may prevent minority and LEP persons from effectively participating in a recipient's decision-making process (FTA C 4702.1B, Chap. III-5, Sec. 8).

Discussion

During this review, no deficiencies were found with this requirement. In its 2018 Title VI Program, PTD described a public participation process implemented in coordination with its regional partner, RTPA, that includes strategies and opportunities for inclusive public participation pursuant to the requirements described in FTA C 4702.1B, Chap. III-5, Sec. 8. As described in its Title VI Program, PTD and Valley Metro (RPTA) staff engage in a formal process of review and meaningful public engagement when establishing new service, adjusting fares, making major service modifications, and suspending or eliminating bus routes. PTD's inclusive public participation plan includes, but is not limited to, the following public engagement activities relevant to the Title VI requirement:

- Public hearings
- Ads in newspapers (including minority newspapers)
- Website and social media
- Mobile device alerts
- Workshops and open houses
- Surveys
- On-board information
- Displays at transit centers
- Webinars
- Community fairs
- Focus groups

In addition, PTD uses the following strategies to meet Title VI public engagement requirements:

- Including information with meeting notices on how to request translation assistance
- Making extensive use of visualization techniques, including maps and graphics

- Conducting an ongoing dialogue with groups representing potentially underserved populations, such as the elderly, youth, and nonnative English speakers
- Notifying agencies that work with minorities and low-income populations of agency activities
- When multiple meetings are held for a single subject, making an effort to use a diversity of meeting locations to reach all segments of affected populations
- Distributing press releases to local media outlets to inform the public of meetings, open houses, and other PTD activities

PTD makes changes to its transit service every six months. Public engagement for all proposed semi-annual system service changes begins approximately six months in advance of the proposed change date, effectively affording the public early and ongoing opportunities to participate in PTD's planning process. The public engagement process includes implementing the measures listed above, and others. PTD also provided other means for ongoing public comment and input that were not associated with regularly scheduled semi-annual service change implementations. For example, PTD participated in community fairs organized by other local organizations and actively used and monitored its Facebook, Twitter, and Instagram accounts to engage and receive public comment. During the review, PTD provided numerous examples confirming implementation of its public engagement strategies and activities, including the following list of outreach activities:

Event	Date
Peoria Park-and-Ride Open House, Peoria Community Center (Calderwood Room)	Feb. 8, 2017
Public Hearing for Proposed 2017 October Service Changes	Mar. 15, 2017
50th Street Station Final Design Public Meeting	May 24, 2017
South Central Extension Meet-and-Greet Open House	Sept. 9, 2017
Tempe Streetcar Public Meeting	Sept. 13, 2017
Public Hearing for Proposed 2018 April Service Changes	Nov. 14, 2017
Tempe Streetcar Sync Open House	Jan. 18, 2018
South Central Design Update Public Meeting	Jan. 17 & 18, 2018
South Central Extension Community Office Opening – ribbon cutting	Feb. 26, 2018
Northwest Light Rail Extension Phase II Meet-and-Greet Open House	Mar. 14, 2018
South Central Extension Design Elements Workshop	Mar. 24; Apr. 4 & 18, 2018
South Central Extension Downtown Corridor	Apr. 26, 2018
October 2018 Proposed Service Change Webinar	May 9, 2018
Roosevelt School District – Community Fair	May 19, 2018
Public Hearing for Proposed October 2018 Service Change	May 22, 2018
Saturday Summer Fiesta on Central – South Central Light Rail Extension	June 9, 2018
Tempe Streetcar Final Design Open House	June 20, 2018
Saturday Streetcar Sync	Aug. 4, 2018
South Central Extension Salt River Bridge Artist Project Workshop	Aug. 9, 2018
South Central Light Rail Extension Community Meeting	Aug. 30; Sept. 4, 6, 12, 13, & 15, 2018
50th Street Station Public Meeting	Oct. 1, 2018
Northwest Phase II Extension Environment Assessment & Project Update Public Meeting	Oct. 4, 2018
Streetcar Sync	Oct. 24 & Dec. 28, 2018; Feb. 22, 2019

South Central Light Rail Extension – Downtown Hub	Oct. 30, 2018
SCE – Pioneer, Broadway, Roeser, and Southern Stations Art Meetings	Nov. 7, 2018
Tempe Streetcar Construction Safety Open House	Nov. 8, 2018
SCE – Lincoln and Buckeye Station Art Meeting (two locations)	Nov. 8, 2018
Public Hearing for Proposed Changes for April 2019	Nov. 14, 2018
Fiesta District Alternatives Analysis Open House Meeting	Nov. 14, 2018
Valley Metro Public Hearing – Proposed Changes to Mesa Paratransit	Jan. 29, 2019
South Central Extension Design Meeting	Feb. 9 & 11, 2019
Tempe Streetcar Sync	Mar. 7; Apr. 4 & 30; May 14, 2019
SCE – Lincoln and Buckeye Station	Mar. 26, 2019
SCE – Baseline Station and Canal Bridge	Mar. 27, 2019
Tempe Streetcar Downtown Mill Avenue – Public Meetings	Apr. 15; May 2, 7, & 23; June 4 & 17; July 11 & 23, 2019
October 2019 Proposed Service Changes Webinar	May 15, 2019
Gilbert Road Extension Opening Celebration	May 18, 2019
Public Hearing on Proposed October 2019 Service Change	May 21, 2019

Examples of PTD’s use of social media to provide opportunities for public input into service planning are as follows:

Period	Transcript	PowerPoint	Flyers and Materials	Service Change Period	Social Link
Spring 2017	Missing	Y	Y	April 2017 Effective	https://twitter.com/valleymetro/status/855135269170884609
Fall 2017	Y	Y	Y	October 2017 Effective	https://www.instagram.com/p/BaIE TxnnFbv/
				October 2017 Effective	https://twitter.com/valleymetro/status/920728278255783937
Spring 2018	Y	Y	Y	April 2018 Effective	https://www.instagram.com/p/BhXc rbkjMvz/
				April 2018 Effective	https://www.facebook.com/valleymetro/photos/a.89076103185/10156145007193186/?type=3& tn =-R
				April 2018 Effective	https://twitter.com/valleymetro/status/987460942421286913
				October 2018 Proposed	https://twitter.com/valleymetro/status/927986122298417154
Fall 2018	Y	Y	Y	October 2018 Effective	https://www.instagram.com/p/Bo9-p0SBL03/
				October 2018 Effective	https://www.facebook.com/valleymetro/photos/a.89076103185/10156565825748186/?type=3& tn =-R
				October 2018 Effective	https://twitter.com/valleymetro/status/1051895085921529856
				April 2019 Proposed	https://www.instagram.com/p/BqKv mkhFSNP/

Period	Transcript	PowerPoint	Flyers and Materials	Service Change Period	Social Link
				April 2019 Proposed	https://www.facebook.com/valleymetro/insights/?section=navPosts
				April 2019 Proposed	https://twitter.com/valleymetro/status/998949277547327488
Spring 2019	Y	Y	Y	April 2019 Effective	https://www.facebook.com/valleymetro/photos/a.10151953961843186/10156978472948186/?type=3&tn=-R
				April 2019 Effective	https://www.instagram.com/p/BwUq15SFqJ/
				April 2019 Effective	https://twitter.com/valleymetro/status/1118575887585165312
				October 2019 Proposed	https://twitter.com/valleymetro/status/1062110410214699008
				October 2019 Proposed	https://www.instagram.com/p/Bw975TJf u/
				October 2019 Proposed	https://www.facebook.com/valleymetro/photos/a.89076103185/10156656901863186/?type=3&theater
Fall 2019	Y	Y	Y	October 2019 Effective	https://www.facebook.com/valleymetro/posts/10157448562228186
				October 2019 Effective	https://www.instagram.com/p/B4FgQqtnmAP/
				October 2019 Effective	https://twitter.com/valleymetro/status/1186699042933239808
				April 2020 Proposed	https://twitter.com/valleymetro/status/1123279788141977600
				April 2020 Proposed	https://www.instagram.com/p/B5icpbVH8Zz/
				April 2020 Proposed	https://www.facebook.com/valleymetro/posts/10157531403728186
				April 2020 Proposed	https://twitter.com/valleymetro/status/1193574159651082240

Examples of PTD's participation in local community events at which PTD disseminates information to and collects feedback and comments from the public are as follows:

Date	Event	Location	Description
Oct. 29, 2019	Scare Fair	Desert West Community Center 6501 W. Virginia Ave, PTD, AZ 85035	In attendance: PHXteens Mobile Recreation and Girl Scouts of the United States of America
Sept. 28, 2019	The 2019 PTD Fantastical Festival	100 W. Washington Ave PTD, AZ	Benefiting: Breaking Down Barriers to Early Childhood School Success, Back to School Clothing Drive
Aug. 7, 12, & 14, 2019	Heat outreach	Central Station, 1st Ave and Van Buren, PTD, AZ 85003	Handed out water to riders, encouraged riders to stay hydrated.

Date	Event	Location	Description
		Sunnyslope Transit Center, 3rd St & E Dunlap Ave, PTD, AZ 85020 Various routes, including Route 0, 7, and 29	
May 23, 2019	City of Phoenix Public Works Showcase Public Event	Downtown PTD – City Hall	Various City of Phoenix departments including Public Transit showcased their programs and equipment. Community members were able to learn what the city does and had the opportunity to interact with some of the equipment operators.

Finally, during the site visit, PTD provided examples of the following:

- Service change comment cards in English and Spanish distributed at outreach events and at transit facilities
- Fliers and posters announcing public input opportunities and meetings
- February 2019 public meeting newspaper notices (ad copy and receipts) published in the *Arizona Informant* (African American newspaper) and *Prensa Hispana* (Spanish language newspaper).

Corrective Actions and Schedules

FTA requires no corrective actions for the Inclusive Public Participation requirement at this time.

6.7 Language Access to LEP Persons

Requirement

FTA recipients must take responsible steps to ensure meaningful access to benefits, services, information, and other important portions of its programs and activities for individuals who are limited English proficient (LEP). Language access to LEP persons is not limited to only fixed-route services, but will also include paratransit service and any other demand-responsive services the grantee makes available to the public. Recipients must use the information obtained in the four-factor analysis to determine the specific language services that are appropriate to provide (FTA C 4702.1B, Chap. III-6, Sec. 9).

Discussion

During this review no deficiencies were found with this requirement. FTA issued advisory comments regarding this requirement. PTD included a detailed description of the language assistance requirements in the main body of its Title VI Program, incorporating by reference the details and results of its LEP four-factor analysis and Language Assistance Plan (LAP) located in Appendix B of its program. PTD was advised that it was unnecessary to include, or otherwise regurgitate, a description of the language assistance requirements in the main body of its program. Instead, PTD should only include the contents of Attachment B, as those contents are the sum and substance of how PTD satisfied the language assistance requirements. By

including the contents of Attachment B in the main body of its Title VI Program in future submittals, it will eliminate the need for a separate attachment. Additional advisory comments are included in the subsections below. The following table summarizes the findings:

Elements Required for Four-Factor Analysis and LAP (per FTA Circular 4702.1B)	Included in Title VI Submittal?
Part A – Results of four-factor analysis	
Demography – Number or proportion of LEP persons eligible to be served or likely to be encountered	Yes*
Frequency of contact – Frequency with which LEP individuals come into contact with program	Yes
Importance – Nature and importance of program, activity, or service to people’s lives	Yes
Resources – Resources available and costs of outreach	Yes
Part B – Develop Language Assistance Plan	
Identify LEP persons	No*
Develop language assistance measures	Yes
Identify vital documents/prioritize vital documents	Yes
Provide notice to LEP persons of availability of services	Yes*
Train staff to provide timely and reasonable language assistance to LEP population	Yes
Monitor, evaluate, and update LAP	Yes

* Advisory comments made

Description of PTD’s Four-Factor Analysis

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

PTD defined its service area as 1/2 mile around all fixed routes for its LEP four-factor analysis. In determining the number or proportion of LEP persons, PTD evaluated language data from the 2000 U.S. Census as a baseline to determine the change in LEP populations over time. PTD used 2013 and 2016 American Community Survey (ACS) data from the U.S. Census Bureau to determine current LEP populations. According to Table 4 of its 2018 Title VI Program, PTD’s service area had an overall LEP population of 330,125, or 11.2 percent of the total population 5 years and older (2016 ACS data). However, it was noted during the site visit that for Table 5, PTD used a service area definition of 1/4 mile around all fixed routes rather than a 1/2 mile, which resulted in an underrepresentation of LEP persons in the data. Based on PTD’s service area definition, Table 5 shows the total LEP population as 330,125; in Table 7, PTD shows the total LEP population as 338,335. Table 7 included 2016 ACS data based on a service area definition of 1/2 mile around all fixed routes, and it is on these data that PTD determined what language assistance it would provide. (PTD also used the 1/4-mile service area definition and related data in Table 4 and Figure 3 of its Title VI Program.)

Based on the data in PTD’s Table 7, 12 LEP language groups exceeded the safe harbor threshold. The top six languages by population are as follows:

Language	LEP Persons
Spanish	262,216
Chinese (Mandarin and Cantonese)	10,165
Vietnamese	9,287
Arabic	6,283

Tagalog	4,512
Korean	2,636

Table 7 included other aggregated language groups, as follows:

Language	LEP Persons
Other Indo European	10,057
Other Asian Pacific Island	8,210
Other Languages	7,899
Russian, Polish, or Other Slavic	5,559
German or Other West Germanic	1,196

PTD was advised to ensure it uses the same service area definition when analyzing and identifying the LEP populations in future LEP four-factor analyses. The review team also suggested that PTD evaluate local school system English as a Second Language data when conducting future analyses to determine if there are LEP persons in its service area who are not accounted for in the U.S. Census data.

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

PTD implemented several measures consistent with DOT LEP guidance to analyze the frequency with which LEP persons come into contact with its transit service. PTD evaluated the following:

Data Analyzed	Results/Conclusions
Transit Employee Survey Results	Transit staff reported the LEP persons they encountered primarily spoke Spanish (88 percent), French (8 percent), and Russian (4 percent). French- and Russian-speaking LEP persons were encountered less than once a month. Spanish-speaking LEP persons were encountered daily.
Customer Service Interactive Voice Response (IVR) Call Log	PTD's IVR system allows Spanish-speaking callers to be transferred to a bilingual representative. IVR call logs analyzed by PTD showed that out of the 1,099,546 calls logged, callers selected the Spanish option 68,167 times (or 6.2 percent).
Transit Education Program Participation	PTD described the Transit Education Program but did not provide LEP participant data.
Valley Metro Website Translation Data	PTD reported that 99.23 percent of all website visits were not translated, and 0.42 percent were translated into Spanish, Chinese (0.11 percent), Japanese (0.06 percent), French (0.04 percent), German (0.03 percent), and all other languages (0.04 percent).

Based on its analysis, PTD concluded the following:

The Factor 2 analysis revealed that there is regular contact between the LEP population and Valley Metro personnel. The Transit Employee Survey conducted revealed that 70% of all respondents had encountered an LEP person; of those who had encountered a request for assistance in another language, 88% of respondents reported requests for Spanish. The Customer Service Call Log, though limited,

showed that a mere 6% of customers utilized one of the six Spanish options. Information from the Transit Education team qualitatively identified Spanish as the main language group. Finally, translation data from the Valley Metro website indicated 0.77% of sessions were translated; approximately half of which were translated to Spanish. The website was translated to 36 different languages. Overall, there is broad diversity within the PTD region that accesses regional transit services; however, these are predominately English- and Spanish-speaking individuals.

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

PTD recognized its services were important to its riders for getting to and from work, school, medical appointments, recreation, and shopping. PTD identified through community outreach that trip planning and system map information, on-board messaging, transit service information, ticket-vending instructions, emergency notifications, and information about provisions for persons with disabilities were most important to its riders.

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

PTD identified and evaluated the costs associated the translation of materials; LEP-related printing, advertising, and other marketing costs associated with all of its services; interpretation services; and staff costs associated with the implementation of its LAP. PTD stated that most costs associated with the provision of language assistance are included in project budgets. PTD also identified efforts made to evaluate and maximize the cost-effectiveness of its available language assistance measures. For example, in its planning and budgeting process, PTD factored in the availability of bilingual staff able to reduce third-party interpreter costs. PTD also included a discussion in its four-factor analysis about projected costs associated with language assistance measures it considered implementing (e.g., expanded use of pictograms and graphic symbols).

Language Assistance Plan

PTD's compliance with FTA Circular 4702.1B(III)(9)(b) LAP requirements is described by requirement, as follows:

Include the results of the four-factor analysis, including a description of the LEP population(s) served.

PTD summarized the results of each factor of its four-factor analysis within its four-factor analysis and described the LEP populations it served in Factors 1 and 2 of its LEP four-factor analysis. However, PTD did not include a combined summary in its LAP. PTD was advised to include the required summary of results and LEP population description in its next Title VI Program submission.

Describe how the recipient provides language assistance services by language.

PTD included the following list of language assistance measures in its LAP:

- Bilingual customer service representatives fluent in English and Spanish
- Translation of vital documents (i.e., list serve messages; service change materials; Title VI complaint forms, policies, and procedures; schedules, maps, and ride and destination guides; and route scouts), signage, notices, surveys, press releases, and applications (e.g., ADA paratransit)
- Fare vending machines with Spanish language and Braille capability
- Interactive Voice Response system with Spanish-speaker option
- Interpreters (language and sign language)
- Google website translation

PTD was advised to identify language assistance measures available to non-Spanish LEP persons, as required and per the results of its four-factor analysis, in all future LAPs.

Describe how the recipient provides notice to LEP persons about the availability of language assistance.

In the main body of its 2018 Title VI Program, PTD included the following statement:

Any person requesting language assistance should contact the city of Phoenix Public Transit Department. All correspondence should be addressed to:

*ATTN: Title VI /ADA Coordinator
City of Phoenix Public Transit Department
302 N. First Ave., Ste. 900
PTD, AZ 85003
(602) 262-7242 (phone)
(602) 495-2002 (fax)
pubtrans@PTD.gov
www.PTD.gov/publictransit*

Although the Title VI Program is available for download on PTD's website, someone interested in requesting language assistance should not have to download the entire Title VI Program to locate this information. This statement does not appear on PTD's Title VI Notice to Beneficiaries and could not be located elsewhere on PTD's website.

PTD included the following statement in its LAP in Attachment B at the end of the section on LEP measures:

Notices to the public of language assistance measures are typically provided side-by-side an English version of the document. For example, Ride Guide documents are provided in both English and Spanish and are available together wherever disseminated. Where available, documents are commonly printed on both sides with an English version and a Spanish version on each side of the paper. When calling into the customer service line, the interactive voice response system will ask if Spanish is the preferred language automatically prior to being connected with a representative.

This information is inconsistent with the information included in the main body of PTD's Title VI Program and does not provide information on how to request language assistance. In addition, this information only addresses provisions for Spanish-language assistance. Although PTD's LEP four-factor analysis indicated that Spanish-speaking LEP persons were most likely to be encountered and need language assistance, other non-Spanish-speaking LEP persons in language groups exceeding the safe harbor threshold, and who according to PTD's LEP four-factor analysis were encountered by PTD staff, could need language assistance. Accordingly, PTD was advised to ensure it provides notice to all riders about the availability of the language assistance it provides and instructions on how to request language assistance. At a minimum, PTD provides website translation in languages other than Spanish and should provide notice to that effect. Moreover, if PTD provides interpreter services to non-Spanish-speaking persons (e.g., Chinese-, Russian-, Haitian-, or French-speaking LEP persons) upon request, PTD should provide notice and instructions on how to make such a request. PTD was advised to include instructions on how to request language assistance in its Title VI Notice to Beneficiaries posted on its website and throughout its transit system.

Unlike other required LAP elements, PTD did not address this requirement as a distinct element, separated and identified by a heading within its LAP. For consistency, and to ensure this requirement is addressed in all future Title VI Program submissions, it was suggested that PTD create a heading for this element in its LAP and include its response to this requirement underneath the heading.

Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

During the site visit and in its LAP, PTD described how staff training on the provision of language assistance was incorporated in general new hire and periodic continuing training. Additional staff training occurs during training for specific positions that require frequent public engagement (i.e., vehicle operators, operations supervisors, dispatchers, customer service representatives, and public outreach staff). According to PTD's LAP, front line staff are trained on the following:

- *Type of language services available,*
- *How staff and/or LEP customers can obtain these services,*
- *How to respond to LEP callers,*
- *How to respond to correspondence from LEP customers,*
- *How to respond to LEP customers in person, and*
- *How to document LEP needs.*

Describe how the recipient monitors, evaluates, and updates the language access plan.

PTD stated during the review that it conducts a four-factor analysis every three years in advance of, and in preparation for inclusion in, its triennial Title VI submission. The results of each four-factor analysis inform whether PTD makes changes to its LAP and what changes are made, if any. In its LAP, PTD stated that it will evaluate and update its LAP triennially after conducting a four-factor analysis. It also included activities it did or may do over the course of

the triennial period to monitor LAP effectiveness and whether changes were necessary. Some of these monitoring efforts included analyzing demographic shifts when conducting service changes and soliciting ongoing input through community outreach efforts. PTD incorporated the results of its ongoing monitoring efforts in the four-factor analysis it conducts toward the end of the triennial period.

Advisory Comments

It is an effective practice to:

- Include a detailed description of how PTD meets the language assistance requirements in its Title VI Program, while limiting the amount of restatement or regurgitation of the requirements language found in FTA Circular 4702.1B.
- Ensure the same service area definition is applied to all LEP population evaluation methods in future LEP four-factor analyses.
- Consider looking beyond the U.S. Census to obtain data on the number of LEP persons in the service area from local sources, such as the City of Phoenix or Maricopa County Public Schools and the Maricopa County Department of Public Health Administration, to confirm or more accurately report on the number and proportion of LEP persons in the service area.
- Ensure all required elements are separated and identified by a heading when addressing within the LAP.
- Notify the public of available language assistance and provide information on how to request language assistance in its Title VI Notice to Beneficiaries.

6.8 Minority Representation on Planning or Advisory Bodies

Requirement

FTA recipients may not deny an individual the opportunity to participate as a member of a transit-related, nonelected planning, advisory, committee, or similar body, on the basis of race, color, or national origin. FTA recipients must provide a table depicting the racial breakdown of the membership of those committees, and a description of the efforts made to encourage the participation of minorities on such committees (FTA C 4702.1B, Chap. III-9, Sec. 10).

Discussion

During this review, no deficiencies were found with this requirement. An advisory comment, however, was made regarding this requirement. In its 2018 Title VI Program, PTD reported that it had only one nonelected transit-related committee, the Citizens' Transportation Commission (CTC). To ensure accountability, the PTD Transportation 2050 transportation improvement initiative required the 15-member CTC to represent various facets of the community and oversee the City's transportation improvement plan. The CTC addresses street and transit needs, provides oversight on the expenditure of funds, and makes recommendations on plan

elements and other means of generating revenue for the plan going forward. CTC members are appointed by the mayor and city council members.

The demographics of the CTC as reported by PTD are as follows:

Advisory Body	Number					Percentage			
	Total	Black	Hispanic	Asian	Not Disclosed	Black	Hispanic	Asian	Total Minority
Citizens Transportation Commission	15	1	3	0	4	6%	20%	0%	26%

Notwithstanding the four CTC members whose race is unknown, PTD's nonelected advisory body does not appear to reflect the demographics of its service area with respect to PTD's Hispanic and Asian populations. According to the U.S. Census July 1, 2019 population estimates, PTD's Hispanic and Asian populations are 42.6 percent and 3.7 percent, respectively. In Maricopa County the Hispanic and Asian populations are 31.3 percent and 4.6 percent, respectively. According to PTD's 2019 Origin and Destination Study Final Report, the Hispanic and Asian populations in Valley Metro's service area are 27.24 percent and 4.02 percent, respectively.

Although PTD described in its 2018 Title VI Program how CTC members were appointed, it did not describe the efforts made to encourage the participation of minorities on the commission. During the site visit, PTD staff sought guidance on how to encourage representation on the CTC that more closely reflects its service area demographics. PTD transit staff were advised to engage the mayor and council members' offices to raise awareness about the requirement described in FTA C 4702.1B, Chap. III-9, Sec. 10 and to request a description of efforts made by each office to encourage minority participation in the CTC. PTD transit staff was further advised to document its engagement with each office and to include any efforts received in response to its requests in its next Title VI Program.

Advisory Comment

It is an effective practice to document efforts to encourage minority participation on nonelected planning or advisory bodies and to include a description of such efforts in all Title VI Program submittals.

6.9 Monitoring Subrecipients and Providing Assistance to Subrecipients

Requirement

Primary recipients must assist their subrecipients in complying with DOT's Title VI regulations, including the general reporting requirements. Primary recipients must provide to the subrecipients, at a minimum, the documents required by FTA C 4702.1B, Chap. III-10, Sec. 11.

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. This includes documenting a process for ensuring all

subrecipients are complying with Title VI Program requirements and collecting and reviewing the Title VI Programs of subrecipients (FTA C 4702.1B, Chap. III-10, Sec. 12).

Discussion

During this review, no deficiencies were found with this requirement. An advisory comment, however, was made with this requirement. PTD reported 10 Section 5307 subrecipients and 50 Section 5310 subrecipients during the review period. In addition to receiving Section 5307 and/or Section 5310 program funds, some subrecipients also received Section 5309 and Section 5337 program funds. PTD received two findings related to subrecipient oversight and monitoring in its FY 2018 Triennial Review. FTA closed both findings after PTD implemented corrective action to collect and review subrecipient Title VI Programs for compliance and implementation.

PTD's corrective actions included the development of enhanced subrecipient monitoring procedures. Prior to 2019, PTD collected subrecipient Title VI Programs but could not provide documentation confirming it reviewed the plans for required compliance and implementation or that it had a process in place to do so. In addition, PTD's subrecipient monitoring review process was lacking. For example, the subrecipient checklist used by PTD during its conduct of subrecipient reviews included only two questions related to the receipt and reporting of Title VI complaints. Beginning in 2019, PTD developed and implemented procedures for subrecipient Title VI oversight that include a carefully developed cycle of annual subrecipient engagement and program compliance review, as follows:

Cycle 1: January 2020 – December 2020	
<i>Subrecipient Training and Kickoff Meeting</i>	<i>Once Annually – January of each year</i>
<i>Subrecipient Title VI Draft Due</i>	<i>90 days prior to plan expiration date</i>
<i>Comments provided back to recipients from the City of Phoenix</i>	<i>Within 30 days</i>
<i>Subrecipients provide Final Title VI Plan with Board approval</i>	<i>Varies depending on plan expiration</i>
<i>City of Phoenix to complete concurrence and plan review assessment</i>	<i>Within 30 days after final submission</i>
<i>Annual Title VI Reporting form</i>	<i>Once Annually – October 15th each year (target date)</i>

In addition, PTD increased the number of Title VI questions from two to 14 (35 when counting subquestions) on the subrecipient oversight questionnaire/checklist used by PTD program staff when conducting subrecipient oversight reviews. Since its FY 2018 Triennial Review, PTD also developed and implemented subrecipient Title VI Program compliance self-assessments and a risk-management methodology used by PTD program management to identify high-risk subrecipients. Finally, PTD has added more staff resources to its subrecipient oversight function, including the hiring of a new Transit Compliance Administrator.

Prior to the site visit, the review team reviewed 58 subrecipient websites for required Title VI information. Two Section 5307 subrecipients did not have a Title VI Notice to Beneficiaries posted on their websites; however, visitors to these websites were referred to the Valley Metro website for Title VI information. Thirteen Section 5310 subrecipients were missing Title VI notices and a mix of 13 Section 5307 and 5310 subrecipients had Title VI notices that were noncompliant in that they were missing required elements or included classes that were not protected by Title VI (e.g., disability). The review team shared the results of its subrecipient website review with PTD during the site visit. It was noted by the review team that all subrecipients reviewed by PTD since it implemented its new oversight procedures had the required Title VI notice posted on their websites.

PTD provided the following subrecipient technical assistance during the review period:

Date	Training	Training Topics
2/1/2017	Regional 5310 Grant Workshop	Program Overview, Maps with MAG Interactive Mapping, Application & Handbook Review
10/4/2017	5310 Subrecipient Post-Award Training	Grant Management, Operations & Maintenance, Federal Compliance, Title VI and ADA
1/30/2018	Regional 5310 Grant Workshop	Program Overview, Maps with MAG Interactive Mapping, Application & Handbook Review
11/13/2018	5310 Subrecipient Post-Award Training	Grant Management, Operations & Maintenance, Federal Compliance, Title VI and ADA
1/29/2019	Regional 5310 Grant Workshop	Program Overview, Maps with MAG Interactive Mapping, Application & Handbook Review
1/9/2020	5310 Subrecipient Post-Award Training	Grant Management, Operations & Maintenance, Federal Compliance, Title VI and ADA

In addition to providing technical assistance to subrecipients when conducting subrecipient oversight reviews, PTD maintains a subrecipient resources page on its website (<https://www.PTD.gov/publictransit/subrecipient-resources>) where it makes available the following Title VI technical assistance resources:

- Title VI Program
- Title VI Program Template
- Title VI Annual Reporting
- Subrecipient Title VI Program Requirements
- FTA Title VI Requirements in FTA C 4702.1B

Advisory Comment

It is an effective practice to review all subrecipient websites to confirm all subrecipients are complying with FTA Circular 4702.1B(III)(A)(1-3) and related Title VI notice distribution requirements. PTD should immediately conduct its review and correct any issues of noncompliance.

6.10 Determination of Site or Location of Facilities

Requirement

FTA recipients must 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. A recipient must also engage in outreach to persons potentially impacted by the siting of facilities. The analysis must compare the equity impacts of various siting alternatives and must occur before the selection of the preferred site (FTA C 4702.1B, Chap. III-11, Sec. 13).

Discussion

During this review no deficiencies were found with this requirement. Based on information provided by PTD for this review, discussions with PTD during the site visit, and a review of its projects in TrAMS, PTD did not have any facility projects planned or constructed during the past three years that would require a Title VI equity analysis. In its 2018 Title VI Program, PTD included the following statement:

In determining the site or location of facilities, the City will not make selections with the purpose or effect of excluding persons from, or denying benefits of, or subjecting them to discrimination with regard to race, color or national origin following the guidance provided in the Circular 4702.1B, Chapter III, Section 13 – Determination of Site or Location of Facilities.

During the site visit, the review team discussed the requirements for conducting equity analyses described in FTA C 4702.1B, Chap. III-11, Sec. 13.

Corrective Actions and Schedules

FTA requires no corrective actions for the Determination of Site or Location of Facilities requirement at this time.

7. Fixed-Route Transit Provider Findings and Advisory Comments

7.1 Systemwide Service Standards and Policies

Requirement

FTA recipients that provide fixed-route service must 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 (FTA C 4702.1B, Chap. IV-4, Sec. 4).

Discussion

During this review deficiencies were found with this requirement. Advisory comments were also made regarding this requirement. PTD's systemwide service standards and policies with comments are as follows:

Systemwide Service Standards for Regional Bus Service

Vehicle Load

Service	Peak	Off Peak
Local Fixed Route	1.5	No service standard
Commuter Express/RAPID Service/Limited Stop Peak	1.5	No service standard
Community Circulator	1.35	No service standard
Rural Connector	1.18	No service standard

PTD must develop and implement vehicle load standards for off peak service.

PTD based the vehicle load standards for its local fixed-route and commuter express/RAPID service/limited-stop peak services on the vehicles' maximum total capacity. For example, when applying a vehicle load standard of 1.5 to vehicles with 36 seats, the result is 54 riders (36 seated riders and 18 standees). As reported by PTD, these same vehicles have a maximum capacity of 54 riders. Because the standard results in a ridership equal to the vehicles' maximum capacity, technically the standard will never be exceeded (i.e., you cannot technically get more riders on the vehicle than the vehicle is reported to accommodate). If the standard cannot be exceeded, then monitoring for vehicle load disparities between minority and nonminority routes against the standard will not be useful in determining whether disparities exist. PTD was advised to modify its vehicle load standard to be consistent with common

industry practice (e.g., 1.2) or some other rationale that does not result in its vehicle load standard being equal to a vehicle's maximum total capacity.

Vehicle Headways

Service Type	Minimum Headway or Daily Trips	Minimum Span (Week/Sat/Sun)	Minimum Operating Days
Rural Connector	4 trips inbound/4 trips out bound	NA	Mon–Fri
Community Circulator	30 min	12 hrs/0 hrs/0 hrs	Mon–Fri
Local Bus	30 min*	16 hrs/14 hrs/12 hrs	Mon–Sun
Key Local Bus	15 min peak/30 min base*	16 hrs/14 hrs/12 hrs	Mon–Sun
Limited Stop Peak	4 trips AM/4 trips PM	NA	Mon–Fri
Limited Stop All Day	Headways same as LRT	16 hrs/14 hrs/12 hrs	Mon–Fri
Commuter Express	4 trips AM/4 trips PM	NA	Mon–Fri
Light Rail Transit	12 min peak/20 min base	18 hrs/14 hrs/12 hrs	Mon–Sun

NA = not applicable.

*60 min early morning and late night.

PTD implemented compliant vehicle headway standards.

On-Time Performance

PTD implemented a compliant on-time performance standard of 90 percent (within 0–5:59 minutes past scheduled time).

Service Availability

- Local Bus and Key Local Bus: 1/4 mile. Where development patterns are of higher or lower density than typical within the region, an exception to the recommended stop spacing standard may be warranted.
- Limited Stop Peak and Limited Stop All Day: 1 mile. Where development patterns are of higher or lower density than typical within the region, an exception to the recommended stop spacing standard may be warranted.
- Express/RAPID Service: No more than four inbound Express bus stops. Outbound Express/RAPID stops behave more like a local service and will pick up or drop off passengers more frequently.
- Community Circulator Service: Bus stops within the designated stop area of each circulator route are placed no more than 1/4 mile apart. In the flag stop zone area of each circulator route, passengers can be picked up anywhere along the route.

PTD's service availability standards for local bus, key local bus, limited stop peak, and limited stop all-day services allowed for exceptions to the established standards based on density, which effectively makes these service standards, service policies. All service standards should be objectively quantifiable. Accordingly, rather than have one service availability standard for

these services, PTD was advised to establish and apply different service availability standards to different areas of density. For example, PTD could establish area categories defined by density (e.g., low, average, and high density) and then apply different service availability standards to each category.

Systemwide Service Policies for Regional Bus Service

Vehicle Assignment

The average age of the vehicles assigned to any bus depot will not exceed 12 years.

PTD’s vehicle assignment policy is based on the vehicle useful life threshold of 12 years and should be based on the average age of its entire fleet. No bus depot should have an average vehicle age exceeding that of the entire fleet.

Distribution of Transit Amenities

Shelters are eligible for placement at bus stops with 50 or more boardings per day.

In its FY 2018 Title VI Program, PTD established the above service policy for the placement of shelters. However, it did not have systemwide service policies for the placement of other amenities (e.g., benches, bike racks, and kiosks). PTD must develop systemwide service policies for all transit system amenities.

Systemwide Service Standards for Light Rail Service

PTD’s subrecipient, VMR/RPTA (Valley Metro), operated the light rail service in Maricopa County and, therefore, was responsible for developing the following systemwide service standards. As the primary recipient, PTD is responsible for ensuring VMR/RPTA’s (Valley Metro) service standards comply with the requirements described in FTA C 4702.1B, Chap. IV-4, Sec. 4.

Vehicle Load

Service	Peak	Off Peak
Light Rail Peak (“comfortable accommodation”)	2.12	No service standard
Light Rail Peak (“maximum capacity crush factor”)	3.42	No service standard

Although light rail service was operated by PTD’s subrecipient, VMR/RPTA (Valley Metro), PTD must ensure VMR/RPTA (Valley Metro) establishes vehicle load standards for off-peak service.

Vehicle Headway

- Weekday peak: 12 minutes
- Weekday off peak and weekends: 12 minutes

On-Time Performance

Valley Metro's on-time performance standard for light rail service is 93 percent (within 0–5 minutes past scheduled time).

Service Availability

Light rail stations are placed approximately one mile apart. Where development patterns are of higher or lower density than typical within the region, an exception to the recommended stop spacing standard may be warranted.

Systemwide Service Policies for Light Rail Service

PTD's subrecipient, VMR/RPTA (Valley Metro), operated the light rail service in Maricopa County and, therefore, was responsible for developing the following systemwide service policies. As the primary recipient, PTD is responsible for ensuring VMR/RPTA's (Valley Metro) service policies comply with the requirements described in FTA C 4702.1B, Chap. IV-4, Sec. 4.

Vehicle Assignment

Valley Metro's light rail fleet consists of 50 vehicles of the same design, passenger load, amenities, and age.

Transit Amenities

Valley Metro makes the same amenities available at all stations. Amenities include shading and climate protection, seating, lighting, drinking fountain, trash receptacles, platform information maps, emergency call boxes, closed circuit television cameras, public address system/variable message boards, ticket-vending machines, and double-loading light rail station platforms (except where adequate pedestrian crossing is not available).

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, PTD must submit the following to the FTA Office of Civil Rights:

- Updated vehicle load standards for fixed-route bus service that include standards for off-peak service.
- Updated systemwide service policies for the distribution of all transit amenities.
- Confirmation that its subrecipient, RPTA, has established vehicle load standards for its off-peak light rail service.

Advisory Comments

It is an effective practice to:

- Establish a vehicle load standard for fixed-route bus service that is not based on the vehicle's total maximum capacity and is consistent with industry best practices.
- Establish different service availability standards for different areas of density.
- Establish a vehicle assignment policy that is based on the average fleet age and not on vehicle useful life standards.

7.2 Demographic Data

Requirement

FTA recipients that provide fixed-route transit and operate 50 or more vehicles in peak service and are located in a UZA of 200,000 or more in population must collect and analyze racial and ethnic data, as described in FTA C 4702.1B, Chap. IV-7, Part 5, to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.

Discussion

During this review, deficiencies were found with this requirement. An advisory comment was also made regarding this requirement. The following table summarizes the deficiencies:

Elements Required for Demographic Data (per FTA Circular 4702.1B)	Included in Title VI Submittals?
Base map of agency's service area that includes each Census tract or traffic analysis zone (TAZ), major streets, etc., fixed transit facilities, major activity centers or transit trip generators, and major streets and highways. This map shall overlay Census tract, block, or block group data depicting minority populations.	Partial
A map that highlights those transit facilities that were recently replaced, improved, or are scheduled (projects identified in planning documents) for an update in the next five years.	No
Demographic map that plots information listed in FTA C 4702.1B, Chap. IV-7, Part 5(a)(1) and also shades those Census tracts, blocks, block groups, TAZs, or other geographic zones where percentage of the total minority and low-income population residing in these areas exceeds the average percentage of minority and low-income population for the service area as a whole.	Yes (with errors)
A GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways.	Yes (with errors)
Chart for each Census tract or TAZ that shows actual numbers and percentages for each minority group within a zone or tract.	No
Information on the race, color, national, origin, English proficiency, language spoken at home, household income, and travel patterns for their riders using customer surveys, and fare usage by fare types for riders via a survey.	Yes

In its 2018 Title VI Program Update, PTD included the following demographic maps using data from the 2016 ACS five-year estimate:

- **Map 1. Maricopa County and Regional Fixed-Route Transit Service.** Displays all fixed bus routes and light rail transit service in the region.

- **Map 2. Maricopa County and Regional Fixed-Route Transit Service (Zoom View).** Displays a closer view of fixed-route transit service in the region.
- **Map 3. Regional Fixed-Route Amenities and Minority Population.** Displays a closer view of the minority population and their relation to regional transit system amenities, which include bus stops, light rail stations, park-and-ride facilities, operation facilities, and transit centers.
- **Map 4. Regional Fixed-Route Amenities and Low-Income Population.** Visually represents the low-income population and their relation to the regional transit system amenities, which include bus stops, light rail stations, park-and-ride facilities, operation facilities, and transit centers.
- **Map 5. Regional Fixed-Route Transit Service and Minority Population.** Displays the concentrations of minority population within the fixed-route transit service area by showing the census tracts that are below and above the route service area minority population average.
- **Map 6. Regional Fixed Routes and Low-Income Population.** Displays the concentration of low-income populations within the fixed-route transit service area by showing the census tracts that are below and above the route service area low-income population average.
- **Map 7. Regional Limited English Proficiency Population.** Displays the population within Maricopa County that speak English less than very well, per census tracts, and the fixed-route transit service area.

Collectively, Map 1, Map 2, and Map 3 partially satisfied the base map requirement in FTA Circular 4702.1B(IV)(5)(a)(1). These maps did not include major activity centers or transit trip generators.

Map 5 depicted census tracts where the percentage of the total minority population residing in these areas exceeded the average percentage of minority population for the service area as a whole. However, the percentage threshold representing the average minority population for the service area as a whole was inconsistent with the percentage thresholds reported by PTD in Table 3 – Minority and Low-Income Population Summary in its FY 2018 Title VI Program. In Table 3, PTD reported the average minority service area population to be 43.8 percent. Map 5 depicted census tracts where the minority population exceeded 45.3 percent. Map 6 depicted census tracts where the percentage of total low-income households in these areas exceeded 14.1 percent. The requirement in FTA Circular 4702.1B(IV)(5)(a)(2) is for the development of a map depicting low-income populations, not low-income households. In Table 3, PTD reported the average low-income service area population to be 27.3 percent.

As summarized in the table at the beginning of this section, PTD did not provide a map that showed major trip generators. PTD did not provide a map that highlighted transit facilities that were recently replaced or improved or were scheduled for an update in the next five years. PTD did not provide a chart for each Census tract or TAZ that shows actual numbers and percentages for each minority group within a zone or tract. PTD did report the results of a 2015 passenger survey that included information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns for their riders, and fare usage by fare types for riders.

For planning and public outreach purposes, it was suggested that PTD develop demographic maps that showed the distribution and concentration of individual minority groups (e.g., Black, Hispanic, and Asian).

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, PTD must submit to the FTA Office of Civil Rights demographic profile maps and charts, as required by FTA Circular 4702.1B(IV)(5)(a)(1-3), including a map that shows major trip generators; a map that highlights transit facilities that were recently replaced or improved or are scheduled for an update in the next five years; and a chart for each Census tract or TAZ that shows actual numbers and percentages for each minority group within a zone or tract. In addition, PTD must submit the results of its 2015 (or more recent) passenger survey that includes information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns for their riders, and fare usage by fare types for riders.

Advisory Comment

It is an effective practice to develop demographic maps that disaggregate service area minority populations.

7.3 Monitoring Transit Service

Requirement

FTA recipients must monitor the performance of their transit service relative to their systemwide service standards and service policies not less than every three years. Periodic service monitoring activities must be undertaken to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the end result of policies and decision making is equitable service. If recipient monitoring determines that prior decisions have resulted in disparate impacts, it shall take corrective action to remedy the disparities to the greatest extent possible, and discuss in its Title VI Program these disparate impacts and actions taken to remedy the disparities (FTA C 4702.1B, Chap. IV-9, Sec. 6).

Discussion

During this review no deficiencies were found with this requirement. An advisory comment, however, was made regarding this requirement. The PTD 2018 Title VI Program substantially addressed Title VI monitoring requirements, as described in the table below.

Elements Required for Monitoring (per FTA Circular 4702.1B)	Included in Title VI Submittals?
Transit providers shall use the minority transit route definition to implement this monitoring program. Transit providers shall select a sample of minority and nonminority routes from all modes of service provided. The sample shall include routes that provide service to predominantly minority areas and nonminority areas. Transit providers should bear in mind that the greater the sample size, the more reliable the results.	Yes (with errors and/or inconsistencies)
Transit providers shall assess the performance of each minority and nonminority route in the sample for each of the transit provider's service standards and service policies.	Yes
Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.	Yes
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.	Yes
Transit providers shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.	Yes
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.	No
Transit providers shall brief and obtain approval from the transit providers' policymaking officials, generally the board of directors or appropriate government entity responsible for policy decisions, regarding the results of the monitoring program.	Yes

According to its 2018 Title VI Program, PTD's most recent Title VI monitoring occurred in June 2018 and, prior to that, in April 2015. Table 6 – Sampled Route Performance in PTD's June 2018 monitoring report revealed minor disparities in service performance when measured against its established on-time performance standard (no disparities reported for any of the other standards). For example, two of the six minority routes sampled did not meet the on-time performance standard of 90 percent; however, on-time performance for both routes was 88 percent. All of the nonminority routes met the standard. In addition to information on the routes PTD sampled, in Appendix C of its monitoring report, PTD provided the same performance information for all of its routes. Appendix C showed 19 minority routes that performed under the on-time performance standard of 90 percent (inclusive of the two sampled routes). All of these routes reported on-time performance of 85 percent or higher. Appendix C also included a nonminority RAPID route with 79 percent on-time performance.

Regarding the two minority routes from the sample that did not meet the on-time performance standard, PTD stated it would work with its operations contractor, First Transit, to improve performance on those routes. More generally, during the site visit, PTD stated it was in the process of implementing new service, new vehicles, and new performance-tracking technology as part of its Transportation 2050 initiative. Accordingly, PTD anticipates service performance

improvements across all service standards when it conducts its next Title VI monitoring effort in 2021.

The following error and omission were noted in PTD's Title VI Program:

- Error: PTD's minority route definition was inconsistent with the minority route definition in FTA Circular 4702.1B, which states "a minority transit route is one in which at least one-third of the revenue miles [or 33 percent] 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." In its monitoring report, PTD defined a minority route as any route "with more than 30% of revenue miles in area with percent minority population higher than the regional average." PTD included a list of minority routes based on its 30 percent definition in Table 4 – Minority Route Designation along with the minority percentages for each route. All of the routes listed had a minority percentage greater than 33 percent except for one circulator route, which had a minority percentage of 32 percent. Accordingly, although PTD's minority route definition was noncompliant, it had little to no effect on the identification of minority routes as defined by FTA Circular 4702.1B.
- Omission: PTD should 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.

Advisory Comments

It is an effective practice to apply the correct minority route definition when conducting all Title VI monitoring and to develop a policy or procedure for determining whether a disparate impact exists based on the results of all future Title VI monitoring.

7.4 Evaluation of Service and Fare Changes

Requirement

FTA recipients that provide fixed-route transit service and operate 50 vehicles or more during peak service and operate within a UZA of 200,000 persons are required to prepare and submit service and fare equity analyses. FTA recipients must develop written procedures to evaluate, prior to implementation, any and all fare changes and all major service changes and new fixed guideways capital projects service changes to determine whether those changes have a discriminatory impact (FTA C 4702.1B, Chap. IV-10, Sec. 7).

Discussion

During this review deficiencies were found with this requirement. Advisory comments were also made regarding this requirement. PTD did not implement a fare change during the review period, but it did implement service changes in April and October of each year during the review period except for October 2019. PTD had implemented service changes that met its threshold for "major service change" and had conducted equity analyses prior to implementing the

changes. In its 2018 Title VI Program, PTD included procedures for conducting service and fare changes. PTD provided equity analyses for the following service changes:

2017 Service Changes

1. *Route 0 – Central Ave: In PTD, from Dobbins Rd. to Dunlap Ave., extend the span of service to 2AM on Friday and Saturday, and to 11PM on Sunday.*
2. *Route 1 – Washington/Jefferson St: In PTD, from Priest Dr. to Central Station, extend the span of service to 2AM on Friday and Saturday, and to 11PM on Sunday.*
3. *Route 3 – Van Buren St: In PTD, from 83rd Ave. to Galvin Pkwy, extend the span of service to 2AM on Friday and Saturday, and to 11PM on Sunday.*
4. *Route 7 – 7th St: In PTD, from Deer Valley Rd. to Dobbins Rd., extend the span of service to 2AM on Friday and Saturday, and to 11PM on Sunday.*
5. *Route 8 – 7th Ave: In PTD, from Sunnyslope Transit Center to Baseline Rd, extend the span of service to 2AM on Friday and Saturday, and to 11PM on Sunday.*
6. *Route 10 – Roosevelt St: In PTD, from Central Ave and Van Buren St to 32nd St and Roosevelt St., extend the span of service to 2AM on Friday and Saturday, and to 11PM on Sunday.*
7. *Route 12 – 12th St: In PTD, from Sunnyslope Transit Center to 12th St. and Jefferson St., extend the span of service to midnight Monday through Thursday, to 2AM on Friday and Saturday, and to 11PM on Sunday.*
8. *Route 13 – Buckeye Rd: In PTD, from 75th Ave to Sky Harbor Terminal #2, extend the span of service to 2AM on Friday and Saturday, and to 11PM on Sunday.*
9. *Route 15 – 15th Ave: In PTD, from Pima St. to Montebello Ave., extend the span of service to midnight Monday through Thursday, to 2AM on Friday and Saturday, and to 11PM on Sunday.*
10. *Route 16 – 16th St: In PTD, from Dobbins Rd. to Paradise Valley Community College, extend the span of service to 2AM on Friday and Saturday, and to 11PM on Sunday.*
11. *Extend Route 19 from Pinnacle Peak Road to Happy Valley Road on 23rd Avenue.*
12. *Increase Route 29 minimum frequency to 15 minutes between Desert Sky Transit Center and 44th Street from 6 a.m. to 7 p.m.*
13. *Increase Route 50 minimum frequency to 15 minutes between 67th Avenue and 44th Street from 6 a.m. to 7 p.m.*
14. *Extend Route 60 from 16th Street and Bethany Home Road to Camelback Road and 20th Street*
15. *New Route 140 on Ray Road between 48th Street and Gilbert Road.*
16. *In Glendale, remove Route 59 deviation on Utopia Road and Union Hills Drive. Route will remain on 59th Avenue.*
17. *In Glendale, remove Route 60 service on 83rd Avenue.*
18. *In Glendale, remove Route 67 deviation to Arrowhead Mall and add deviation to Abrazo Arrowhead Hospital.*
19. *In Glendale and Peoria, extend Route 83 from Camelback Road to Arrowhead Transit Center*

2018 Service Changes

1. *Route 1 (Washington) – Eliminate the deviation to the Sky Train Station*
2. *Route 3 (Van Buren) – Increase off-peak frequency to 15 minutes*
3. *Route 19 (19th Avenue) – Increase off-peak frequency to 15 minutes*

4. *Route 30 Extension – Add peak hour trips south along 24th Street from Baseline Road to Francisco Drive.*
5. *MSCC – Eliminate Routes 30 & 77 service to South Mountain Community College (MSCC)*
6. *Central South Mountain East RAPID – Reroute to travel along 24th Street*
7. *Route 32 (32nd Street) Option 1 – Extension to Baseline Road via 40th Street*
8. *Route 32 (32nd Street) Option 2 – Extension to Baseline Road and Priest Drive*
9. *Route 51 (51st Avenue) Option 1 – Extension to Baseline Road*
10. *Route 51 (51st Avenue) Option 2 – Extension to Vee Quiva Casino*
11. *Restoring weekday service on five holidays (except RAPID/express)*
12. *Route 8 – Rerouting southbound between Fillmore and Van Buren to use 1st Avenue*
13. *Route 41 – Increase weekday frequency in PTD to at least every 15 minutes from 6AM to 7PM between 59th Avenue and 32nd Street.*
14. *Route 56 – Eliminate service in Scottsdale and terminate at the Desert Botanical Garden*
15. *Route 106 – Rerouting at Metrocenter to Counterclockwise Loop*
16. *Route 80 – In Scottsdale, eliminate service on Shea Blvd east of Mustang Transit Center.*
17. *Route 514 – Reroute express service to terminate at Shea Blvd/SR51 Park & Ride from Fountain Hills.*

2019 Service Changes

1. *South Mountain East RAPID – Reroute at 24th Street & Air Lane*
2. *SR51 RAPID – Schedule modifications*
3. *I-17 RAPID – Schedule modifications*
4. *I-10 East RAPID – Schedule modifications*
5. *I-10 West RAPID – Schedule modifications*

The analyses for the changes listed above were reviewed for compliance with the service and fare change requirements described in FTA Circular 4702.1B(IV)(7). In its 2018 Title VI Program (Attachment I), PTD established that it is guided by the City of Phoenix Title VI Ordinance adopted in 1990 (for public participation requirements) and the Valley Metro Title VI Procedures Manual adopted in 2013, with exceptions, when implementing service changes. The exceptions are as follows:

Valley Metro Title VI Procedures Manual – City of Phoenix Exceptions

The Valley Metro Title VI Procedures Manual was adopted by the Valley Metro Regional Public Transit Agency (RPTA) Board in 2013. The City of Phoenix Public Transit Department adheres to the guidelines and procedure provided by the Manual with the following exceptions:

- a. ***Use of the Origin/Destination Survey as an Evaluation Method - Step 3: Socioeconomic Data Collection and Summation (Page 9 of Attachment 2).*** *For the demographic profile of residents near proposed service changes, the Valley Metro Title VI Procedures Manual recommends using U.S. Census Data or the Transit On-Board Origin-Destination Survey (O/D Survey). The City of Phoenix Public Transit Department will only use the U.S. Census Data as the source of*

demographic information for Title VI analysis. The following is the revised Table 1. Service Change Equity Analysis Data Sources

Category	Action	Sub Action	Evaluation Method
Service Span	Reduction	N/A	O/D
	Expansion	N/A	Census Data
Service Headway	Reduction	N/A	O/D
	Expansion	N/A	Census Data
Route Length	Reduction	N/A	O/D-Census Data
	Expansion	N/A	Census Data
Route Alignment	Reduced Alignment	N/A	O/D-Census Data
	Expanded Alignment	N/A	Census Data
	Modified Alignment	Eliminated Segment(s) Segment(s) to New Areas	O/D-Census Data Census Data
New Route	New Route	N/A	Census Data

O/D: Origin/Destination Survey Data

The Census Data accounts for the demographic characteristics of the entire population whereas the O/D survey only considers current transit riders. Utilizing U.S. Census Data for demographic information instead of using O/D survey would allow the City of Phoenix to evaluate the impact of propose changes to the transit riders and the entire population residing within a half mile of the impacted area.

b. Valley Metro Service Area Average: Step 3: Socioeconomic Data Collection and Summation (Page 10 of Attachment 2)

For evaluating if a proposed service change would have a disproportionate impact to minority populations and/or have a disparate impact to a low-income population, the Valley Metro Title VI Procedures Manual recommends comparing the percentage of minority/low-income population within half-mile of the impacted segments to the Valley Metro Service Area average.

The City of Phoenix Public Transit Department will compare the percentage of minority/low-income population within half-mile of the impacted segments to the Maricopa County average.

The Maricopa County averages of minority/low-income population are lower than the Valley Metro Service Area average. Comparing the impacted area to the Maricopa County average would allow City of Phoenix to be more stringent on identifying impacts to minority/low-income populations.

c. Title VI Analysis by Jurisdiction or Geographic Area: Step 5: Determination of Findings, Reporting, and Mitigation (Page 13 of Attachment 2)

Under 4.1.1 Special Circumstances, the Valley Metro Title VI Procedures Manual stated that “an analysis of equity impacts may be considered to determine whether the proposed service modification adversely affects population residing within a specific jurisdiction or geographic area.”

The City of Phoenix does not view Title VI analysis by jurisdiction or geographic area as optional. Any Title VI equity impacts analysis by the City of Phoenix will evaluate the route as a whole and by jurisdiction. Thus an equity analysis will evaluate potential service changes for a particular route specifically by jurisdiction in addition to the overall route. This will insure maximum protection for low-income and/or minority populations.

The following table describes PTD’s service change procedures and related compliance with FTA Circular 4702.1B(IV)(7) requirements:

FTA Requirement	PTD Procedure/Response	Meets Requirement (Comments)
<p>Major Service Change Policy (FTA C 4702.1b(IV)(7)(a)(1)(a)) - 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.”</p>	<p>1. Route-Level Service Reduction or Elimination</p> <ul style="list-style-type: none"> • <i>Reducing an existing route by more than 25% of weekday route revenue miles, or</i> • <i>Reducing an existing route by more than 25% of Saturday route revenue miles, or</i> • <i>Reducing an existing route by more than 25% of Sunday route revenue miles, or</i> • <i>Reducing the number of route directional miles more than 25%, or</i> • <i>A change in a route alignment resulting in a 25% or greater variance from the existing route alignment, or</i> • <i>In situations where service would be reduced or eliminated in jurisdictions where minority and/or low-income populations exceed the transit system service area (Maricopa County) average.</i> <p>2. Route-Level Expansion or Addition of a New Route</p> <ul style="list-style-type: none"> • <i>Adding a new route, or</i> • <i>Expansion of an existing route that increases weekday route revenue miles by more than 25%, or</i> 	<p>Yes</p>

FTA Requirement	PTD Procedure/Response	Meets Requirement (Comments)
	<ul style="list-style-type: none"> • <i>Expansion of an existing route that increases Saturday route revenue miles by more than 25%, or</i> • <i>Expansion of an existing route that increases Sunday route revenue miles by more than 25%, or</i> • <i>Expanding the number of route directional miles more than 25%, or</i> • <i>A change in a route alignment resulting in a 25% or greater variance from the existing route alignment.</i> 	
<p>Adverse Effects (FTA C 4702.1b(IV)(7)(a)(1)(b)) - 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.</p>	<p>Not explicitly addressed in PTD's service or fare change procedures.</p>	<p>No</p> <p>Although it is implied in PTD's service change equity evaluation procedures, PTD does not explicitly define and analyze adverse effects related to major changes in transit service, as required. PTD was advised to update its service change procedures to address the adverse effect requirement.</p>

FTA Requirement	PTD Procedure/Response	Meets Requirement (Comments)
<p>Disparate Impact Policy (FTA C 4702.1b(IV)(7)(a)(1)(c)) - 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.</p>	<p>1. Route-Level Service Reduction or Elimination</p> <ul style="list-style-type: none"> • <i>Service Level and Service Area Reduction:</i> <p><i>If the percentage of minority passengers on an affected route is greater than the transit system's minority ridership (within the appropriate dataset's margin of error) by transit classification (local, express, neighborhood circulators, and rural bus).</i></p> <p>2. Route-Level Expansion or Addition of a New Route</p> <ul style="list-style-type: none"> • <i>Route-Level Expansion or Transit System Area Expansion (includes addition of new routes):</i> <p><i>o If a route-level expansion or transit system area expansion is considered that coincides with a reduction in transit service on the same route or other routes, and the route(s) considered for service expansion predominantly serve non-minority and/or non-low-income geographic areas while the route(s) considered for reduction predominantly serve minority and/or low-income geographic areas, then a disproportionate burden may be determined. The determination of a disproportionate burden will be based on meeting both of the following criteria:</i></p> <ul style="list-style-type: none"> • <i>If the percentage of minority passengers on an affected route considered for service expansion is less than the transit system's minority ridership percentage (within the appropriate dataset's margin of error) by transit classification (local, express, neighborhood circulators, and rural bus), AND</i> 	<p>No</p> <p>FTA C 4702.1B states that "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." Based on the exceptions noted above, PTD determines disparate impact by comparing the minority percentage population in the census blocks affected by the service change to the minority percentage population in Maricopa County. Disparate impact occurs when the minority percentage population affected by the service change is greater than the minority percentage population of Maricopa County. PTD does not compare the proportion of minorities adversely affected to the proportion of nonminorities adversely affected, as required.</p>

FTA Requirement	PTD Procedure/Response	Meets Requirement (Comments)
	<p>• <i>If the percentage of minority passengers on an affected route considered for service reduction is greater than the transit system's minority ridership percentage (within the appropriate dataset's margin of error) by transit classification (local, express, neighborhood circulators, and rural bus).</i></p>	
<p>Disproportionate Burden Policy (FTA C 4702.1b(IV)(7)(a)(2)(c)) - The transit provider shall develop a policy for measuring disproportionate burdens. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations.</p>	<p>Disproportionate burden is determined for low-income populations the same way disparate impact is determined for minorities.</p>	<p>No</p> <p>See notes above on Disparate Impact. PTD does not compare the proportion of low-income populations adversely affected to the proportion of nonminorities adversely affected, as required.</p>
<p>Public Participation (FTA C 4702.1b(IV)(7) - The transit provider shall engage the public in the decisionmaking process to develop the major service change policy and disparate impact policy, the disproportionate burden policy, and the disparate impact thresholds.</p>	<p><i>For all proposed major service changes, City of Phoenix and/or Valley Metro will hold at least one public hearing, with a minimum of two public notices prior to the hearing in order to receive public comments on the potential service changes. The first meeting notice will occur at least 30 days prior to the scheduled hearing date, with the second notice being made at least 10 days prior to the scheduled hearing date. Public materials will be produced in English and Spanish (the metropolitan region's two primary languages), or in other languages upon request, in order to ensure Limited English Proficient (LEP) populations within the transit service area are informed of the proposed service changes and can participate in community discussions.</i></p>	<p>Yes</p> <p>Public participation for all proposed semi-annual service change begins approximately six months in advance of each proposed change date. Public participation opportunities for service changes implemented during the review period are included in Section 6.6 Inclusive Public Participation of this report. The public participation meetings are listed along with the date of each meeting. During the site visit, PTD provided examples of newspaper notices announcing public meetings and hearings and documentation confirming notices were posted in minority newspapers (the <i>Arizona Informant</i> and <i>Prensa Hispana</i>). PTD also provided examples of</p>

FTA Requirement	PTD Procedure/Response	Meets Requirement (Comments)
		notices in English and Spanish posted in advance of public meetings at transit centers, on vehicles, and on the PTD website. PTD provided additional notices for public meetings on social media.

Consistent with improvements to its transit system associated with the Transportation 2050 initiative, 33 of the 41 (approximately 80 percent) service changes implemented by PTD during the review period involved adding service and had no adverse impact on minority or low-income populations. Of the eight service changes that involved route or route segment eliminations, only three met PTD’s definition of a major service change. Mitigation for each of the three service changes considered major included providing comparable service with existing nearby service, and in one case, providing more frequent service on nearby service.

PTD followed Valley Metro’s fare change procedures described in the Valley Metro Fare Equity Policy available on the Valley Metro website. The data set exceptions for service changes described earlier in this section also applied to fare changes. No deficiencies were found with the procedures used by PTD to conduct equity evaluations of fare changes. PTD’s disparate impact and disproportionate burden policies for fare changes compared the adverse impacts on minority and low-income populations to the adverse impacts on nonminority and non-low-income populations, as required. PTD’s disparate impact and disproportionate burden policies for fare changes were as follows:

Disparate Impact Policy for Fare Changes

If a planned transit fare adjustment results in minority populations bearing a fare rate change of greater than 4 percentage points as compared to non-minority populations, the resulting effect will be considered a minority disparate impact.

Disproportionate Burden Policy for Fare Changes

If a planned transit fare adjustment results in low-income populations bearing a fare rate change of greater than 4 percentage points as compared to non-low-income populations, the resulting effect will be considered a low-income disproportionate burden.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, PTD must submit to the FTA Office of Civil Rights updated disparate impact and disproportionate burden policies for service change equity evaluations that compare the proportion of minority and low-income populations adversely affected to the proportion of nonminority and non-low-income populations adversely affected.

PTD must engage the public in the development of its updated disparate impact and disproportionate burden policies.

Advisory Comments

It is an effective practice to:

- Develop procedures for conducting equity evaluations of service and fare changes that are separate from Valley Metro's procedures, due to the several exceptions implemented by PTD to Valley Metro's service and fare equity evaluation procedures.
- Explicitly address how PTD defines and analyzes adverse effects, as described in FTA C 4702.1b(IV)(7)(a)(1)(b).

8. Section 5310 Administration Findings and Advisory Comments

FTA released FTA Circular 4702.1B in October 1, 2012. Prior to and at that time, administration of the Section 5310 program was primarily the responsibility of state departments of transportation. Accordingly, the Title VI–related requirements associated with the administration of Section 5310 funds were described in FTA Circular 4702.1B, Chapter V, *Requirements for States*.

With the enactment of the Moving Ahead for Progress in the 21st Century Act (MAP-21), the governor of each state or an official designee could designate a public entity other than the state to be the recipient for Section 5310 funds. Although state departments of transportation could still be designated the recipient of Section 5310 funds, so could other public entities in urbanized areas with populations of more than 200,000. On March 15, 2013, Arizona’s governor approved the City of Phoenix Public Transit Department as the designated recipient for the FTA Section 5310 program for the PTD-Mesa Urbanized Area (UZA). During the review period, PTD had 60 Section 5310 subrecipients (58 at the time of the site visit).

Although changes were made to how Section 5310 program funds could be administered after the release of FTA Circular 4702.1B, the circular itself has since not been updated to reflect these changes. In the development of its FY 2018 Title VI Program, PTD addressed the requirements applicable to transit providers in large UZAs in its Title VI Program, but it did not address the requirements applicable to states, as it was not a state. Although PTD did not address how it administered the Section 5310 program in its 2018 Title VI Program, it did implement the Section 5310 program requirements described in FTA Circular 9070.1G *Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions*. However, PTD did not address all the Title VI–related requirements for the administration of the Section 5310 program described in FTA Circular 4702.1B Chapter V. PTD’s compliance with this part is described in the following subsections.

8.1 Planning Activities

Requirement

All State recipients are responsible for conducting planning activities and ensuring that its planning process is compliant with Title VI. As part of these compliance measures, the State recipients are required to: analyze demographic data to identify minority populations within the State and ensure that members of minority communities are provided with full opportunities to engage in the Statewide Transportation Planning process (FTA C 4702.1B, Chap. V-2, Sec. 3).

Discussion

During this review deficiencies were found with this requirement, as indicated in the following table:

Elements Required for Planning Process (per FTA Circular 4702.1B)	Included in Submittals?
Demographic profile of the agency's service area	Yes
Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects	No
A description of the planning process that identifies the transportation needs of minority populations	No
Analysis of the transportation system investments that identifies and addresses any disparate impacts	No

Although PTD developed a demographic profile for its entire service area that identified concentrations of minorities in the aggregate, this profile was not used by PTD in planning the distribution of Section 5310 funds. During the site visit, the review team provided technical assistance on using demographic maps to analyze the extent to which Section 5310 funds are distributed equitably. It was also determined through conversations with PTD that it understood that a combination of public outreach, coordination with the nonprofit service provider community, conducting demographic analyses, and providing demographic profile resources could be effective in identifying the Section 5310 Program–related needs of minority populations and how to address any disparities in the distribution of program benefits, should there be any.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, PTD must submit to the FTA Office of Civil Rights detailed procedures for meeting the Section 5310 Program Title VI planning requirements, as described in FTA C 4702.1B, Chap. V-2, Sec. 3. PTD must include its procedures and related planning activities in future Title VI Program submissions to FTA.

8.2 Requirements for Program Administration

Requirement

States must comply with 49 CFR § 21.5, the general nondiscrimination provision, by documenting that they pass through 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 (FTA C 4702.1B, Chap. V-3, Sec. 4).

Discussion

During this review deficiencies were found with this requirement, as described in the table below. Advisory comments were also made regarding this requirement.

Elements Required for Monitoring Pass-through Funds and Subrecipients (per FTA Circular 4702.1B)	Included in Submittals?
Description of the procedures the agency uses to ensure nondiscriminatory pass through of FTA financial assistance	No
Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations	No

PTD included the following statement in its Section 5310 Program Plan, updated January 2020, and in its *FY 2020 PTD-Mesa Urbanized Area Handbook & Program Guidelines*.

To ensure compliance with DOT civil rights regulations (49 CFR 21.5(2), 49 CFR 21.5(7), and 49 CFR 21.9(b)), and the DOT Order on Environmental Justice, FTA requires PTD to document that FTA funds are distributed without regard to race, color, and national origin. To fulfill this requirement, PTD and its sub recipients must ensure that their programs, policies and activities are in compliance with FTA Circular 4702.1A entitled "Title VI and Title VI- Dependent Guidelines for Federal Transit Administration Recipients." In order to meet FTA requirements, subrecipients must provide information to the public regarding their Title VI obligations and shall disseminate information on the agency's website. Title VI procedures must address how passengers file a Title VI complaint. Procedures must incorporate appropriate due process standards and provide for prompt and equitable resolution. The Title VI complaint process must be separate and distinct from ADA complaints. Sample Title VI Complaint Forms and Procedures can be found at, <https://www.PTD.gov/publictransit/subrecipient-resources>.

Although PTD recognized the requirement to document that Section 5310 funds were distributed without regard to race, color, or national origin, it did not do so as required. FTA Circular 4702.1B(V)(3)(a-d) requires Section 5310 fund recipients to demonstrate they 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.*

It was also noted that PTD's subrecipient assistance resources, while useful, did not include resources developed to assist subrecipients with identifying minority populations in their service areas. This could be accomplished by providing demographic maps and charts that identify disaggregated minority populations by census track, block group, or zip code.

Elements Required for Program Administration (per FTA Circular 4702.1B)	Included in Submittals?
A record of funding requests received from private nonprofit organizations, State or local governmental authorities, and Indian tribes. The record must identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record must also indicate which applications were rejected and accepted for funding.	No
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.	No
A description of the agency's criteria for selecting entities to participate in an FTA grant program.	Yes

PTD did not provide a record of request as described in FTA C 4702.1B, Chap. V-3, Sec. 4. During the site visit, PTD provided its *2018 Section 5310 Priority Listing PTD-Mesa UZA*. The listing did not identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The listing also did not indicate which applications were rejected and accepted for funding.

PTD included descriptions of its competitive selection process and selection criteria in its Section 5310 Program Plan. However, neither its competitive selection process nor its selection criteria included Title VI concerns.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, PTD must submit to the FTA Office of Civil Rights procedures for complying with the Section 5310 Program administration-related requirements in FTA C 4702.1B, Chap. V-3, Sec. 4. PTD must include its procedures and related planning activities in future Title VI Program submissions to FTA.

Advisory Comments

It is an effective practice to:

- Develop demographic maps of the service area disaggregated by minority group and make the maps available as a Section 5310 Program applicant and subrecipient resource.
- Include a question on the Section 5310 Program application asking the applicant to indicate what and how many minorities it serves.
- Include in its selection criteria a consideration of the minority populations served by the applicant.
- Track applicants who indicate they provide service to minority populations in the record of requests.

9. Summary of Findings and Corrective Actions

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
6.1	Annual Title VI Certification and Assurance	PTD filed its Title VI Certification and Assurance in accordance with FTA C 4702.1B, Chap. III-1, Sec. 2 requirements.	ND	No action required	
6.2	Submittal of Title VI Program	PTD's 2018 Title VI Program received concurrence from FTA on May 8, 2019 and contained all required elements.	ND	No action required	
6.3	Notice to Beneficiaries of Protection under Title VI	PTD's Notice to Beneficiaries complied with FTA Circular 4702.1B(III)(5) requirements. However, the Notice did not include instructions on how to request language assistance.	ND, AC	It is an effective practice to update the Title VI Notice to Beneficiaries with instructions on how to request language assistance and to ensure the Title VI Notice to Beneficiaries is posted as stated in the Title VI Program.	
6.4	Title VI Complaint Procedures and Complaint Form	PTD did not implement important elements of its Title VI complaint procedures, and its procedures required determinations of legality to be made by customer service staff.	D	PTD must submit the following to the FTA Office of Civil Rights: <ul style="list-style-type: none"> Detailed oversight and monitoring procedures describing how PTD will ensure all stakeholders are fully implementing its established Title VI complaint procedures. The oversight and monitoring procedures must require documenting the satisfactory implementation and completion of all complaint tracking, investigation, and resolution procedural elements. In addition, the procedures must require and ensure that city administrators, the Valley Metro CSA, and designated PTD staff review and authorize the final 	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
				<p>determination, resolution, and closure of all complaints.</p> <ul style="list-style-type: none"> Updated Title VI complaint procedures that either remove the requirement to make conclusions of law or add a statement that conclusions of law are only made by a qualified lawyer. PTD's updated Title VI complaint procedures must also be uploaded to its website. 	
6.5	Record of Title VI Investigations, Complaints, and Lawsuits	PTD's list of Title VI investigations, complaints, and Lawsuits did not contain all required elements.	D	<p>PTD must submit the following to the FTA Office of Civil Rights:</p> <ul style="list-style-type: none"> An updated list of Title VI investigations, complaints, and lawsuits that contains all required elements described in (FTA C 4702.1B, Chap. III-5, Sec. 7). A current list of Title VI investigations, complaints, and lawsuits containing all required elements must also be included in the next Title VI Program. A standard definition for what makes a Title VI complaint valid and a plan for training all Valley Metro, Section 5307 subrecipients, operations contractors, and PTD customer service staff and related stakeholders on how to assess and make determinations of Title VI complaint validity. Alternatively, PTD must submit documentation confirming it no longer makes determinations of complaint validity. 	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
			AC	It is an effective practice to report investigations, lawsuits, and complaints in the same table or log, consistent with the example in FTA Circular 4702.1B, Appendix E.	
6.6	Inclusive Public Participation	PTD provided early, ongoing, and multiple opportunities for inclusive public participation.	ND	No action required	
6.7	Language Access to LEP Persons	PTD's LEP four-factor analysis and Language Assistance Plan substantially met FTA Circular 4702.1B(III)(9) requirements.	ND, AC	<p>It is an effective practice to:</p> <ul style="list-style-type: none"> • Include a detailed description of how PTD meets the language assistance requirements in its Title VI Program, while limiting the amount of restatement or regurgitation of the requirements language found in FTA Circular 4702.1B. • Ensure the same service area definition is applied all LEP population evaluation methods. • Consider looking beyond the U.S. Census to obtain data on the number of LEP persons in the service area from local sources, such as the City of Phoenix or Maricopa County Public Schools and the Maricopa County Department of Public Health Administration, to confirm or more accurately report on the number and proportion of LEP persons in the service area. 	

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
				<ul style="list-style-type: none"> Ensure all required elements are identified and addressed in the LAP. Notify the public of available language assistance and provide information on how to request language assistance in its Title VI Notice to Beneficiaries. 	
6.8	Minority Representation on Planning or Advisory Bodies	Although PTD’s one nonelected advisory commission had minority participation (Black and Hispanic), it could be more representative of PTD’s service area demographics.	ND, AC	It is an effective practice to document efforts to encourage minority participation on nonelected planning or advisory bodies and to include a description of such efforts in all Title VI Program submittals.	
6.9	Monitoring Subrecipients and Providing Assistance to Subrecipients	PTD provided assistance to subrecipients as required by FTA Circular 4702.1B(III)(11). PTD has recently implemented improved subrecipient monitoring procedures that meet Title VI requirements. Implementation of new procedures is ongoing.	ND, AC	It is an effective practice to review all subrecipient websites to confirm all subrecipients are complying with FTA Circular 4702.1B(III)(A)(1-3) and related Title VI notice distribution requirements. PTD should immediately conduct its review and correct any issues of noncompliance.	
6.10	Determination of Site or Location of Facilities	PTD did not plan or construct applicable facilities in the past three years.	ND	No action required	
Fixed-Route Transit Provider Requirements (Chapter 4)					
7.1	Systemwide Service Standards and Policies	PTD did not have an off-peak vehicle load standard for its local bus, circulator, or RAPID bus services. PTD did not have systemwide service policies for the distribution of all amenities. PTD should consider changing its local bus vehicle load	D	PTD must submit the following to the FTA Office of Civil Rights: <ul style="list-style-type: none"> Updated vehicle load standards for fixed-route bus that include standards for off-peak service. 	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
		standards, its service availability standard, and its vehicle assignment policy.	AC	<ul style="list-style-type: none"> • Updated systemwide service policies for the distribution of all transit amenities. • Confirmation that its subrecipient, RPTA, has established vehicle load standards for its off-peak light rail service. <p>It is an effective practice to:</p> <ul style="list-style-type: none"> • Establish a vehicle load standard for fixed-route bus service that is not based on the vehicle's total maximum capacity and is consistent with industry best practices. • Establish different service availability standards for different areas of density. • Establish a vehicle assignment policy that is based on the average fleet age and not on vehicle useful life standards. 	
7.2	Demographic Data	PTD did not develop demographic profile maps as required by FTA Circular 4702.1B(IV)(5)(a)(b).	D	PTD must submit to the FTA Office of Civil Rights demographic profile maps and charts, as required by FTA Circular 4702.1B(IV)(5)(a)(1-3), including a map that shows major trip generators; a map that highlights transit facilities that were recently replaced or improved or are scheduled for an update in the next five years; and a chart for each Census tract or TAZ that shows actual numbers and percentages for each minority group within a zone or tract. In addition, PTD	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
			AC	<p>must submit the results of its 2015 (or more recent) passenger survey that includes information on the race, color, national, origin, English proficiency, language spoken at home, household income, travel patterns for their riders, and fare usage by fare types for riders.</p> <p>It is an effective practice to develop demographic maps that disaggregate service area minority populations.</p>	
7.3	Monitoring Transit Service	PTD did not correctly define minority routes and did not describe how it determined occurrences of disparate impact.	ND, AC	It is an effective practice to apply the correct minority route definition when conducting all Title VI monitoring and to develop a policy or procedure for determining whether disparate impact exists based on the results of all future Title VI monitoring.	
7.4	Evaluation of Service and Fare Changes	PTD's disparate impact and disproportional burden policies for service change evaluations did not compare the proportion of minorities adversely affected to the proportion of nonminorities adversely affected. PTD used the service change procedures developed by Valley Metro with exceptions. The exceptions were significant enough to warrant the development of stand-alone procedures.	D AC	<p>PTD must submit to the FTA Office of Civil Rights updated disparate impact and disproportionate burden policies for service change equity evaluations that compare the proportion of minority and low-income populations adversely affected to the proportion of nonminority and non-low-income populations adversely affected. PTD must engage the public in the development of its updated disparate impact and disproportionate burden policies.</p> <p>It is an effective practice to:</p> <ul style="list-style-type: none"> Develop procedures for conducting equity evaluations of service and fare 	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
				<p>changes that are separate from Valley Metro’s procedures, due to the several exceptions implemented by PTD to Valley Metro’s service and fare equity evaluation procedures.</p> <ul style="list-style-type: none"> Explicitly address how PTD defines and analyzes adverse effects, as described in FTA C 4702.1b(IV)(7)(a)(1)(b). 	
Section 5310 Program Administration Requirements (Chapter 5)					
8.1	Planning Activities	PTD’s administration of its Section 5310 Program did not include Title VI planning activities, as required by FTA C 4702.1B, Chap. V-2, Sec. 3.	D	PTD must submit to the FTA Office of Civil Rights detailed procedures for meeting the Section 5310 Program Title VI planning requirements, as described in FTA C 4702.1B, Chap. V-2, Sec. 3. PTD must include its procedures and related planning activities in future Title VI Program submissions to FTA.	60 Days
8.2	Requirements for Program Administration	PTD’s administration of its Section 5310 Program did not include Title VI Program administration activities, as required by FTA C 4702.1B, Chap. V-3, Sec. 4.	D AC	<p>PTD must submit to the FTA Office of Civil Rights procedures for complying with the Section 5310 Program administration–related requirements in FTA C 4702.1B, Chap. V-3, Sec. 4. PTD must include its procedures and related planning activities in future Title VI Program submissions to FTA.</p> <p>It is an effective practice to:</p> <ul style="list-style-type: none"> Develop demographic maps of the service area disaggregated by minority group and make the maps available as a Section 5310 Program applicant and subrecipient resource. 	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
				<ul style="list-style-type: none"> • Include a question on the Section 5310 Program application asking the applicant to indicate what and how many minorities it serves. • Include in its selection criteria a consideration of the minority populations served by the applicant. • Track applicants who indicate they provide service to minority populations in the record of requests. 	

Findings at the time of the site visit: ND = no deficiencies found; D = deficiency; AC = advisory comment.

*Within the date of the "Final Transmittal."

Attachment A – FTA Notification Letter to PTD



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor, TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

December 18, 2019

Jesús Sapien
Public Transit Director
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003

Dear Mr. Sapien:

The Federal Transit Administration (FTA) Office of Civil Rights is responsible for ensuring compliance with 49 CFR Part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (Title VI) by its grant recipients and subrecipients. As part of its ongoing oversight efforts, the FTA Office of Civil Rights conducts a number of on-site Title VI specialized reviews of these grant recipients. The City of Phoenix has been selected for such a review to take place February 18–21, 2020.

The purpose of this review will be to determine whether Phoenix is meeting its obligations, as represented by certification to FTA, to comply with the all applicable provisions of 49 CFR Part 21 and FTA Title VI Circular 4702.1B.

The review process includes data collection before the on-site visit, an opening conference, an on-site review of Title VI program implementation (including, but not limited to discussions to clarify items and matters previously reviewed and interviews with staff), interviews with external interested parties, and an exit conference. FTA has engaged the services of The DMP Group, LLC (DMP), of Washington, DC, to conduct this specialized review. Representatives of DMP and FTA will participate in the opening and exit conferences, with FTA participating by telephone.

We request an opening conference at 9:00 a.m. MST on Tuesday, February 18, 2020, to introduce the DMP team and FTA representatives to the City of Phoenix. Attendees should include you and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend considerable time on site during the week, please provide them with temporary identification and a workspace within or near your offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as the City of Phoenix’s liaison with the review team and to coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in the enclosure, which consists of items that the City of Phoenix must submit to the review team within 30 calendar days of the date of this letter. Please forward these materials, via email, to the following contact person:

Donald G. Lucas
The DMP Group, LLC
2233 Wisconsin Avenue NW, Suite 228
(202) 726-2630 Office
(202) 297-2942 Mobile
donald.lucas@thedmpgroup.com

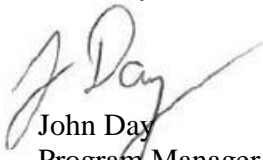
FTA requests your attendance at an exit conference scheduled for 4:00 p.m. MST on Friday, February 21, 2020. The exit conference will afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide a Draft Report. You will have an opportunity to correct any factual inconsistencies before FTA finalizes the report. The draft and final report, when issued to Phoenix, will be considered a public document subject to release under the Freedom of Information Act, upon request.

City of Phoenix representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns before the opening conference, please contact me at 202-366-1671, or via e-mail at *john.day@dot.gov*.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with your staff.

Sincerely,



John Day
Program Manager
FTA Office of Civil Rights

Enclosure

cc: Ray Tellis, Regional Administrator, FTA Region 9
Selene Faer Dalton-Kumins, Associate Administrator, FTA Office of Civil Rights

Enclosure

The following information must be submitted to DMP within 30 calendar days from the date of this letter:

1. Current Title VI program.
2. City of Phoenix's organization chart.
3. Any conducted service and fare equity analyses over the past three (3) years.
4. A list of any siting, locating, and/or constructing of facilities, and any associated Title VI equity analyses within the last three (3) years.
5. Current list of Title VI investigations, complaints, and lawsuits.
6. Summary of public outreach efforts and events since the last Title VI program submission, including any language efforts/activities to ensure limited English proficient persons are able to meaningfully participate and contribute during the held public outreach efforts and events.
7. A summary of any monitoring or technical assistance activities provided to subrecipients within the last three (3) years.
8. A list of subrecipients and their respective Title VI program statuses.
9. A list of interested parties or external organizations, including but not limited to community- and faith-based organizations and educational institutions, with which City of Phoenix has interacted on Title VI issues. Provide contact information such as a point of contact, telephone number, or email address.
10. Other pertinent information determined by City of Phoenix staff to be pertinent and demonstrative of its Title VI compliance efforts.

Attachment B – PTD’s Response to Draft Report



City of Phoenix
PUBLIC TRANSIT DEPARTMENT

November 6, 2020

Mr. John Day
Program Manager, Policy Technical Assistance, Office of Civil Rights
Federal Transit Administration
1200 New Jersey Ave., SE, Room E-54-310
Washington, DC 20590

RE: FTA Draft Report October 2020 Title VI Compliance Review – City of Phoenix factual error response - Due by November 6, 2020

Dear Mr. Day:

On October 29, 2020, the Federal Transit Administration (“FTA”) requested corrections to any factual errors identified by the City of Phoenix Public Transit Department (“PTD”) in the Title VI draft report dated October 2020.

This letter describes the factual errors identified in the report as well as PTDs proposed corrections to the report. Our corrections are also included within the body of the attached draft report, as tracked changes, for your convenience.


Content Area	Page	Correction
Introduction to the City of Phoenix	Page 9	Per the Draft Report, “The City of Phoenix Public Transit Department (PTD) is one of 18 21-agencies collectively branded as the Valley Metro regional transit system (Valley Metro).” The 21 agencies (19 cities, RPTA and VMR) collectively branded as Valley Metro are: Peoria, Mesa, Phoenix, Avondale, Buckeye, Chandler, El Mirage, Fountain Hills, Gilbert, Glendale, Goodyear, Maricopa County, Queen Creek, Scottsdale, Surprise, Tempe, Tolleson, Wickenburg and Youngtown.
	Page 9	Per the Draft Report, “the City passes through Section 5307 funds to the following 47 20 Valley Metro member agencies: Valley Metro Rail, Regional Public Transportation Authority (RPTA), Avondale, Buckeye, Chandler, El Mirage, Gilbert, Glendale, Goodyear, Maricopa County, Mesa, Peoria,

		<p>Queen Creek, Scottsdale, Surprise, Tempe, and Tolleson.</p> <p>The City passes through Section 5307 funds to 20 Valley Metro member agencies: Valley Metro Rail, Regional Public Transportation Authority (RPTA), Avondale, Buckeye, Chandler, El Mirage, Fountain Hills, Gilbert, Glendale, Goodyear, Maricopa County, Mesa, Peoria, Queen Creek, Scottsdale, Surprise, Tempe, and Tolleson, Wickenburg and Youngtown.</p>
	Page 10	<p>Per the Draft Report, “First Transit operates 11 local routes, one limited stop route, and the Maryvale Area Ride for You (MARY) neighborhood circulator primarily in the north and west valley.</p> <p>The “one-limited stop route” referenced in the report is operated by Valley Metro, not First Transit.</p>
	Pages 10 - 11	<p>PTD <i>was not able</i> to confirm the data provided in the service area demographics chart because the source of the data and the service area used were not provided.</p>
Methodology	Pages 14 - 16	<p>Corrections were made to City of Phoenix employee titles and name spelling.</p>
Inclusive Public Participation	Page 28	<p>Corrected acronym from “PDT” to “PTD”</p>
Systemwide Service Standards/Polices for Light Rail Service	Pages 45 - 46	<p>Changed from “RPTA” to “VMR/RPTA (Valley Metro)” for clarification.</p>

If you or your staff have questions, feel free to contact me at (602) 534-6765 or via email at: jesus.sapien@phoenix.gov.

Mr. Day
Program Manager, Policy Technical Assistance, Office of Civil Rights
FY2020 Title VI Draft Report – Factual error response
November 6, 2020
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesús Sapien', with a long horizontal flourish extending to the right.

Jesús Sapien
Public Transit Director

cc: Ray Tellis, FTA Region IX
Anita Heard, FTA Region IX
Yolanda Mitchell, FTA Region IX
Edward Carranza, FTA Region IX
Nicholas Sun, FTA Region IX
Donald Lucas, The DMP Group
Joe Bowar, City of Phoenix, Deputy, Director, Public Transit
Ken Kessler, City of Phoenix, Deputy Director, Public Transit
Albert Crespo, City of Phoenix, Deputy Director, Public Transit
Shelley Reimann, City of Phoenix, Transit Compliance Administrator
Christina Hernandez, City of Phoenix, Compliance Program Manager



U.S. Department
of Transportation
**Federal Transit
Administration**

Headquarters

5th Floor – East Bldg., TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

December 15, 2020

Jesús Sapien
Public Transit Director
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003

RE: Title VI Specialized Review Final Report

Dear Mr. Sapien:

This letter concerns the Federal Transit Administration's (FTA) Title VI Review of the City of Phoenix, conducted on February 18-21, 2020. Enclosed is a copy of the Final Report, which will be posted on FTA's website on our Title VI page.

The FTA Office of Civil Rights is responsible for ensuring compliance with 49 CFR Part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964" by its grant recipients and subrecipients. As part of our ongoing oversight efforts, FTA conducts a number of onsite reviews to ensure compliance with Title VI and the applicable departmental regulations. FTA uses the findings from these reviews to provide direction and technical assistance to transit agencies in order to achieve compliance with Title VI.

Unless otherwise noted, all corrective actions identified in the Final Report must be undertaken within 60 days of the date of this letter. Once we have reviewed your submissions, we will either request clarification or additional corrective action, or will close out the finding if your response sufficiently addresses the Title VI requirements. Please submit your responses to John Day at john.day@dot.gov.

We appreciate the cooperation and assistance that you and your staff have provided us during this review, and we are confident the City of Phoenix will take steps to correct the deficiencies. If you have any questions about this matter, please contact Shavon Nelson at 202-366-0635, or via email at shavon.nelson@dot.gov.

Sincerely,

John Day
Program Manager
FTA Office of Civil Rights

Enclosure

cc: Ray Tellis, Regional Administrator, FTA Region 9
Selene Faer Dalton-Kumins, Associate Administrator, FTA Office of Civil Rights