

FTA

FEDERAL TRANSIT ADMINISTRATION

Southwest Ohio Regional Transit Authority 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 Southwest Ohio Regional Transit Authority’s (SORTA) 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 SORTA. In addition, the review team interviewed the following local entities as part of this review: the African American Chamber of Commerce, Catholic Charities, Santa Maria Services, *La Vanguardia*, and the *Cincinnati Herald*. The review team also toured a minority bus route (Route 43) and a nonminority route (Route 11), two SORTA bus divisions, its downtown sales office, and several transfer centers. The three-day review included interviews, assessments of data collection systems, and review of program documents.

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

Positive Program Elements

- **Inclusive Public Participation** – SORTA effectively engaged the public, particularly by getting input from organizations representing minorities and persons with limited English proficiency, in ongoing planning and decisionmaking.
- **Minority Representation on Planning or Advisory Bodies** – SORTA encouraged and obtained minority participation on its nonelected advisory bodies.
- **Distribution of Transit Amenities** – The review team observed no discrimination or disparate impact related to persons protected by Title VI in SORTA’s distribution of transit amenities.
- **Providing Assistance to Subrecipients** – SORTA and its MPO did a good job providing assistance to SORTA’S FTA Section 5310 subrecipients on the development and implementation of their Title VI plans.
- **Monitoring Subrecipients** – SORTA adequately monitored FTA Section 5310 subrecipient Title VI compliance in accordance with corrective actions submitted following deficiencies identified in the 2018 Triennial Review.
- **Systemwide Service Standards and Policies** – SORTA developed service standards and policies, as required.
- **Staffing** – SORTA’s CEO and its Development and Grants staff (some new) were interested in and capable of making improvements to SORTA’s Title VI Program implementation.

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

- **Title VI Program** – SORTA’s Title VI Program did not contain all of the required elements.
- **Title VI Notice to Beneficiaries** – SORTA’s Title VI Notice did not always contain all of the required elements and was not posted throughout its transit system, as noted in its Title VI Program.
- **Title VI Complaint Procedures** – SORTA’s Title VI complaint procedures were not consistent and were not followed in practice.
- **Requirement to Provide Meaningful Access to LEP Persons** – SORTA’s LEP four-factor analysis did not adequately address FTA Circular 4702.1B(III)(9) requirements.
- **Demographic Data** – SORTA did not follow the guidelines set forth in FTA Circular 4702.1B in developing demographic profile maps, as required.
- **Monitoring Transit Service** – SORTA did not conduct Title VI monitoring as required by FTA Circular 4702.1B(IV)(6), correctly define minority routes, or evaluate system performance against established service standards and policies.
- **Evaluation of Service and Fare Changes** – SORTA conducted equity analyses for service changes as required by FTA Circular 4702.1B(IV)(7), but it did not obtain public input into its disparate burden standard.

1. General Information

This chapter provides basic information concerning this compliance review of the Southwest Ohio Regional Transit Authority (SORTA). Information on SORTA, the review team, and the dates of the review are as follows:

Grant Recipient:	Southwest Ohio Regional Transit Authority
City/State:	Cincinnati, OH
Recipient Number:	1220
Executive Official:	Darryl Haley
On-site Liaison:	Mary Huller
Report Prepared By:	The DMP Group, LLC
Dates of On-site Visit:	January 22–24, 2020
Compliance Review Team Members:	Maxine Marshall John Potts Khaliq Davis

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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. SORTA 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 24 (October 1, 2017)

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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 SORTA's Title VI Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC, to conduct the Title VI compliance review of SORTA. The primary purpose of this compliance review was to determine the extent to which SORTA 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 SORTA 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 SORTA.

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 decisionmaking 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 Southwest Ohio Regional Transit Authority

The Southwest Ohio Regional Transit Authority (SORTA) is a nonprofit public transit service in Greater Cincinnati, Ohio, providing fixed-route bus service (Metro) and curb-to-curb Americans with Disabilities Act of 1990 (ADA) complementary paratransit service (Access) for people whose disabilities prevent them from riding Metro. SORTA is governed by a 13-member board that consists of four charter members representing the counties of Hamilton, Butler, Warren, and Clermont and nine at-large members allotted by jurisdiction based upon the jurisdiction's funding contribution to the operation of SORTA.

The SORTA Board appoints a Chief Executive Officer/General Manager who is responsible for approximately 840 employees, including an executive staff of three chief officers. Approximately 700 employees are represented by the Amalgamated Transit Union, Local 627.

SORTA provides transit service in the greater Cincinnati area, serving Hamilton County and parts of Butler, Clermont, and Warren Counties. The population of its service area is approximately 809,000. The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) has a joint cooperative agreement with SORTA for the allocation and administration of Section 5310 funds. OKI is the designated recipient of Section 5310 funds, and SORTA is the direct recipient of Section 5310 funds. Through agreements with selected subrecipients, SORTA provides funding to procure vehicles for subrecipients, and the subrecipients agree to cooperate with SORTA and OKI to participate in required oversight activities.

SORTA provides public transportation services through two operating divisions, Metro and Access. Metro provides local and commuter express bus service on 46 fixed routes. Metro service is provided weekdays from 3:47 a.m. to 1:51 a.m.; Saturday from 4:22 a.m. to 1:37 a.m.; and Sunday from 5:05 a.m. to 1:22 a.m. Access paratransit service was operated by a private contractor, MV Transportation, until December 31, 2019. SORTA assumed direct operation of the paratransit service on January 1, 2020. Service is provided during the same days and hours of service as the fixed routes.

The City of Cincinnati, in partnership with SORTA, developed and implemented a new Streetcar project (known as the Cincinnati Bell Connector), which opened for passenger service in September 2016. This project consisted of the construction of 3.6 miles of trackway in a loop configuration, 18 station stops, a maintenance and operations facility, and the acquisition of five light rail passenger vehicles. The Streetcar system is owned by the city and was managed by SORTA until January 2020. The Streetcar was funded by three FTA awards for which SORTA was the recipient: OH-03-0303 (Urban Circulator), OH-79-0002 (Transportation Investment Generating Economic Recovery), and OH-95-X054 (CMAQ). Streetcar service operates Mondays through Thursdays 6:30 a.m. to midnight; Fridays 6:30 a.m. to 1:00 a.m.; Saturdays 8:00 a.m. to 1:00 a.m.; and Sundays and holidays 9:00 a.m. to 11:00 p.m.

Effective January 1, 2020, the City of Cincinnati took over the operation of the Streetcar. At the time of the site visit, the city and SORTA were working out the terms of the final transfer agreement. According to SORTA, FTA was aware of the transfer of the project to the city. The rail service is operated from the FTA-funded Streetcar Maintenance and Operations Facility on Race Street.

SORTA has zoned fares for the fixed-route bus service starting with \$1.75 in Zone 1, which encompasses the City of Cincinnati, to a fare of \$4.25 in Zone 5 in Warren County. Reduced fares correspond to each zone, from 85¢ in Zone 1 to \$2.10 in Zone 5, and are offered to seniors, persons with disabilities, and Medicare cardholders during all hours. Access fares are \$3.50 for service in Zone 1 and \$4.50 for travel across zone boundaries or for Zone 2 areas served within Hamilton County. Discounted monthly passes and Access tickets are available. The Streetcar fare is \$1.00 for two hours and \$2.00 for a day pass.

SORTA has three bus operations facilities in Cincinnati. Fixed-route bus services are operated from the Queensgate Facility on Banks Street and the Bond Hill Facility on Paddock Road, and paratransit service is operated from the Access Facility on Transpark Drive. Two transit centers in downtown Cincinnati serve as major destinations for the fixed-route service: Government Square and the Riverfront Transit Center. Other facilities include the Silverton Eligibility Center, Forest Park, and Glenway Crossing.

In May 2018, SORTA completed the Oakley Transit Center, located at 3301 Ibsen Avenue. This new community transit hub includes an off-street bus driveway with four distinctive boarding bays with passenger shelters equipped with real-time digital signage, a ticket vending machine, lighting, and park-and-ride spaces.

SORTA is currently constructing the Northside Bus Transit Center, a major community bus transfer facility that will include bus bays with a canopy structure, passenger shelters, and boarding areas; informational (including real-time digital) signage; park-and-ride spaces; and functional landscaping. A third community transit center project is planned within the Walnut Hills community.

SORTA plans to pursue the following noteworthy projects in the next three to five years:

- Development of a park-and-ride lot in the Walnut Hills vicinity
- Development of one or more bus rapid transit lines, as identified in the SORTA Reinventing Metro Plan. This project is dependent on the success of a local sales tax levy being placed on the March 17, 2020 ballot.

At the time of the Title VI compliance review site visit, Title VI responsibilities at SORTA were shared among several departments. The Transit Development Department handled the demographic and spatial analysis work involved with Title VI administration. This department created and maintained a database of population information in SORTA's service area, such as the racial makeup of the population, the sex distribution, household incomes, poverty information, wage data, job type and location data, and travel time data at the census block and block group levels. Transit Development staff conducted spatial analysis of the transit network using these data sets in GIS software to evaluate service changes in addition to the three-year Title VI Program Update. In the past three years, SORTA hired consultants to conduct its service and fare equity analyses.

The Human Resources Department was responsible for handling Title VI complaints and providing management training. In July 2018 SORTA provided training to all managers, to include an overview of Title VI requirements. SORTA did not document that it had trained operations or call center staff on Title VI requirements.

SORTA's service area demographics were as follows:

SORTA Service Area (City of Cincinnati and portions of Hamilton and Butler Counties)				
Racial/Ethnic Group	2000 U.S. Census		2010 U.S. Census	
	Number	Percent	Number	Percent
White	705,228	74.3%	626,875	69.2%
Black	200,166	21.1%	208,952	23.1%
American Indian and Alaska Native	1,491	0.15%	1,391	0.15%
Asian	17,225	1.8%	23,231	2.6%
Hawaiian/Pacific Islander	236	0.02%	644	0.07%
Other Race	1,730	0.18%	1,886	0.2%
Two or More Races	11,125	1.2%	16,940	1.9%
Hispanic Origin ¹	11,458	1.2%	25,737	2.8%
Total Population	948,659		905,656	

Limited English Proficiency	8,118	0.9%	24,905	2.75%
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From 2000 to 2010, SORTA's service area population decreased by 4.6 percent. The White population decreased by 11 percent, the Black population increased 4.4 percent, the Hispanic population increased 124.6 percent, the Asian population increased 34.9 percent, the American Indian/Alaskan Native population decreased by 6.7 percent, and the Hawaiian/Pacific Islander population increased 173 percent. In 2010, 69.2 percent of the total population was White, 23.1 percent was Black, 2.8 percent was Hispanic, 2.6 percent was Asian, 0.15 percent was American Indian/Alaskan Native, and Hawaiian/Pacific Islanders represented less than 1/10 of a percent. The LEP population increased by 205.5 percent.

In December 2019, SORTA's Transit Development staff completed a demographic analysis of Hamilton County to create Census block-level data using the most recent available information, which is the 2013–2017 American Community Survey (ACS) 5-Year Estimate. This analysis was done by determining growth or shrinkage factors at the Census block group level and applying the population or household change factors to 2010 Census block data from the Decennial Census. This demographic analysis allowed SORTA to conduct the most accurate spatial analysis of its bus routes, stops, and the areas served. The analysis found that the demographics of the area had not changed significantly since the 2010 Decennial Census was completed. The minority population declined slightly, as did the low-income

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

population of the area, while the age 65+ population grew slightly. These data will be used to evaluate future service expansions into the parts of Hamilton County that are not currently within SORTA's service area and to enable SORTA to conduct the most granular spatial analysis possible.

5. Scope and Methodology

5.1 Scope

The Title VI compliance review of SORTA 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

5.2 Methodology

The review team conducted initial interviews with the FTA Headquarters Civil Rights staff and the FTA Region V Civil Rights Officer to discuss specific Title VI issues and concerns regarding SORTA. FTA sent an agenda letter covering the compliance review to SORTA 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 and the applicable Requirements and Guidelines for Fixed-Route Transit Providers contained in FTA Title VI Circular 4702.1B that became effective on October 1, 2012. The General Reporting Requirements and Guidelines include implementation of the Limited English Proficiency (LEP) Executive Orders.

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

- Current Title VI Program
- SORTA's organization chart
- A narrative describing the individuals and resources dedicated to implementing the Title VI requirements, handling any Title VI inquiries, and educating the agency's staff on Title VI
- A description of SORTA's public transit service area, including general population and other demographic information using the most recent Census data
- A current description of SORTA's public transit service, including system maps, public timetables, transit service brochures, etc.
- A roster of SORTA's current revenue fleet, to include acquisition date, fuel type, seating configurations, vehicle assignment, and other amenities
- Any studies or surveys conducted by SORTA, its consultants, or other interested parties (colleges or universities, community groups, etc.) during the past five years regarding information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns, and fare usage by fare type among minority users and low-income users
- Any service and fare equity analysis conducted over the past three years
- A list of any siting, locating, and/or constructing of facilities, and any associated Title VI equity analyses, from 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 public outreach efforts and events
- A current list of measures implemented to provide language assistance to LEP individuals, including a list of documents considered by SORTA to be vital for attaining language assistance compliance
- A summary of any monitoring or technical assistance activities provided to subrecipients within the last three years, including a description of the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) involvement in subrecipient oversight
- A list of subrecipient(s) 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 SORTA has interacted on Title VI issues. The list should include contact information, such as a point of contact, telephone numbers, or email addresses.

- Other information determined by SORTA staff to be pertinent and demonstrative of its Title VI compliance efforts, as applicable.

SORTA 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 three-day site visit.

The site visit to SORTA occurred on January 22–24, 2020. The review team conducted an opening conference held at 9:00 a.m. on Wednesday, January 22, 2020 at the SORTA offices at 602 Main Street in Cincinnati, Ohio. The following people participated in the opening conference:

Southwest Ohio Regional Transit Authority

Darryl Haley, Chief Executive Officer/General Manager
Mary Huller, Senior Manager Grants Administration and Development
Donna Adkins, Chief Administration Officer
Adrienne Hairston, Vice President, Human Resources/EEO Officer
Michelle Jeng, Interim Chief Financial Officer
Dave Etienne, Director of Communications and Marketing
Rita Potts, Grants Program Coordinator
Lisa Aulick, Director, ADA and Accessible Services
Tara Walker, DBE Administrator
Mark Samaan, Service Planner II

FTA Office of Civil Rights (via teleconference)

John Day, Headquarters Program Manager for Policy and Technical Assistance

The DMP Group

Maxine Marshall, Lead Reviewer
John Potts, Reviewer
Khalique Davis, Reviewer

Following the opening conference, the review team met with SORTA 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 at the site visit by SORTA. The review team then met with SORTA staff to discuss how SORTA incorporated FTA Title VI requirements into its public transportation program.

During the compliance review, the review team toured one minority bus route (Route 43) and one nonminority route (Route 11). 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. The review team observed no discrimination or disparate impact related to persons protected by Title VI in SORTA's distribution of transit amenities. The review team also toured transfer centers and two bus divisions to look for posting of Title VI Notices to Beneficiaries in the facilities and on board the vehicles. The review team analyzed bus assignments for two randomly selected weekdays to ensure that vehicles

were distributed equitably among minority and nonminority routes. The observations from these site visit tours are described in Section 7.3 of this report, Monitoring Transit Service.

At the end of the site visit, the review team held an exit conference with SORTA staff and FTA regional staff at which they discussed initial observations with SORTA. The exit conference took place at 3:00 p.m. on Friday, January 24, 2020 at the SORTA office. Attending the conference were:

Southwest Ohio Regional Transit Authority

Darryl Haley, Chief Executive Officer/General Manager
Mary Huller, Senior Manager Grants Administration and Development
Donna Adkins, Chief Administration Officer
Khaled Shammout, Director of Transit Development
Adrienne Hairston, Vice President, Human Resources/EEO Officer
Michelle Jeng, Interim Chief Financial Officer
Dave Etienne, Director of Communications and Marketing
Rita Potts, Grants Program Coordinator
Lisa Aulick, Director, ADA and Accessible Services
Tara Walker, DBE Administrator

FTA Office of Civil Rights (via teleconference)

Marjorie Hughes, Region V Civil Rights Officer

The DMP Group

Maxine Marshall, Lead Reviewer
John Potts, Reviewer
Khalique Davis, Reviewer

5.3 Stakeholder Interviews

During the compliance review, the review team interviewed representatives of five organizations serving the minority community: the African American Chamber of Commerce, Catholic Charities, Santa Maria Services, *La Vanguardia* (a Spanish-language newspaper), and the *Cincinnati Herald* (an African American newspaper). Most of the individuals interviewed were aware of efforts made by SORTA to notify the public about service changes, construction projects, and other disruptions to service. SORTA posted notices in English and Spanish and advertised in the local newspapers, including *La Vanguardia* and the *Cincinnati Herald*. Several vital documents were available in Spanish. One individual commented that there was a need for information in additional languages (e.g., Swahili and Tigrinya) spoken by riders in the SORTA service area. SORTA participated in trainings and spoke at various events to minority groups and non-English speaking individuals about how to ride the bus.

Several individuals shared a discontentment with frequency of service, SORTA's system of transfer between routes, and longer travel times. Individuals explained there was inadequate

coordination between routes. The connections were predominately in the central downtown area but not in close proximity to one another. Riders also had long wait times between buses. As there are no east or west crosstown routes and transfers are full fare, riders not working in town experience longer travel times and higher costs to ride the bus. Families with young children are believed to experience a disproportionate level of aggravation relying on the bus.

There was a general consensus that the amenities are equitably distributed throughout most of the systems. Some felt there were not enough amenities in the minority communities with higher ridership. SORTA's real-time scheduling on its app was said to be inaccurate and unreliable. The buses could be significantly later than what the app indicated, which hindered riders' ability to make connections. While most interviewees were not aware of any complaints or lawsuits filed against SORTA, it was reported that there have been multiple complaints about the complementary paratransit service, Access. The complaints stem from long waits, having to wait in harsh elements, and limited evening hours.

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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. SORTA pinned the required Title VI Certification and Assurance in TrAMS on May 30, 2019. The initial certification was pinned on April 17, 2019, by the CEO/GM. The Delegation of Authority to the CEO/GM was executed on April 23, 2019, resulting in an updated filing of the Certification and Assurance on May 30, 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, deficiencies were found with this requirement. According to TrAMS, SORTA initially submitted its most recent Title VI Program (dated April 2019) on time on March 20, 2019. The Title VI Program was approved by SORTA's Board of Directors in a resolution dated February 19, 2019. At the time of the site visit, FTA had not concurred with SORTA's Title VI Program. As shown in the following table, SORTA's Title VI Program submission was missing several elements:

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

General Reporting Requirements/Guidelines (per FTA Circular 4702.1B)	Included in Program Submittal
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	No
A public participation plan that includes an outreach plan to engage minority and LEP populations and involvement activities undertaken since last submission	Yes
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	No
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	No
Copy of any conducted Title VI equity analyses related to the siting or location of facilities	No
Demographic Data	Yes
Evaluation of Service and Fare Changes	Yes
Monitoring Transit Service	Yes

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, SORTA must submit to the FTA Office of Civil Rights an updated Title VI Program that includes the following elements:

- A *list* of Title VI complaints
- A table depicting membership of nonelected boards (e.g., Metro Futures Task Force and Bus Advisory Committee)
- A schedule of subrecipient Title VI Program submissions
- A description of any Title VI facility siting equity analyses, if needed

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 Web site, 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 review, deficiencies were found with this requirement. As shown in the table below, SORTA's Title VI Notice to Beneficiaries in its Title VI Program Plan and on its website included all required elements, as described in FTA Circular 4702.1B(III)(A)(1-3). However, versions of its Title VI Notice posted on its fixed-route vehicles did not include all required elements. Specifically, Title VI Notices on SORTA's fixed-route vehicles did not include a description of procedures that members of the public should follow to request additional information on recipient's nondiscrimination obligations, as required.

Elements Required for Notice to Beneficiaries (per FTA Circular 4702.1B)	Included in Title VI Program Submittal and on Website
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

* Not included in all Notices on fixed-route buses.

In its 2019 Title VI Program, SORTA stated:

2.6. Public Notice of Title VI Program

SORTA provides the Title VI Program at all of its public facilities along with a notice of its non-discrimination clause. The facilities include the Gwynne Administration Building, Streetcar Maintenance & Operations Facility, SORTA Sales Office, Silverton Access Facility, Queensgate Garage, Bond Hill Garage, and Access Garage.

In the appendix beginning on page 31, SORTA stated:

The following documents [including the Title VI Notice] can be found at SORTA facilities as well as on SORTA buses in order to communicate SORTA's commitment to non-discriminatory actions. The public non-discrimination notice and complaint form can also be found at SORTA's website.

At the time of the site visit, the Notice and Title VI complaint form were posted in English and Spanish on SORTA's website at www.go-metro.com. During the site visit, the review team boarded over 50 buses and found a Title VI Notice on the majority of fixed-route buses. However, some of the notices did not contain a statement of how to obtain additional information on SORTA's Title VI obligations. There were no Title VI Notices on any of the paratransit vehicles examined during the site visit. While SORTA had posted Title VI Notices in its facilities, most of these were not locations accessed by the public. The review team had to request to see a copy of the Title VI Notice at the Sales Office, where it was only visible to SORTA staff. SORTA was advised to post the Title VI Notice at locations where the public could readily see it, such as transit centers and key shelters.

FTA does not require notices to be placed on all buses or at all facilities, but it does require recipients to post a notice that complies with FTA Circular 4702.1B(III)(A)(1-3) content and dissemination requirements.

Corrective Actions and Schedules

Within 60 days, SORTA must submit to the FTA Office of Civil Rights documentation confirming that the Title VI Notices posted throughout its transit system contain all required elements.

Advisory Comments

It was recommended that SORTA have only one standard and compliant Title VI Notice that it posts throughout its system. It was suggested that when posting its Title VI Notice at facilities, on buses, and on other transit system assets (e.g., key bus shelters and transit centers) that notices are posted in conspicuous areas such that all notices can be seen by the public. It was also suggested that SORTA post its Title VI Notice on paratransit vehicles as it does on its fixed-route vehicles. SORTA was advised to ensure its Title VI Plan reflects actual practice and to revise its plan accordingly.

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. SORTA did not publish the Title VI complaint procedures on its website or otherwise make them available to the public. Further, SORTA included two sets of Title VI complaint procedures in its 2019 Title VI Program, and neither set of descriptions were consistent, nor did they reflect actual practices.

In general, SORTA's Title VI complaint procedures provided a method for filing discrimination complaints based on race, color, or national origin. The first set of procedures is described in Section 1.1 of SORTA's 2019 Title VI Program, and the second set of procedures is described in Appendix A of the same document. The table below describes several examples of the differences between the two sets of procedures and the actual current practice:

Complaint Action	Complaint Procedures in 2019 Title VI Program		Current Practice at the Time of the Site Visit*
	Section 1.1	Appendix A	
Who handles the complaint?	Title VI Coordinator	Director of Diversity and Inclusion (D&I)	VP of Human Resources/ EEO Officer

Form of complaint	Complaint must be in writing and signed.	Describes formal and informal complaint processes	No procedures on website. On-line complaint form did not include an opportunity to sign or input information identified in written procedures.
Intake of complaint	Complainant will be notified in writing of a decision to accept the complaint for investigation.	Informal complaints are forwarded to the Department to resolve with consultation with D&I. Formal complaints are sent directly to D&I.	Complaint forwarded to VP Human Resources/EEO Officer, who forwarded the complaint to outside legal counsel
Notice of Determination	Notice of determination will be mailed to the complainant, including the right to appeal.	After coordination with Executive staff and legal counsel, Director of D&I will provide written notice to the complainant.	Outside counsel interviewed the parties and found the driver's denials credible and did not substantiate the complaint. Notice of determination made to VP Human Resources in an email. SORTA lacked documentation that the complainant was notified of the determination or the right to appeal.
Appeals	Appeals should be sent to FTA Regional Office in Chicago.	Complaints or appeals should be sent to FTA Headquarters in D.C.	No documentation of a notification of right to appeal.

* Current practice based on description of two Title VI complaints received in July 2019.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, SORTA must submit to the FTA Office of Civil Rights an updated Title VI Program that includes Title VI Complaint Procedures that describe in detail all methods for filing a Title VI complaint and reflects actual practice with respect to process and the use of related administrative tools (e.g., forms, letters, logs, etc.). The Title VI Complaint Procedures must also be uploaded on SORTA's 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 no deficiencies were found with this requirement. SORTA had implemented procedures to reliably identify, record, and report Title VI complaints. SORTA's call center personnel were instructed to classify Title VI complaints using the following codes:

- 19 – Prejudice (race, color, religion, national origin)
- 19a – Prejudice (gender, sexual orientation)
- 47 – Title VI (formal complaints)

Call center personnel were instructed to obtain full contact information from callers who reported complaints in these categories. This information was to be forwarded to the Director of Diversity and Inclusion, Customer Relations Manager, and Director of Customer Relations & Sales. As noted in the discussion under Complaint Procedures (above), the position of Director of Diversity and Inclusion had been eliminated. At the time of the site visit, these complaints were instead forwarded to the Vice President of Human Resources/EEO Officer.

SORTA summarized two Title VI complaints in its 2019 Title VI Program and its documents submitted to the review team. SORTA also provided a list of the two complaints that included all required information. That list should be included in SORTA's updated 2019 Title VI Program submittal.

Corrective Actions and Schedules

FTA requires no corrective actions for the Record of Title VI Investigations, Complaints, and Lawsuits requirement at this time.

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 decisionmaking process (FTA C 4702.1B, Chap. III-5, Sec. 8).

Discussion

During this review, no deficiencies were found with this requirement. An advisory comment, however, was made regarding this requirement. In its 2019 Title VI Program, SORTA stated that "It is the policy of SORTA to encourage the broadest public participation in major decisions that affect our service, our customers and our community." Although SORTA effectively engaged in

public participation activities, in its Title VI Program it needed to describe more fully when and how it engages the public early in the Title VI transportation planning process.

SORTA reported that it routinely has representation at dozens of community events throughout its service area, distributing bus schedules and other rider information and generally increasing support for and awareness of its services. SORTA noted that it tried to be as inclusive as possible when choosing which events to attend, and regularly attended the following events annually:

1. Earth Day celebration
2. Cincy Cinco Festival (targeted to the Latino community)
3. Go OTR 5K and Celebration
4. Paddlefest Kids Outdoor Adventure Expo
5. ADA anniversary celebration (targeted to people with disabilities)
6. Juneteenth Festival (targeted to the African American community)
7. Cincinnati Pride Festival (targeted to the LGBTQ+ community)
8. Greater Anderson Days (targeted to the African American community)
9. Midwest Black Family Reunion
10. Washington Park Fall Fest

In addition, SORTA routinely attended neighborhood events such as Touch-A-Truck events, farmer's markets, school events and career days, and festivals. A detailed calendar of events from two representative years was provided to the review team.

As with public meetings concerning proposed service or fare changes, SORTA adhered to its public participation process and made information available in multiple formats whenever possible. For all public meetings, regardless of the subject matter, the meetings were advertised in Spanish-language (*La Vanguardia*) and minority-serving (the *Cincinnati Herald*) publications as well as the *Cincinnati Enquirer*. In addition, all materials at the meetings were available in Spanish and Braille, and American Sign Language or other interpretation for the deaf or hard of hearing was available upon request. All public meetings were held in facilities located on bus routes and were 100 percent accessible to persons with disabilities. Disabled customers could request ADA complementary paratransit vehicles to transport them to and from the meetings.

Advisory Comments

It is an effective practice to update the Title VI Program to describe in detail when and how the agency engages the public early in the Title VI transportation planning process.

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 deficiencies were found with this requirement. FTA also issued advisory comments regarding this requirement. SORTA was advised to broaden the relevant service area to ensure that concentrations of LEP persons residing outside the 1/4-mile radius are adequately served. Further, SORTA was advised to look beyond the U.S. Census and obtain data on the number of LEP persons in the service area from local sources, such as the Cincinnati Public Schools and the Hamilton County Public Health Department, to confirm or more accurately report on the number and proportion of LEP persons in the service area. 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	No
Part B – Develop Language Assistance Plan	
Identify LEP persons	Yes
Develop language assistance measures	Yes
Identify vital documents/prioritize vital documents	Yes*
Provide notice to LEP persons of availability of services	Yes
Monitor, evaluate, and update LAP	No
Train staff to provide timely and reasonable language assistance to LEP population	No

* Advisory comments made

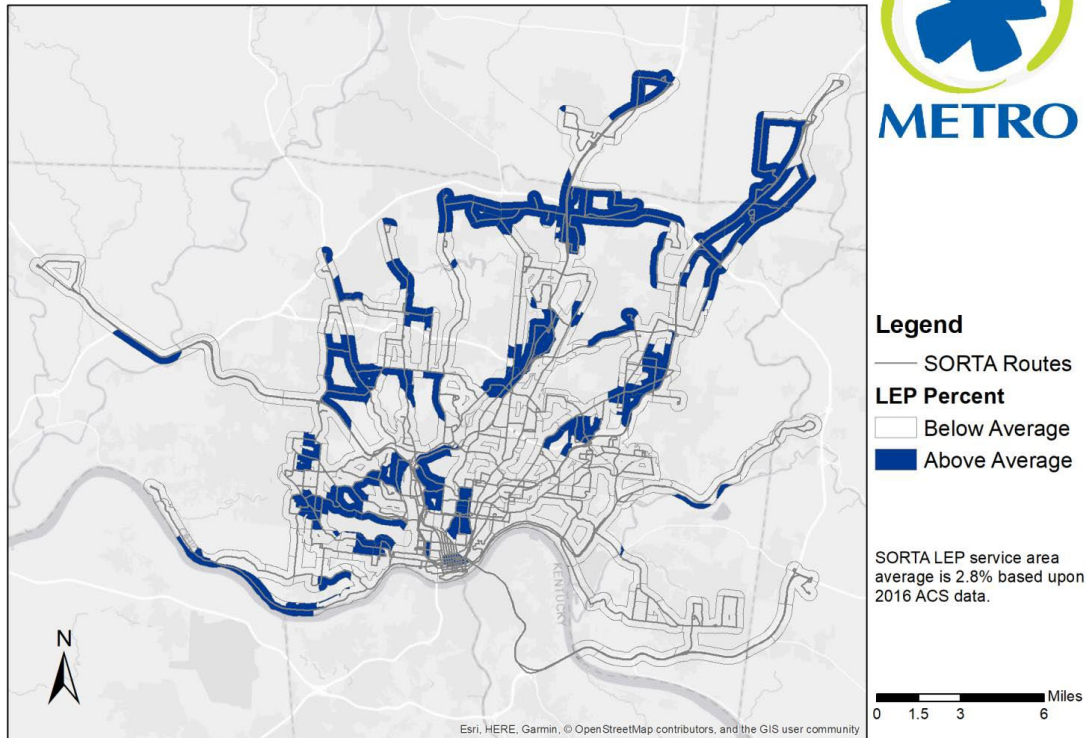
Description of SORTA'S Four-Factor Analysis

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

SORTA used the most recent (2012–2016) ACS data (U.S. Census Bureau) to determine the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. According to Exhibit 1 of its 2019 Title VI Program, SORTA's service area had an overall LEP population of 12,506, or 2.8 percent of the total population 5 years and older. This is approximately one-half of the LEP population identified by the 2010 Census, shown in Section 4.1 of this report. The service area defined for SORTA's LEP analysis was based on a 1/4-mile buffer from all SORTA fixed routes. SORTA's rationale was that since many tract areas are much larger than the size of this buffer, using the entire tract's population would have caused an overestimation. Thus, to obtain more accurate population figures, the staff used GIS tools to calculate the ratio of each tract's area located inside the service area buffer to the tract's total area and applied that ratio to the tract's population numbers. The following map,

which is included in SORTA's 2019 Title VI Program, shows the distribution of LEP persons within the 1/4-mile area around SORTA routes. The darker shadings represent concentrations of LEP persons ranging from 2.8 percent to a high of 21 percent.

Limited English Proficient Population SORTA Service Area



DOT's Policy Guidance Concerning Recipients' Responsibilities to LEP Persons (FR 70 74087, December 14, 2005) allows recipients to designate the relevant service area. The LEP Guidance states:

The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed. Ordinarily, persons "eligible to be served, or likely to be directly affected, by" a recipient's programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient's service area. However, where, for instance, a motor vehicle office serves a large LEP population, the appropriate service area is that served by the office, and not the entire population served by the department. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself.

SORTA was advised to broaden the relevant service area to ensure that concentrations of LEP persons residing outside the 1/4-mile radius are adequately served.

Further, the DOT LEP Guidance states:

In conducting this analysis, it is important to... consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.

During the site visit, SORTA acknowledged that although the U.S. Census and ACS are good resources for beginning to understand its LEP populations, other sources as mentioned in the DOT LEP Guidance can help to more accurately identify said populations. In its Title VI Program, SORTA noted that the Cincinnati Public Schools (CPS) offers a program for English-language learners; however, SORTA had not obtained data from CPS or other agencies frequented by LEP persons, such as the Hamilton County Public Health Department.

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

In its Title VI Program, SORTA stated the following in its Factor 2 analysis:

In order to understand the frequency with which LEP individuals come into contact with transit agency services, SORTA reviewed the number of surveys returned in Spanish during the on-board survey conducted in January of 2018. Out of 4,621 surveys handed out, only 14 were in Spanish. Additionally, SORTA reviewed the number of calls or visits made to our Customer Service Centers by LEP individuals. According to the Director of Customer Relations and Sales, the Customer Service office averages less than one request per month from LEP persons into SORTA's customer relations department which averages over 3,400 calls a month. During last year, the Downtown Sales Office staff did not receive any requests for information from LEP persons. Bus drivers are also in contact with passengers with limited English skills, however, they can usually communicate with them well enough to provide essential route and schedule information. SORTA has started to provide much of its public documentation in Spanish and now provides documents in Braille, when requested.

While these data are useful, they suggest that LEP persons had very infrequent contact with SORTA, amounting to less than 1 percent of all contacts. This implication was contradicted, in part, by the same 2018 rider survey in which in response to Question 11, 15.9 percent of respondents indicated that they speak English less than very well. Further, in its Title VI Program, SORTA indicated the following with respect to frequency of contact:

Over the past few years, SORTA has had intermittent contact with one of the key agencies that serves the largest group of LEP persons in the service area. Su Casa was founded in 1997 to focus on helping the Latino community. SORTA also utilizes Santa Maria Services as a sales outlet and outreach organization regarding service changes and communication. SORTA works with the Healing Center (that primarily serves Hispanic population for social services) and stays connected and does outreach with the University of Cincinnati International Group and international students from Xavier University.

Cincinnati Public School (CPS) offers an English-Language Learners program out of its Burnet administration building for students. CPS allows every student to choose

the high school they want to attend, so there are LEP students at every school. However, representatives from the CPS identified the three 7-12 grade schools that provide LEP programs and activities to the largest populations of LEP students.

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

SORTA recognized its services were important to its riders for getting to and from work, school, medical appointments, recreation, and shopping. SORTA identified that trip planning, accessing bus service information, applying for ADA complementary paratransit services, and public participation are areas where schedule and fare-related inquiries made up the majority of its customer service requests.

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

In this section of its four-factor analysis, SORTA noted that its website presents SORTA's route and schedule information in English and Spanish, and customers can use Google translate to access the route and schedule information in 63 other languages. A Spanish version of the Title VI/EEO complaint process is also available on the SORTA website (www.gometro.com) in the default or English mode. Also, a fare summary brochure was available in both English and Spanish. SORTA's fare media tickets and ticket vending machines have both English and Spanish instructions. SORTA did not identify the resources available to provide outreach to LEP persons or the costs associated with the outreach. However, SORTA did not use resource limitations as a reason to limit language assistance.

Language Assistance Plan

SORTA'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.

SORTA summarized the results of its four-factor analysis, as required, by identifying Spanish as the primary language SORTA needs to include in its LAP. SORTA noted that Spanish was the only language identified by over 1,000 LEP persons as their primary language, and that Spanish is the only language for which assistance has been requested. SORTA was aware that other agencies, such as Cincinnati Public Schools, identified the following languages as also spoken with some frequency in the school district:

- Arabic
- French
- Nepali
- Soninke

Describe how the recipient provides language assistance services by language.

SORTA noted in its LAP that it provides copies of the Census Bureau's "I Speak" cards at headquarters, the downtown sales office, and at public meetings to ascertain language assistance requirements. SORTA contracted with Affordable Language Service to provide translation services to LEP persons calling the customer call center. SORTA monitored usage of this service. SORTA's website has Spanish and English versions of its route and schedule information, and the Google translate service makes website information available in 63 other languages. A Spanish version of the Title VI/EEO complaint process is also available on the SORTA website (www.gometro.com) in the default or English mode. A fare summary brochure was available in both English and Spanish, and SORTA's fare media tickets and ticket vending machines have both English and Spanish instructions. SORTA also has a 24-hour interactive voice response service available in Spanish and English to provide automated route and schedule information over the telephone.

SORTA was advised to ensure that applications and other information on its ADA complementary paratransit service, Access, are made available in Spanish on its website and in hard copy for distribution at the Santa Maria SORTA sales outlet.

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

In its LAP, SORTA described that it worked with local agencies and organizations to meet the basic needs of LEP persons for oral and written information. SORTA noted that it has had intermittent contact with Su Casa and the Healing Center, organizations that primarily serve the Latino community. SORTA also used Santa Maria Services as a sales outlet and outreach organization regarding service changes. All meeting notices include a statement in Spanish about the availability of translators, upon request.

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

SORTA stated in its LAP that it monitored on an ongoing basis the needs of LEP persons by taking the following actions:

- Requesting continuous feedback from departments regarding contacts with the LEP population to identify changes in the frequency of contacts or language assistance requirements.
- Evaluating the number of "I Speak" cards received and the number of requests for SORTA information in languages other than English to help determine the level of contacts and major primary languages of LEP persons.
- Keeping an open channel of communication with major agencies that serve the LEP population to identify new needs and trends.
- Monitoring the relationship between existing and proposed transit services and the areas that contain LEP persons.

SORTA did not confirm that it had a process in place for documenting and analyzing the results of its monitoring efforts to determine if and when periodic changes to its LAP were necessary. Per DOT LEP Guidance, SORTA must establish and document in its LAP the frequency with which it would conduct four-factor analyses to assess possible changes in the following:

- Current LEP populations in the service area or population affected or encountered
- Frequency of encounters with LEP language groups
- Nature and importance of activities to LEP persons
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed
- Whether existing assistance is meeting the needs of LEP persons
- Whether staff knows and understands the LEP plan and how to implement it
- Whether identified sources for assistance are still available and viable

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

In its LAP, SORTA stated that it was identifying the SORTA positions that might come in contact with LEP persons. It also noted that it would include LEP training in new employee orientation and provide a copy of the document “Basic Spanish for Transit Employees.” During the site visit, SORTA did not provide documentation confirming how or that staff were trained on LEP requirements and related language assistance resources made available by the agency.

Corrective Actions and Schedules

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

- A revised LAP to identify the resources available to provide outreach to LEP persons or the costs associated with the outreach (Factor 4)
- Documentation of the training provided to staff on SORTA’s LEP responsibilities
- A revised LAP to include the process in place for documenting and analyzing the results of its monitoring efforts to determine if and when periodic changes to its LAP are necessary

Advisory Comments

It is an effective practice to:

- Consider broadening the relevant service area to ensure that concentrations of LEP persons residing outside the 1/4-mile radius are adequately served.
- 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 Cincinnati Public Schools and the

Hamilton County Public Health Department, to confirm or more accurately report on the number and proportion of LEP persons in the service area.

- Ensure that Spanish-language versions of ADA complementary paratransit materials are available on the SORTA website and in hard copy for distribution at the Santa Maria Services SORTA sales outlet.

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. In its 2019 Title VI Program, SORTA reported on the demographics of its Board of Trustees but did not report on the demographic makeup of its nonelected advisory bodies. The corrective action to include this information in its Title VI Program submittal is found in Section 6.2 of this report.

During the site visit, SORTA reported the following nonelected advisory bodies.

Advisory Body	Number				Percentage			
	Total	Black	Hispanic	Asian and Other	Black	Hispanic	Asian	Total Minority
Bus Rider Advisory Board	12	6	0	0	50%	0%	0%	50%
Metro Futures Task Force	19	8	1	0	42%	5%	0%	47%

SORTA's nonelected advisory bodies appear to reflect its service area and ridership demographics. SORTA indicated that it considers diversity as a criterion for recommending appointments to advisory committees. This practice is demonstrated by the minority representation shown in the above table.

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. The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) has a joint cooperative agreement with SORTA for the allocation and administration of Section 5310 funds. OKI is the designated recipient of Section 5310 funds, and SORTA is the direct recipient of Section 5310 funds. Through agreements with selected subrecipients, SORTA provides funding to procure vehicles for subrecipients, and the subrecipients agree to cooperate with SORTA and OKI to participate in required oversight activities. Following the 2018 Triennial Review, SORTA and OKI implemented activities to provide technical assistance to the Section 5310 subrecipients. SORTA documented that it monitored the technical assistance provided by OKI to ensure that subrecipients understood Title VI requirements. This technical assistance included conducting a risk assessment of all of the Section 5301 subrecipients and providing a Title VI Program template used by the Ohio Department of Transportation. The template outlined all applicable and required elements of a Title VI Program and included detailed instructions on how to comply. The template also included a sample Title VI Notice to Beneficiaries, Title VI Complaint Form, Title VI Complaint Log, Staff LEP Survey, and Outside Organization LEP Survey.

During the site visit, OKI documented that it provided additional assistance, as needed, as well as follow-up to ensure that Title VI Programs were completed and other Title VI requirements were implemented by the subrecipients. OKI provided its spreadsheet, *OKI 5310 Agency Monitoring – Jan 2020*, documenting its monitoring and technical assistance. OKI also provided correspondence with three subrecipients, selected by the review team, to confirm the technical assistance. It was clear that OKI maintained ongoing communication with these selected subrecipients from December 2018 through the time of the site visit, as necessary.

OKI also showed that it had received and reviewed Title VI Programs from each subrecipient. OKI developed a checklist that mirrors that found in Appendix A of FTA Circular 4702.1B. A review of the completed checklists for three subrecipients revealed each Title VI Program met the applicable FTA requirements. A review of a sample of subrecipients' websites by the review team showed that they all contained Title VI Notice to Beneficiaries.

Corrective Actions and Schedules

FTA requires no corrective actions for the Monitoring Subrecipients and Providing Assistance to Subrecipients requirement at this time.

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 discussions with SORTA during the site visit and a review of its projects in TrAMS, SORTA did not have any facility projects planned or constructed during the past three years that would require a Title VI equity analysis. In its 2016 Title VI Program, SORTA addressed the environmental justice impact of the planned Streetcar Maintenance and Operations Facility, which was completed in 2015.

In Section 6.2 of this report, it was noted that SORTA should include its procedure for conducting equity analyses and note that no applicable facilities were constructed or are planned in its updated 2019 Title VI Program submittal.

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 no deficiencies were found with this requirement. An advisory comment, however, is made regarding service standards. Included in its most recent Title VI Program and at the time of the site visit, SORTA's systemwide service standards and policies were as follows:

Systemwide Service Standards:

Vehicle Load

- Local – 1.2
- Express – 1.0

SORTA did not have an off-peak vehicle load standard for local buses and had no bus routes that had standing loads during off-peak times.

Vehicle Headway

SORTA stated in its 2019 Title VI Program Update that it had service standards for headways as shown in the following table:

	Peak	Off-Peak
Local	20	30
Express	20	N/A

SORTA did not have local bus headway standards for Saturdays and Sundays, even though it monitored its bus service separately for weekdays, Saturdays, and Sundays.

On-Time Performance

Eighty-five percent of all trips were made within +1–5 minutes of scheduled time.

Service Availability

SORTA's standard for service availability was based on the coverage or spacing of routes from each other and was evaluated based on the population density and the percentage of households without an automobile in the areas around those routes. For example, if an area has a population density of over 6,400 persons per square mile and over 15 percent of the households are zero-car households, then that area should have a route within a quarter mile of another route. Areas with lower densities and/or fewer households without a car will typically require less service.

Service Availability Chart

Households without Autos (%)	Population Density (Persons per Square Mile)			
	Over 6,400	4,500 to 6,400	2,500 to 4,499	Under 2,500
Over 15.0	1,300 feet (1/4 mile)	1,300 feet (1/4 mile)	2,000 feet (3/8 mile)	2,600 feet (1/2 mile)
10.0 to 15.0	1,300 feet (1/4 mile)	2,000 feet (3/8 mile)	2,600 feet (1/2 mile)	5,280 feet or paratransit
5.0 to 9.9	2,000 feet (3/8 mile)	2,600 feet (1/2 mile)	5,280 feet or paratransit	*
Below 5.0	2,600 feet (1/2 mile)	5,280 feet or paratransit	*	*

* Transit service is not provided for these areas.

In addition to the required service standards, SORTA provided a Table of Key Performance Indicators (KPIs), service guidelines that it uses to measure the performance of routes and types of service. SORTA indicated that these KPIs are used to make decisions on potential service changes and were used to assist in determining which routes should have service changes in both its 2017 and 2018 Title VI service equity analyses.

Service Standards Table

Key Performance Indicator	Metro*Plus or Limited Stop	Metro Local	Metro Xtra	Metro Express	Metro Job Connector
Passengers per Hour	16.8	15.9	15.9	—	—
Passengers per Trip	—	—	—	11.4	6
Cost per Passenger	\$5.60	\$6.30	\$6.30	\$10.50	\$14.00
Farebox Recovery	18%	15%	15%	18%	15%
On-time Performance	85%	85%	85%	85%	85%

Service Policies

SORTA has the following Systemwide Service Policies:

Vehicle Assignment and Amenities

SORTA stated that vehicle assignment will be equitable throughout the system both at the divisional level and during daily vehicle assignment. Factors considered for divisional assignment include age of fleet by division, peak vehicle requirement by division, and maintenance capabilities by division. The daily vehicle assignment will result in an equitable distribution of vehicles among routes serving minority and low-income areas and those that do not.

SORTA operates fixed-route bus service out of two operations and maintenance facilities located in the Queensgate and Bond Hill sections of Cincinnati. Currently, 218 buses are based at the Queensgate facility and 139 are based in Bond Hill. New bus purchases are assigned to each facility on an alternating basis with consideration for each facility's capacity.

In general, buses are randomly assigned to routes on a daily basis. SORTA does not permit any geographical priorities in the daily assignment of vehicles to individual routes or blocks, with the exception of the four longest express routes (42X, 52X, 71X, and 82X). These routes are assigned commuter-style buses with a single door and all forward-facing seats.

Currently, 162 buses are equipped with an automatic passenger-counting system. These buses are assigned each day to randomly selected "blocks" to collect ridership data that are also used to support National Transit Database reporting requirements.

The SORTA fleet includes 27 diesel-hybrid and 330 diesel buses. Within the fleet there are four 30-foot buses, five 60-foot buses, and 22 commuter-style 40-foot buses. The remaining 326 buses are standard 40-foot vehicles. SORTA deploys the 30- and 60-foot vehicles based on ridership demand. The 22 commuter-style buses are deployed on select express routes with overall longer trips. All other 40-foot buses are randomly assigned as described above.

In April 2018, SORTA started a pilot program to provide Wi-Fi on 59 select buses in the fleet. The distribution of Wi-Fi-equipped vehicles was done equally according to the percentage of vehicles at each of the two garages. Those vehicles are also assigned to routes and blocks each day to have complete coverage of all SORTA's service on a regular basis. SORTA plans on continuing this service on these and new vehicles being delivered.

Buses appeared to be equitably assigned by age to routes throughout the SORTA service area. During the site visit, SORTA provided vehicle assignment by block for October 16, 2019 and January 9, 2020. The average age of the vehicles exceeded six and one-half years only on the nonminority routes on January 9, 2020. The average age was approximately six years for the minority routes on both days. Bus amenities were more frequent on the nonminority routes. The rate of distribution of vehicles with Wi-Fi and recharging stations were 15 to 20 points higher on nonminority routes than on minority routes. No vehicles with high-back reclining seats were assigned to the minority routes.

Amenities Table

Date	Total No. Vehicles	Amenities			Average Age of Vehicles (years)
		Wi-Fi (%)	Charging (%)	Reclining (%)	
Oct. 16, 2019					
Minority	234	81 (34.62%)	59 (25.21%)	0 (0%)	6.20
Nonminority	100	55 (55%)	46 (46%)	38 (38%)	5.43
Jan. 9, 2020					
Minority	234	93 (39.74%)	69 (29.49%)	0 (0%)	5.83
Nonminority	100	57 (57%)	45 (45%)	39 (39%)	5.51

Transit Amenities

SORTA stated that it has the following passenger amenities: passenger shelters, benches, on-street route/schedule information, transit centers/hubs, lighting, and security cameras. Standards for the installation of passenger amenities along bus routes are based on established criteria that include the number of passenger boardings that occur at the existing or proposed locations and transfer activities.

Intelligent transportation systems include a variety of technologies to improve safety, operations, data collection, passenger information, and other functions. These technologies can include, but are not limited to, automated vehicle location, electronic fare payment, traveler information, collision avoidance systems, mobile data terminals, and passenger-counting systems. SORTA deploys these types of technologies on a systemwide basis so all passengers benefit.

SORTA considers amenities at stops depending on the ridership and transfer activity. The table below shows its suggested amenities for each range of stops. For the purpose of illustration, the table shows the type of amenity recommended for stops based on their boarding activities, with “S” referring to a standard feature for a stop, and “O” referring to an optional feature.

Recommended Amenities by Daily Boardings

Feature	Daily Boardings				
	<25	25-49	50-99	100-250	>250
Sign and Pole	S	S	S	S	S
Accessible	S	S	S	S	S
Bench	O	S	S	S	S
Passenger Shelter	O	O	S	S	S
Timetable	O	O	O	S	S
Route Map/Info	O	O	S	S	S
Trash Receptacle	O	O	O	S	S
Bus Pads	S	S	S	S	S
Lighting	O	O	S	S	S
Electronic Sign	O	O	O	O	S

During the site visit, the review team observed that SORTA did not have all of its recommended amenities along either the minority or nonminority routes, as per its standards. SORTA staff indicated that it did not have adequate funding to fully implement the standards or properly maintain the amenities. The lack of amenities appeared to be comparable along minority and nonminority routes.

Advisory Comments

It is an effective practice to consider developing an off-peak local bus vehicle load standard and local bus headway standards for Saturday and Sunday.

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. 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.	No
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.	Yes
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.	No
A GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways.	No
Chart for each Census tract or TAZ that shows actual numbers and percentages for each minority group within a zone or tract.	Yes
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 2019 Title VI Program Update, SORTA included the following demographic maps:

- *C-1 SORTA Service Area* – depicted the areas of the City of Cincinnati and Hamilton County, the SORTA bus routes and service area as defined by a 3/4-mile buffer around the routes.
- *C-2 Low-Income and Minority Population +25 Percentage Points* – depicted the SORTA bus routes and service area as defined in Map C-1 with areas where the minority population exceeded the average minority population (defined as 35.5 percent) by 25 percent or more, areas where the low-income population exceeded the average low-income population (defined as 18.5 percent) by 25 percent or more, and areas where both the minority and low-income populations exceeded both the average minority and low-income populations by 25 percent or more.
- *C-2 Low-Income and Minority Population -25%* – depicted the SORTA bus routes and service area as defined in Map C-1 with areas where the minority population was less than the average minority population (defined as 35.5 percent) by 25 percent, areas where the low-income population was less than the average low-income population (defined as 18.5 percent) by 25 percent, and areas where both the minority and low-income populations were less than both the average minority and low-income populations by 25 percent.
- *Exhibit B SORTA Transit Amenities and Facilities* – depicted SORTA bus routes and transit facilities, bus garages, park-and-ride lots, existing transit centers, planned transit centers, and bus stops.
- *Exhibit 2 Limited English Proficient Population SORTA Service Area* – depicted the SORTA bus routes and service area as defined by a 1/4-mile buffer around the routes, with five percentage ranges of areas with LEP populations, from 0.0 percent to 21.0 percent.
- *Exhibit 3 Limited English Proficient Population SORTA Service Area* – depicted the SORTA bus routes and service area as defined by a 1/4-mile buffer around the routes, with the areas where LEP populations are above and below the average of 2.8 percent.

In its submittal in response to the Notification Letter, SORTA included the following demographic maps, which were completed using data from ACS 2016 5-Year Estimates:

- *Q4.b SORTA Service Area African American Population Distribution* – A dot map depicting dots equaling 25 African Americans within the SORTA service area as defined by a 3/4-mile buffer around the routes
- *Q4.c SORTA Service Area Asian Population Distribution* – A dot map depicting dots equaling 25 Asians within the SORTA service area as defined by a 3/4-mile buffer around the routes
- *Q4.d SORTA Service Area Hispanic/Latino Population Distribution* – A dot map depicting dots equaling 25 Hispanics/Latinos within the SORTA service area as defined by a 3/4-mile buffer around the routes

- *Q4.e SORTA Service Area Limited English Proficiency Population Distribution* – A dot map depicting dots equaling 25 LEP individuals within the SORTA service area as defined by a 3/4-mile buffer around the routes
- *Q4.f SORTA Service Area Low-Income Population Distribution* – A dot map depicting dots equaling 25 low-income people within the SORTA service area as defined by a 3/4-mile buffer around the routes
- *Q4.g SORTA Service Area Native American/American Indian Population Distribution* – A dot map depicting dots equaling 25 Native Americans/American Indians within the SORTA service area as defined by a 3/4-mile buffer around the routes

SORTA did not create the demographic maps required by FTA Circular 4702.1B(IV)(5)(a)(1-3), as follows:

- No base map depicting major trip generators that also identified minority populations by Census tract, block, block group, or traffic analysis zone (TAZ)
- No base map as described above that identifies Census tracts, block groups, or TAZs where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole
- No map depicting those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole

SORTA provided no demographic charts in its 2019 Title VI Program Update. In its submittal in response to the Notification Letter, SORTA included the following demographic charts:

- *Q4. County Demographics 2017* – Summary table for Hamilton County with a total population of 806,929 and a nonwhite population percentage of 32.4 percent
- *Q4.a Service Area by Block Group* – Detailed by block group, with a total population of 916,559 and a minority percentage of 31.9 percent

SORTA did not use these charts to develop the demographic maps. SORTA may have used the second chart to develop maps that defined the minority population threshold at 35.5 percent.

During the review, SORTA provided the results of its passenger survey conducted within the last five years, in a presentation entitled “METRO On-Board Rider Survey 2018 WYZERR.” The survey collected information on the race, color, national origin, English proficiency, language spoken at home, household income, and travel patterns of their riders systemwide, which could be used to analyze experiential disparities between minority and nonminority and low-income and non-low-income riders. SORTA used the results from the survey when conducting service and fare change analyses.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, SORTA must submit to the FTA Office of Civil Rights demographic profile maps and charts, as required by FTA Circular 4702.1B(VI)(5)(a)(b).

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, deficiencies were found with this requirement. The SORTA 2019 Title VI Program Update did not specifically address how often SORTA undertakes periodic Title VI service monitoring activities, as summarized 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.	No
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.	No
Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.	No
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.	No
Transit providers shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.	No

Elements Required for Monitoring (per FTA Circular 4702.1B)	Included in Title VI Submittals?
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.	Yes
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 2019 Title VI Program, SORTA's most recent Title VI monitoring occurred in 2018 and, prior to that, according to the 2016 Title VI Program, monitoring took place, but at an unspecified time.

In its 2019 Title VI Program Update, SORTA provided Exhibit E, a table that showed the following data by system average, minority route average, and nonminority route average:

- Average weekday peak headway
- Average weekday off-peak headway
- Average Saturday headway
- Average Sunday headway
- Average weekday vehicle load
- Average Saturday vehicle load
- Average Sunday vehicle load
- On-time performance

SORTA's Title VI monitoring procedures did not comply with FTA Circular 4702.1B(IV)(6) requirements. Although SORTA compared the average vehicle headway, average vehicle load, and on-time performance on minority routes to that of nonminority routes, SORTA did not monitor the performance of its transit system by comparing minority and nonminority route performance to the systemwide service standards and service policies in its Title VI Plan. In addition, SORTA did not address the service availability standard or the distribution of transit amenities and vehicle assignment service policy standards, as required. Although SORTA identified routes that traversed minority areas, it did not identify minority routes based on the minority route definition in the Circular. FTA Circular 4702.1B(IV)(6)(a) defines a minority route as follows:

A minority transit route is one in which at least one-third of the revenue miles are located in a Census block, Census block group, or traffic analysis zone where the percentage minority population exceeds the percentage minority population in the service area.

SORTA used on-board surveys to determine whether a route was a minority or nonminority route based on the route's percentage of minority population compared to the service area minority population average.

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, SORTA must submit to the FTA Office of Civil Rights an updated Title VI Program that includes detailed procedures for conducting Title VI monitoring in accordance with FTA Circular 4702.1B(IV)(6) requirements wherever SORTA provides transit service, and documentation that it has conducted a new Title VI monitoring effort according to its updated procedures. The procedures must address comparison of system performance to the systemwide service standards and policies (not the system averages). The procedures must also address the distribution of transit amenities and standards for vehicle assignments.

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. Although SORTA proposed a fare change during the review period and conducted a fare change equity analysis for the proposed fare change, it did not implement the proposed fare change. SORTA proposed and implemented two service changes that met SORTA's threshold for "major service change" during the review period. SORTA conducted equity analyses for two of these service changes. In its 2019 Title VI Program, SORTA included procedures for conducting service and fare changes. SORTA provided the following fare and service change equity analyses:

- SORTA Title VI Fare Equity Analysis, Mobile Ticketing Application
- SORTA Title VI Service Change Equity Analysis for Express Service Changes, May 7, 2018, by the KFH Group, Inc.
- METRO Title VI Service Equity Analysis Proposed Service Changes, October 4, 2017, by WSP USA
- Title VI Fare Equity Analysis Proposed August 2018 Fare Changes, March 2, 2018, by the KFH Group, Inc.
- SORTA FA Stops – Title VI Population Impacts, June 2019, by Nelson Nygaard

The analyses were reviewed for compliance with the FTA fare and service change requirements described in FTA Circular 4702.1B(IV)(7).

The following table describes SORTA's basic fare and service change procedures and related compliance with FTA Circular 4702.1B(IV)(7) requirements:

FTA Requirement	SORTA 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><i>A major service change is defined as any change in service on any individual route that would add or eliminate more than twenty-five percent of the route revenue miles or route revenue hours. In addition, adding a new route or reducing or eliminating service in jurisdictions where minority and/or low-income populations exceed twenty-five percentage points of the transit system service area average will also be considered major service changes.</i></p>	<p>Yes</p>
<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><i>A disparate impact occurs when the minority population adversely affected by a fare or service change is twenty-five percentage points more than the average minority population of SORTA's service area.</i></p>	<p>Yes</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><i>A disproportionate burden occurs when the low-income population adversely affected by a fare or service change is twenty-five percentage points more than the average low-income population of SORTA's service area.</i></p>	<p>Yes</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>When a change is made to any of the three policies, SORTA follows the public participation process outlined in Section 1.4.</i></p> <p><i>1.4 It is the policy of SORTA to encourage the broadest possible public participation in major decisions that affect our service, our customers and our community.</i></p>	<p>No</p> <p>In the "SORTA Title VI 2016-2018 Program" document, SORTA described its public involvement for the disproportionate burden and impact policies as follows: "The Transit Services Planning/Development department provided the Disproportionate Burden & Disparate Impact policies to</p>

FTA Requirement	SORTA Procedure/Response	Meets Requirement (Comments)
	<p><i>SORTA employs an aggressive public participation process for all major changes including but not limited to the following:</i></p> <ul style="list-style-type: none"> <i>-Change in fare (except temporary or promotional changes).</i> <i>- Major service reductions. This is defined as a change that impacts 25 percent or more of the service hours or miles on any route.</i> <i>- Change in disparate impact, disproportionate burden, or major change in policies.</i> <p><i>SORTA may also elect to hold public meetings or solicit public feedback on other proposed changes that affect service but do not meet the above criteria.</i></p>	<p>local stakeholders in the low-income and minority communities, seeking input from the agencies as well as the individuals serviced by the agencies. Comments were solicited over a 30-day period. A description of Title VI and the language of the policies were included in the outreach. Two reminders were sent to the stakeholders encouraging additional input. No comments were received.” There is no mention of public participation on the major service change policy. SORTA did not appear to engage the public in the decisionmaking process in the development of the disproportionate burden and impact policies such that there were any comments.</p>

Corrective Actions and Schedules

Within 60 days of the issuance of the final report, SORTA must submit to the FTA Office of Civil Rights documentation that it has engaged 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.

8. 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	SORTA filed its Title VI Certification and Assurance in accordance with FTA Circular 4702.1B(II)(2) requirements.	ND	No action required	
6.2	Submittal of Title VI Program	SORTA's 2019 Title VI Program has not received concurrence from FTA and was missing several required elements.	D	<p>SORTA must submit to the FTA Office of Civil Rights an updated Title VI Program that includes the following elements:</p> <ul style="list-style-type: none"> • A <i>list</i> of Title VI complaints • A table depicting membership of nonelected boards (e.g., Metro Futures Task Force and Bus Advisory Committee) • A schedule of subrecipient Title VI Program submissions • A description of any Title VI facility siting equity analyses, if needed 	60 Days
6.3	Notice to Beneficiaries of Protection under Title VI	SORTA's Notice to Beneficiaries complied with FTA Circular 4702.1B(III)(5) requirements. However, the Notice had not been distributed as described in its Title VI Program.	<p>D</p> <p>AC</p>	<p>Within 60 days, SORTA must submit to the FTA Office of Civil Rights documentation confirming that all Title VI Notices posted throughout its transit system contain all required elements.</p> <p>It was recommended that SORTA have only one standard and compliant Title VI Notice that it posts throughout its system. It was suggested that when posting its Title VI Notice at facilities, on buses, and on other transit system assets (e.g., key bus shelters and transit centers) that notices are posted in conspicuous areas such that all notices can be seen by the public. It was also suggested that SORTA post its Title VI Notice on paratransit</p>	

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
				vehicles as it does on its fixed-route vehicles. SORTA was advised to ensure its Title VI Plan reflects actual practice and to revise its plan accordingly.	
6.4	Title VI Complaint Procedures and Complaint Form	SORTA's Title VI complaint procedures were conflicting and did not reflect actual practice.	D	<p>SORTA must submit to the FTA Office of Civil Rights an updated Title VI Program that includes Title VI Complaint Procedures that describe in detail all methods for filing a Title VI complaint and reflects actual practice with respect to process and the use of related administrative tools (e.g., forms, letters, logs, etc.).</p> <p>The Title VI Complaint Procedures must also be uploaded on SORTA's website.</p>	60 Days
6.5	Record of Title VI Investigations, Complaints, and Lawsuits	SORTA provided a list of Title VI complaints as required.	ND	No action required	
6.6	Inclusive Public Participation	SORTA did not adequately describe when and how it engages the public early in the Title VI transportation planning process.	ND, AC	It is an effective practice to update the Title VI Program to describe in detail when and how it engages the public early in the Title VI transportation planning process.	
6.7	Language Access to LEP Persons	SORTA's LEP four-factor analysis and Language Assistance Plan did not meet FTA Circular 4702.1B(III)(9) requirements.	D	<p>SORTA must submit the following to the FTA Office of Civil Rights:</p> <ul style="list-style-type: none"> A revised LAP to identify the resources available to provide outreach to LEP persons or the costs associated with the outreach (Factor 4) 	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
			AC	<ul style="list-style-type: none"> • Documentation of the training provided to staff on SORTA's LEP responsibilities • A revised LAP to include the process in place for documenting and analyzing the results of its monitoring efforts to determine if and when periodic changes to its LAP are necessary <p>It is an effective practice to:</p> <ul style="list-style-type: none"> • Consider broadening the relevant service area to ensure that concentrations of LEP persons residing outside the 1/4-mile radius are adequately served. • 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 Cincinnati Public Schools and the Hamilton County Public Health Department, to confirm or more accurately report on the number and proportion of LEP persons in the service area. • Ensure that Spanish-language versions of ADA complementary paratransit materials are available on the SORTA website and in hard copy for distribution at the Santa Maria Services SORTA sales outlet. 	
6.8	Minority Representation	In its 2019 Title VI Program, SORTA reported on the demographics of its	ND	No action required	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
	on Planning or Advisory Bodies	Board of Trustees but did not report on the demographic makeup of its nonelected advisory bodies. See Section 6.2 for required corrective actions.			
6.9	Monitoring Subrecipients and Providing Assistance to Subrecipients	SORTA monitored and provided assistance to subrecipients as required by FTA Circular 4702.1B(III)(11).	ND	No action required	
6.10	Determination of Site or Location of Facilities	SORTA 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	SORTA did not have an off-peak vehicle load standard for local buses or local bus headway standards for Saturdays and Sundays.	ND, AC	It is an effective practice to consider developing an off-peak local bus vehicle load standard and local bus headway standards for Saturdays and Sundays.	
7.2	Demographic Data	SORTA did not develop demographic profile maps as required by FTA Circular 4702.1B(VI)(5)(a)(b).	D	SORTA must submit to the FTA Office of Civil Rights demographic profile maps and charts, as required by FTA Circular 4702.1B(VI)(5)(a)(b).	60 Days
7.3	Monitoring Transit Service	SORTA did not conduct Title VI monitoring as required by FTA Circular 4702.B(IV)(6). SORTA did not correctly define minority routes or evaluate system performance against established service standards and policies.	D	SORTA must submit to the FTA Office of Civil Rights an updated Title VI Program that includes detailed procedures for conducting Title VI monitoring in accordance with FTA Circular 4702.1B(IV)(6) requirements wherever SORTA provides transit service, and documentation that it has conducted a new Title VI monitoring effort according to its updated procedures. The procedures must address comparison of system	60 Days

Item	Title VI Requirements	Review Finding	Deficiencies and Advisory Comments	Corrective Action(s)	Response Days or Date*
				performance to the systemwide service standards and policies (not the system averages). The procedures must also address the distribution of transit amenities and standards for vehicle assignment.	
7.4	Evaluation of Service and Fare Changes	SORTA did not conduct engage the public in the decisionmaking process to develop the major service change policy and disparate impact policy, the disproportionate burden policy, or the disparate impact thresholds	D	SORTA must submit to the FTA Office of Civil Rights documentation that it has engaged 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.	60 Days

Findings at the time of the site visit: ND = No Deficiencies Found; D = Deficiency; NA = Not Applicable; AC = Advisory Comment, *Within the date of the "Final Transmittal."

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ATTACHMENT A – FTA NOTIFICATION LETTER TO SORTA



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

Darryl Haley
Interim Chief Executive Officer and General Manager
Southwest Ohio Regional Transit Authority
602 Main Street, Suite 1100
Cincinnati, OH 45202

Dear Mr. Haley:

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 Southwest Ohio Regional Transit Authority (SORTA) has been selected for such a review to take place January 22–24, 2020.

The purpose of this review will be to determine whether SORTA 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. EST on Wednesday, January 22, 2020, to introduce the DMP team and FTA representatives to SORTA. 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 SORTA’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 SORTA 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

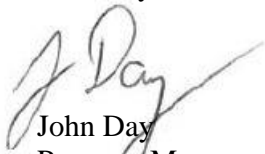
FTA requests your attendance at an exit conference scheduled for 4:00 p.m. EST on Friday, January 24, 2020. The exit conference will afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you and other key staff attend the exit conference.

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 SORTA, will be considered a public document subject to release under the Freedom of Information Act, upon request.

SORTA 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: Kelley Brookins, Regional Administrator, FTA Region 5
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. SORTA's organization chart.
3. A narrative that describes the individuals and resources dedicated to implementing the Title VI requirements, handling any Title VI inquiries, and educating the agency's staff on Title VI.
4. Description of SORTA's public transit service area, including general population and other socio-economic demographic information using the most recent Census data.
5. Current description of SORTA's public transit service, including system maps, public timetables, transit service brochures, etc.
6. Roster of SORTA's current revenue fleet, to include acquisition date, fuel type, seating configurations, vehicle assignment, and other amenities.
7. Any studies or surveys conducted by SORTA, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns, and fare usage by fare type amongst minority users and low-income users, during the past five years.
8. Any service and fare equity analyses conducted over the past three (3) years.
9. A list of any siting, locating, and/or constructing of facilities, and any associated Title VI equity analyses within the last three (3) years.
10. Current list of Title VI investigations, complaints, and lawsuits.
11. 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.
12. Current list of language assistance measures implemented to provide language assistance to limited English speaking individuals, including list of documents considered by SORTA to be vital for the purposes of complying with language assistance compliance.
13. A summary of any monitoring or technical assistance activities provided to subrecipients within the last three (3) years, including a description of the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) involvement in subrecipient oversight.
14. A list of subrecipients and their respective Title VI program statuses.
15. A list of interested parties or external organizations, including but not limited to community- and faith-based organizations and educational institutions, with which SORTA has interacted on Title VI issues. Provide contact information such as a point of contact, telephone number, or email address.

16. Other pertinent information determined by SORTA staff to be pertinent and demonstrative of its Title VI compliance efforts.

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ATTACHMENT B – SORTA’S RESPONSE TO DRAFT REPORT

FTA Title VI Compliance Review—(Draft Report, October 2020)

After a review of the findings in the Title VI report, we have found most of the findings to be valid with the exception of several items as noted below.

- 1- 2nd bullet on page 2 and in Section 6.4, under “Corrective Action”: it states that SORTA was deficient by not posting Title VI Notice on all buses. Our understanding is that posting it on all buses is a recommendation and not a requirement.

5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI. Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient’s obligations under DOT’s Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency’s website and in public areas of the agency’s office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles. A sample Title VI notice to the public is provided in Appendix B.

From FTA Circular 4702.1B (Chapter III-4)

- 2- Section 6.3 of FTA’s Review report”: it only discusses “Requirements”. There is no “Discussion” paragraph.
- 3- Section 7.3: We believe that Exhibit E-1 from SORTA’s Title VI document list (page 54) addressed the stated deficiencies.

Route	Average Weekday Peak Headway (minutes)	Average Weekday Off-Peak Headway (minutes)	Average Saturday Headway (minutes)	Average Sunday Headway (minutes)	Average Vehicle Load (Weekday)	Average Vehicle Load (Saturday)	Average Vehicle Load (Sunday)	On-time Performance
System Average	36	41	44	47	0.36	0.32	0.32	82.0%
Minority Route Average	32	41	44	47	0.36	0.32	0.32	81.5%
Non-minority Route Average	49	No Routes	No Routes	No Routes	0.39	No Routes	No Routes	83.8%

Exhibit E-1 from SORTA's Title VI Report

If not, then kindly provide additional feedback on what is needed. We do agree, however, that we didn’t fully address the distribution of amenities as stated in the table in Section 7.3.

- 4- Section 7.4: SORTA asks for clarification on whether this should constitute a finding since SORTA didn’t proceed with making any fare changes nor any major service changes?



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

Headquarters

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

December 28, 2020

Darryl Haley
Chief Executive Officer and General Manager
Southwest Ohio Regional Transit Authority
602 Main Street, Suite 1100
Cincinnati, OH 45202

RE: Title VI Specialized Review Final Report

Dear Mr. Haley:

This letter concerns the Federal Transit Administration's (FTA) Title VI Review of the Southwest Ohio Regional Transit Authority (SORTA) conducted on January 22-24, 2020. Enclosed is a copy of the Final Report, which will be posted on FTA's website on our Title VI page. As of the date of this letter, the Final Report is a public document and is subject to dissemination under the Freedom of Information Act of 1974.

FTA's Office of Civil Rights is responsible for ensuring compliance with 49 CFR Part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (DOT)—Effectuation of Title VI of the Civil Rights Act of 1964 (Title VI)" by its grant recipients and subrecipients. As part of our ongoing oversight efforts, FTA conducts a number of onsite compliance reviews to ensure compliance with the Title VI and the applicable departmental regulations. FTA utilizes the findings from these reviews to provide 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 me 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 SORTA 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 R. Day
Program Manager
FTA Office of Civil Rights

Enclosure

cc: Kelley Brookins, Regional Administrator, FTA Region 5
Selene Faer Dalton-Kumins, Associate Administrator, FTA Office of Civil Rights