**TITLE VI COMPLIANCE REVIEW**

**OF THE**

**Ames Transit Agency (CyRide)**

**Ames, Iowa**

**Final Report**

**October 2011**

**Prepared For**

**U.S. DEPARTMENT OF TRANSPORATION**

**FEDERAL TRANSIT ADMINISTRATION**

**OFFICE OF CIVIL RIGHTS**

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Table of Contents

I. GENERAL INFORMATION 1

II. JURISDICTION AND AUTHORITIES 2

III. PURPOSE AND OBJECTIVES 3

IV. BACKGROUND INFORMATION 5

V. SCOPE AND METHODOLOGY 8

VI. FINDINGS AND RECOMMENDATIONS 13

1. Inclusive Public Participation 13

2. Language Access to LEP Persons 20

3. Title VI Complaint Procedures 25

4. Record of Title VI Investigations, Complaints, and Lawsuits 26

5. Notice to Beneficiaries of Protection Under Title VI 26

6. Annual Title VI Certification and Assurance 28

7. Environmental Justice Analysis of Construction Projects 29

8. Submit Title VI Program 31

VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS 33

VIII. ATTENDEES 35

1. GENERAL INFORMATION

Grant Recipient: Ames Transit Agency

(CyRide)

City/State: Ames, Iowa

Grantee Number: 1817

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Director

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Site Visit Dates: April 19 - 21, 2011

Compliance Review

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1. JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct civil rights compliance reviews. The Ames Transit Agency (CyRide) 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).
* 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” (June 18, 1970, unless otherwise noted).
* Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987).
* Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted).
* DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997).
* DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005).
* Section 12 of FTA’s Master Agreement, FTA MA (17) (October 1, 2010).
* FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines For Federal Transit Administration Recipients,” May 17, 2007.

1. PURPOSE AND OBJECTIVES

#### 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 CyRide’s Title VI Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC to conduct the Title VI Compliance Review of CyRide. The primary purpose of this Compliance Review was to determine the extent to which CyRide has met its General Reporting Requirements and Guidelines, in accordance with FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients.” Members of the Compliance Review team also discussed with CyRide the requirements of the DOT Guidance on Special Language Services to Limited English Proficient (LEP) Beneficiaries that is contained in Circular 4702.1A. 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 CyRide.

#### Objectives

The objectives of FTA’s Title VI Program, as set forth in FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients,” are:

* Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
* Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
* Promote the full and fair participation of all affected populations in transportation decision making;
* Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
* Ensure meaningful access to programs and activities by persons with limited English proficiency.

The objectives of Executive Order 13166 and the “DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries” are for FTA grantees to take reasonable steps to ensure “meaningful” access to transit services and programs for limited English proficient (LEP) persons.

1. BACKGROUND INFORMATION

Public transit services in the City of Ames and at Iowa State University are provided by the Ames Transit Agency, known as CyRide. CyRide is an agency of the City of Ames and was formed in September 1976 under a 28‐E agreement among the City of Ames, Iowa State University (ISU), and the Government of the Student Body at ISU. CyRide is governed by a six‐member Board of Trustees consisting of the Ames City Manager, a City Councilperson, a Mayoral appointee, a Vice President of ISU, and two ISU student government representatives. The day‐to‐day activities of CyRide are managed by the Director of Transit, who is appointed by the Board of Trustees.

The City of Ames is located within Story County and is approximately four miles wide with CyRide routes covering approximately 75 percent of the developed areas throughout the community during the weekday. The 2010 Census had not yet been released for Ames, Iowa and was only available at the county level at the time of this report. According to 2009 U.S. Census population estimates, the City of Ames population was 56,657. In FY2010, CyRide carried 5,377,155 passengers, traveled 110,167 revenue hours, and had total operating expenses of $7,144,488.

CyRide operates 362 days a year (no service is provided on Thanksgiving, Christmas and New Year’s Day) and has a network of approximately 12 fixed routes providing service throughout the Ames community, including ISU. All of the routes, with the exception of two, travel through ISU campus as a radial service, with the #8 Aqua Route only operating in the summer. Service is provided weekdays from 6:23 a.m. to 12:39 a.m. Saturday service is operated from 7:22 a.m. to 2:30 a.m. Sunday service is operated from 8:55 a.m. to 11:37 p.m. CyRide contracts with Durham, a private school bus operator, for the provision of some fixed route trips during the peak periods. CyRide’s complementary ADA paratransit service called Dial‐A‐Ride (DAR) operates during the same days and hours of service as the fixed routes. DAR is operated under contract by the Heartland Senior Services.

The basic adult fare for bus service is $1.00. A reduced fare of 50¢ is offered to K‐12 students, persons over 65, persons with disabilities, and Medicare card holders. Discounted passes/tickets are also available to these groups. Unlimited ride bus passes (fall, winter, school year and monthly) are available, as well as ticket books (10 rides/book). ISU students have unlimited rides on CyRide with their current ISU identification card. The fare for complementary ADA paratransit service is $2.00.

CyRide operates a fleet of 73 buses (70 large and three small) for fixed‐route service. The current peak requirement is for 58 vehicles. Four of the 70 large buses are CyRide’s contingency fleet. CyRide operates from a single maintenance and administration facility located in the City of Ames on the ISU campus. CyRide’s transit amenities consist of bus shelters, benches and concrete pads.

The demographics of the Ames service area are shown in Table 1. According to the 2000 Census, the service area had a population of 50,731 persons. White residents represented 87.3 percent of the total population. Asians were the largest minority group at 7.7 percent. Blacks were the second largest minority group at 2.6 percent and Hispanics represented 2.0 percent of the population. American Indians, Alaska Natives, Hawaiian and Pacific Islanders each represent less than one percent of the total population.

**Table 1 – Demographics of the Ames Service Area**

**Racial/ Ethnic Breakdown of the**

**City of Ames and Story County**

Source: 2000 U.S. Census

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Racial/ Ethnic Group** | City of Ames | | Story County | |
| **Number** | **Percent** | **Number** | **Percent** |
| White | 44,308 | 87.3 | 72,898 | 91.1 |
| Black | 1,343 | 2.6 | 1,463 | 1.8 |
| American Indian and Alaska Native | 75 | 0.1 | 128 | 0.2 |
| Asian | 3,906 | 7.7 | 4,080 | 5.1 |
| Hawaiian/Pacific Islander | 22 | 0.0 | 25 | 0.0 |
| Other Race | 388 | 0.8 | 478 | 0.6 |
| Two or More Races | 689 | 1.4 | 909 | 1.1 |
| Hispanic Origin[[1]](#footnote-1) | 1,002 | 2.0 | 1,238 | 12.5 |
| Total Population | **50,731** | **100%** | **79,981** | **100%** |
|  |  |  |  |  |
| Low Income | 8,507 | 20.4 | 9,921 | 14.1 |
| Limited English | 5,204 | 10.3 | 5,537 | 6.9 |

1. SCOPE AND METHODOLOGY

#### 

#### Scope

The Title VI Compliance Review of CyRide examined the following requirements and guidelines as specified in FTA Circular 4702.1A:

1. General Reporting Requirements and Guidelines – all applicants, recipients, and subrecipients shall maintain and submit the following:
2. Annual Title VI Certification and Assurance;
3. Title VI Complaint Procedures;
4. Record of Title VI Investigations, Complaints, and Lawsuits;
5. Language Access to LEP Persons;
6. Notice to Beneficiaries of Protection under Title VI;
7. Submit Title VI Program;
8. Environmental Justice Analysis of Construction Projects; and
9. Inclusive Public Participation.

#### Methodology

Initial interviews were conducted with the FTA Headquarters Civil Rights staff and the FTA Region VII Civil Rights Officer to discuss specific Title VI issues and concerns regarding CyRide. An agenda letter covering the Review was sent to CyRide advising it of the site visit and indicating additional information that would be needed and issues that would be discussed. The Review team focused on the compliance areas that are contained in FTA Title VI Circular 4702.1A that became effective on May 13, 2007. The applicable compliance areas for CyRide were the General Reporting Requirements and Guidelines. The General Reporting Requirements and Guidelines now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders. Program Specific Requirements and Guidelines are not applicable to CyRide because it operates service in an urbanized area below 200,000 persons.

CyRide was requested to provide the following documents in advance of the site visit:

* Description of CyRide’s service area, including general population and other demographic information using the most recent Census data.
* Current description of CyRide’s public transit service, including system maps, public timetables, transit service brochures, etc.
* Roster of current CyRide’s revenue fleet, to include acquisition date, fuel type, seating configurations and other amenities.
* Description of transit amenities maintained by CyRide for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
* CyRide Organization Chart.
* Any studies or surveys conducted by CyRide, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding ridership, service levels and amenities, passenger satisfaction, passenger demographics, or fare issues for its public transit service during the past three years.
* Summary of CyRide’s current efforts to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.
* A copy of CyRide’s four factor analysis of the needs of persons with Limited English Proficiency.
* A copy of CyRide’s plan for providing language assistance to persons with Limited English Proficiency that is based on the USDOT LEP Guidance.
* CyRide’s procedures for investigating and tracking Title VI complaints and documentation that the procedures for filing complaints are available to members of the public upon request.
* A list of any investigations, lawsuits, or complaints naming CyRide that alleges discrimination on the basis of race, color, or national origin during the past three years. This list must include:
* the date 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 CyRide in response to the investigation, lawsuit, or complaint.
* Copy of CyRide’s Notice to Beneficiaries of Protection Under Title VI.
* Documentation of efforts made by CyRide to notify members of the public of the protections against discrimination afforded to them by Title VI.
* Copies of any environmental justice assessments conducted for construction projects during the past three years and, if needed, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities.
* CyRide’s most recent Title VI Update that was submitted to FTA.
* Documentation of periodic service monitoring activities undertaken by CyRide, during the past three years, to compare the level and quality of service provided to predominantly minority and low-income areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. If CyRide’s monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.

CyRide assembled most of the documents prior to the site visit and provided them to the Compliance Review team for advance review. A detailed schedule for the three-day site visit was developed.

The site visit to CyRide occurred April 19 – 21, 2011. The individuals participating in the Review are listed in Section VIII of this Report. An Entrance Conference was conducted at the beginning of the Compliance Review with CyRide senior management, a Community Planner from the FTA Region VII Office, and the contractor Review team. The Review team showed the participants a U.S. Justice Department Title VI film during the Entrance Conference. Also, during the Entrance Conference, the Review team explained the goals of the Review and the needed cooperation of staff members. A detailed schedule for conducting the on-site visit was discussed.

Following the Entrance Conference, the Title VI Compliance Review team met with the CyRide Director 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 CyRide. The Review team then met with various staff members from CyRide to discuss how CyRide incorporated the FTA Title VI requirements into its public transit system. During the site visit, the Review team conducted field visits to observe program benefits to minority, non-minority, low-income, and non-low income riders.

At the end of the site visit, an Exit Conference was held with CyRide staff, the FTA Region VI Community Planner, and the contractor Review team. At the Exit Conference, initial findings and corrective actions were discussed with CyRide.

**Field Visits**

With CyRide’s assistance, The Review team selected one minority, one non-minority, one low-income, and one non-low-income route to tour. The objective was to get a sense of CyRide’s service area in relation to Title VI and to identify any obvious disparities in the distribution of transit amenities along routes similar in length and ridership. The route tour results are as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Minority  (Blue) | Non-Minority  (Brown) | Low-Income  (Red East) | Non-Low-Income  (Red) |
| Bench | 47 | 35 | 23 | 14 |
| Shelter | 23 | 14 | 11 | 2 |
| Trash Can | 25 | 17 | 10 | 6 |
| Lighting | 2 |  | 3 |  |

As the results indicate, there were no disparities in the distribution of transit amenities that had an adverse impact on the minority and low-income communities along the routes toured.

1. FINDINGS AND RECOMMENDATIONS

The Title VI Compliance Review focused on CyRide's compliance with the General Reporting Requirements and Guidelines. This section describes the requirements and findings at the time of the Compliance Review site visit. In summary, no deficiencies were identified in seven of the nine areas reviewed. Deficiencies were identified in the areas of *Inclusive Public Participation* and *Language Access to LEP Persons*.

After the issuance of the Draft Report on September 29, 2011, CyRide provided documentation to close the deficiency in *Inclusive Public Participation*. At the time of this Final Report, one deficiency remains open in the area of *Language Access to LEP Persons*.

#### FINDINGS OF THE GENERAL REPORTING REQUIREMENTS AND GUIDELINES

1. Inclusive Public Participation

**Guidance:** *FTA recipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency’s public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.*

**Findings:** During this Title VI Compliance Review of CyRide, deficiencies were found regarding CyRide’s compliance with FTA guidance for Inclusive Public Participation. According to documents provided prior to the site visit, CyRide conducted outreach and sought public involvement and/or comment when: (1) implementing a fare increase or service reduction, or (2) when developing its annual Program of Projects (POP). CyRide’s POP was included in its annual Passenger Transportation Development Plan (PTDP). The PTDP was a planning document mandated by SAFETEA-LU that included transportation projects developed for the purpose of providing transportation services specifically to the elderly, persons with disabilities, and low-income persons, not minorities.

CyRide’s public involvement process for both circumstances was similar. CyRide held public meetings to discuss proposed changes and/or projects and to seek input from the public. Public involvement in connection with its POP and PTDP development processes included outreach to the following neighborhood organizations and other public interest groups:

* Ames Chamber of Commerce
* Ames Area MPO Technical/Policy Committees
* Neighborhood Associations
* International Student Organization
* Iowa State University (ISU) Retirees
* ISU’s Transportation Advisory Council (TAC)
* Chamber of Commerce
* Young Professionals Group
* Human Services Council
* ISU’s Government of the Student Body (GSB)

Meetings were held at different times at Ames City Hall, on the ISU campus, and at CyRide, which were all considered centrally located to encourage participation from the public. Meeting dates and times were communicated via the following mediums:

* Flyers posted on all buses, transit shelters, and on ISU information boards
* E-mails sent out to City of Ames employees, the email passenger database, including the International Student organization, and to coordinated transportation/human service planning contacts from the Ames Area MPO’s Passenger Transportation Development Plan process
* Postings on ISU’s intranet and on CyRide’s and/or City of Ames’ website
* Twitter/Facebook postings
* Radio announcement on local radio station
* Article within the Ames Tribune/ISU Daily newspapers
* Public Access cable channel advertisement of meetings
* News Release from City of Ames Public Relations Officer
* Website description of changes and opportunity for comment

Prior to final approval of the POP, CyRide’s Board of Trustees would have met to hear public comments as well.

Since May 2007, CyRide’s annual POP had been developed in conjunction with two primary health and human service agencies: the Story County Human Service Council (SCHSC) and the United Way of Story County (UWSC). CyRide staff worked closely with each of these organizations to determine the transportation needs of the people who rely on its transit service. While this strategy was effective in facilitating outreach to, and feedback from, the low-income community, it did not facilitate the same for minorities.

Prior to and during the site visit, CyRide stated that there were no organized minority groups in its community to reach out to, with the exception of a few student groups affiliated with ISU such as the Chinese Students and Scholars Friendship Association (CSSFA), the International Student Organization (ISO), the International Students and Scholars (ISS), and the International Student Council (ISC). CyRide stated that attempts to engage the CSSFA were unsuccessful. Periodic phone contact was made with the ISO and ISC, however, CyRide had not met with either of these organizations in person. CyRide further stated that it

*…is working toward being a familiar presence to the minority/low‐income/LEP community by being present during those times when they attend large Ames/ISU events such as: General ISU Orientation Sessions, International Student Organization – “How to Ride the Bus” Orientations, Welcome Back Students event, International Students and Scholars Resource Fair, and the AAMPO’s Long Range Transportation Planning initiatives, etc.*

During the site visit, the Review team could not confirm that CyRide was making sufficient effort to reach out to the minority community, particularly Asians, who CyRide acknowledged represented its largest minority population. This was supported by the following:

* No consultation with employees representing minority groups, particularly, Asian employees. During the site visit, the Review team learned that CyRide had one bilingual (Chinese-English) speaking employee. CyRide did not consult with this employee to learn more about the Asian (Chinese) community in the area and how it might engage this community.
* No outreach to minority businesses or organizations. While conducting tours of minority, non-minority, low-income and non-low-income routes, the Review team observed several Asian businesses in operation. In particular, the Review team visited one Chinese and one Korean grocery store, and identified one more Chinese grocery store in the Ames telephone book. During these visits, the Review team learned of two local churches, one Korean and one Chinese. CyRide had not attempted to engage the Asian business owners or Asian churches as a part of its minority outreach efforts.
* Ineffective outreach to school organizations. The International Students and Scholars (ISS) organization at ISU was identified by CyRide as “the expert within the community working with the international student population,” however, CyRide had never met with ISS in person. CyRide did not demonstrate that sufficient effort was made to leverage this relationship for Title VI purposes.
* Rider surveys did not capture information on race or ethnicity. During the site visit, the Review team suggested CyRide use ridership surveys to obtain feedback from the minority and low-income communities. In response, CyRide indicated that it considered collecting race information from survey respondents in the past, but decided not to include questions about race due to page space and survey text font limitations. The *City of Ames 2010 Residential Satisfaction Survey* was developed by the City of Ames in conjunction with CyRide to solicit feedback on a variety of City services and included questions about CyRide. Nowhere did the Survey ask the respondents’ race.
* CyRide acknowledged that it was working toward being a familiar presence at events associated with ISU and its minority student body. CyRide needs to document its efforts going forward. CyRide should also document its efforts to include minorities throughout its service area that were not necessarily a part of the ISU student body.

In response to the Draft Report, CyRide stated the following:

*The Iowa Department of Transportation has noted CyRide’s Passenger Transportation Plan (human services/transportation provider coordinated plan) as the best in the state for public participation so we take pride in our inclusiveness to public participation. CyRide works with over 50 health/human service agencies in the Ames area that serve and represent low-income and minority individuals through the Passenger Transportation Plan process meeting monthly throughout the year. While this process provides valuable input by the organization representing minorities and low-income individuals who understand the challenges faced by this segment of the community, it does not directly link CyRide to these individuals, which is what we believe the review team desired as part of inclusive public participation.*

To clarify, as required by FTA Circular 4702.1A, IV, 9, CyRide should “*seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities*.” CyRide’s outreach efforts associated with the development of its PTDP are sufficient for low-income populations, but not for minority populations (as previously stated in the Draft Report), or LEP persons. The methods by which CyRide engages and reaches out to health and human service providers to get planning input and feedback from elderly, disabled, and low-income persons can be effective in complying with FTA Circular 4702.1A requirements for inclusive public participation, if CyRide can demonstrate that its efforts also include outreach to minorities. Additional methods that can help CyRide more fully comply with the letter and spirit of the Circular were recommended in the Draft Report, and include:

* Consultation with CyRide employees who are members of a dominant minority group and who might be able to assist in developing effective outreach strategies to that minority group.
* Outreach to minority businesses and minority organizations (i.e. churches).
* More effective interaction with the University minority community.
* More effective use of customer satisfaction and ridership surveys (i.e. include questions on race and income level to better understand how minorities and low-income persons feel about CyRide’s services.)

CyRide further stated in its response to the Draft Report that it

*…has changed its philosophy and will specifically seek out Asian ethnic groups throughout the Ames area to garner inclusive public participation of minorities as this population represents the highest LEP population in Ames.*

While it is acknowledged that Asians make-up the largest minority and LEP group in CyRide’s service area, with respect to inclusive public participation, CyRide is advised not to look solely at its LEP populations to determine which minority groups it should engage. While LEP is often a characteristic of a particular minority group, not all minority groups are LEP, i.e. African Americans.

Specific steps taken by CyRide in response to the Draft Report were as follows:

* Consulted with Chinese-English speaking employee to get input on how to better engage the Chinese community in its service area. This effort resulted in the decision to create translated flyers and notices that included important information the public should be aware of. CyRide provided a copy of one such notice announcing a September 2011 public meeting regarding service cuts and fare increases.
* Engaged the International Student Organization (ISO) to discuss transportation needs for international students and families. This effort resulted in the identification of the need to provide additional transit service earlier in the year than usual, as international students typically arrive earlier in the year than domestic students to get prepared for the school year. CyRide discussed participating in the ISO’s Fall/Spring Orientation Sessions on an ongoing basis and indicated it would distribute translated notices to the ISO going forward.
* Engaged the Asian Pacific American Awareness Coalition (APAAC). CyRide became “friend” this group on Facebook and monitors the APAAC’s meeting and event calendar for opportunities to participate. CyRide has contacted APAAC’s leader and offered to have a CyRide employee attend its meetings discuss issues related to CyRide’s service.
* Engaged the Engaging International Spouses (EIS) and International Friendship Fair (IFF), two minority groups affiliated with the Young Woman Christian Association (YWCA). CyRide has initiated discussions with EIS regarding providing “How to Ride the Bus” sessions with its members. CyRide has initiated discussions with IFF regarding providing transportation for its programs.
* Updated and/or developed surveys that included questions on race and income to be used for Title VI analysis purposes. CyRide provided its *CyRide Services/Fare Survey*, dated May 2011which included results by race and income and an analysis of Asian respondents compared to all others.
* Developed an inclusive public participation log file.
* Updated its Public Participation Plan to reflect new procedures and recent changes.

CyRide is advised to use its surveys to periodically monitor feedback from Hispanics and African Americans throughout its service area to determine if more outreach to those communities is required.

The deficiency in this area is now closed.

1. Language Access to LEP Persons

**Requirement:** *FTA recipients shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP).*

**Findings:** During this Title VI Compliance Review of CyRide, deficiencies were found regarding CyRide’s compliance with FTA requirements for Language Access to LEP persons. Prior to the site visit, CyRide provided its “*Limited English Proficiency (LEP) Improving Access to Services for Persons with Limited English Proficiency*” document which included its four factor analysis and Language Assistance Plan. CyRide did not fully comply with FTA Circular 4702.1A, IV, 4.a and DOT Policy Guidance, as illustrated in the following table:

| **Elements Required for LEP Assessment and Language Access Plan**  **(Per FTA C. 4702.1A, IV, 4. a. and DOT Policy Guidance)** | | | |
| --- | --- | --- | --- |
|  | | | **Included in CyRide’s Plan** |
| **Part A – Four-Factor Assessment** | | | |
| 1. Demography – The number or proportion of LEP persons eligible to be served or likely to be encountered | | | No |
| **Notes/Comments**  In its LEP plan, CyRide acknowledged that U.S. Census LEP statistics do, or could, underrepresent the true LEP population. This was due primarily to language barrier(s) and the associated discomfort with filling out the U.S. Census Survey. In order to more accurately determine the magnitude of its LEP community, CyRide referenced the following resources:   * 2006-2008 American Community Survey (ACS) * U.S. Census 2010 Campus Survey * ISU Office of the Registrar Enrollment Statistics * ISU Intensive English and Orientation Program * United Way of Story County Transportation Collaboration Committee (UWSC) * Mid-Iowa Community Action (MICA) * International Students and Scholars (ISS) * City of Ames   According to ACS data, there were 1,567 Asian/Pacific Islanders who were considered LEP in the CyRide services area. No other language category had over 1,000 LEP persons. According to ISU Office of the Registrar, there were 1,748 students who spoke an unreported number of Chinese dialects. The Registrar did not report how many of those individuals were LEP. In fact, CyRide asserted that a small percentage of those individuals were LEP since all students who attended ISU were required to pass the Test of English as a Foreign Language (TOEFL) exam before enrolling in classes. Those international students who did not pass the TOEFL exam could only enroll in ISU’s Intensive English and Orientation Program (IEOP) to learn the English language. In the fall of 2010, the IEOP reported an enrollment of 250 students.  Other efforts to identify the number and proportion of LEP individuals were primarily anecdotal. The UWSC, MICA and ISS all reported having regular contact with LEP persons; however, they did not actively track LEP statistics.  During the site visit, CyRide expressed the challenge it faced in identifying any group of LEP persons that exceeded the safe harbor threshold established in the DOT LEP Guidance (i.e., five percent of the service area population or 1,000 persons, whichever is less). While CyRide acknowledged that the largest group of LEP persons appeared to be Chinese speaking individuals, it asserted that: (1) nearly all the Asians in its service area were students at ISU, and since ISU did not grant enrollment to students who could not pass the TOEFL exam, none of the students were LEP; (2) even if a Chinese speaking LEP population existed outside of the ISU student body, it did not consist of more than 1,000 people; and, (3) even if that population collectively exceeded 1,000 people, CyRide believed there was no way to determine the number of different dialects spoken by Chinese speaking people. By treating each dialect as a separate language, CyRide asserted that there was no LEP population of 1,000 people or more.  Regarding CyRide’s first assertion, the IEOP confirmed that there were at least 250 LEP individuals who attempted to enroll at ISU and could not pass the TOEFL exam and were instead enrolled in the IEOP. According to CyRide, the IEOP also indicated that “*international students are very well educated and trying to further their education in the U.S. However, students may bring with them to the United States their spouses, grandparents, parents, or other relatives that may not speak, read, or write any English*.” The Review team’s observations in the field and discussions with members of the Asian business community confirmed IEOP’s statement, and the fact that there was a visible non-student Asian presence.  Regarding CyRide’s second assertion, CyRide had not done enough to quantify the non-student LEP population in its service area. Specifically, it is recommended that CyRide reference Ames school district data and, when available, 2010 Department of Labor Local Workforce Investment Area data, Iowa State University Chinese enrollment data, along with community/rider surveys developed by CyRide or other City of Ames or Story County agencies. CyRide may have to use a combination of data resources to support logical assumptions about the number of Chinese speaking LEP persons in its service area.  Regarding CyRide’s third assertion, CyRide needs to do more to better understand the Chinese dialects spoken in its service area and affirmatively determine whether documents translated in “Traditional Chinese” can be understood by Chinese speaking individuals who speak different Chinese dialects. CyRide should identify a qualified resource to make this determination. At the time of the site visit, a CyRide employee was taking Chinese language classes at ISU paid for by CyRide. It is recommended that CyRide engage this employee and/or his instructor to gain a better understanding of how to group speakers of different dialects. This will not only help CyRide aggregate and quantify Chinese speaking LEP persons, but will also help CyRide identify the most commonly spoken and/or understood Chinese dialect for the purpose of document translation, should CyRide choose to do so. | | | |
| 1. Frequency of Contact – the frequency with which LEP individuals come in contact with the program and/or activities | | | No |
| **Notes/Comments**  Per DOT LEP Guidance, CyRide should improve outreach efforts per comments in the Inclusive Public Participation section of this report. Engagement of key individuals (business owners) and community organizations (churches) can help CyRide better determine the frequency with which LEP individuals (students and non-students) come in contact with its service.  In addition, prior to the site visit, CyRide provided its “*Limited English Proficient CyRide Survey*.” This was a survey of CyRide bus operators designed to better understand LEP frequency of contact. During the site visit, CyRide stated that it did not have much confidence in the survey’s results due to the manner in which it was administered. While this may be true, this survey, if properly administered, could potentially be a useful and revealing tool. A sampling of the survey’s results are as follows:   1. How often do you feel LEP persons ride CyRide? **75 percent of the respondents answered “Every day.”** 2. How often do you communicate directly with LEP persons? **22 percent of the respondents answered “Every day,” 38 percent answered “A few times a week,” and 29 percent answered “A few times a month.**”   The CyRide bus operator LEP Survey should be refined and/or administered in such a way that produces greater confidence in its results. While CyRide does not have confidence in the Survey’s results, the survey does suggest a level of contact with LEP riders that should be further explored. | | | |
| 1. Importance – the nature and importance of the program, activity, or service to people's lives | | | Yes |
| **Notes/Comments**  CyRide identified emergency evacuation and general transportation needs to/from school, work, and medical appointments that were important to people’s lives in the Ames service area. | | | |
| 1. Resources – the resources available and costs | | | No |
| **Notes/Comments**  CyRide listed its website (enhanced with Google Translate), Facebook, Twitter, schedules, and verbal translation services as resources made available to LEP persons. While the Google Translate functionality on its website was a useful resource, the translation functions associated with Facebook and Twitter were underdeveloped. CyRide indicated that it had plans to add [www.freetranslations.com](http://www.freetranslations.com) or Voxox’s Universal Translator to its Facebook site to enhance its translation accuracy and usefulness to LEP individuals.  While CyRide listed schedules and verbal translation as LEP resources, at the time of the site visit, it did not provide translated schedules or translators. CyRide reported that it did have a few drivers that were fluent either in German, French, Chinese and Spanish.  The Review team noted an error in CyRide’s calculation of what it would cost to produce translated documents. In its LEP Plan, CyRide provided a formula for calculating the document translation costs. CyRide calculated the translation costs to be 5.6 percent of its total FTA operating assistance funds, when in fact its estimated costs only represented approximately 0.5 percent of its FTA operating assistance funding. CyRide should confirm the actual cost of translating documents. | | | |
| Part B - Develop Language Assistance Plan | | | |
| * Identification of LEP Persons | No | See Factor 1 | |
| * Language Assistance Measures | No | See Factor 4 | |
| * Training of Staff | Yes | CyRide indicated that staff LEP training consisted of the following:   * Annual dissemination of its Title VI complaint procedures and LEP plan to employees. * LEP awareness training for all new hires. * Instruction on how to process requests from LEP riders. | |
| * Provide Notice to LEP Persons | Yes | CyRide notifies LEP persons of its LEP resources primarily through its website, community organizations, and health and human service organizations. | |
| * Monitor and Update the LAP | Yes | According to CyRide, its LEP plan will be reviewed and updated annually and in conjunction with the development of its Passenger Transportation Plan Update. | |

In response to the Draft Report in a letter dated September 29, 2011, CyRide indicated that factors one and two of its four-factor analysis will be completed by November 30, 2011. CyRide also reported that it had become a part of the State of Iowa’s contract with “The Big Word,” a statewide language line provider. In addition, CyRide had determined that Mandarin Chinese was the primary dialect spoken by the Chinese community in Ames.

On November 30, 2011, CyRide submitted its *Limited English Proficiency Plan 2011 Update*, in which CyRide details its efforts to determine how many Chinese speaking LEP persons reside in its service area, and how frequently LEP persons come into contact with its service. Based on evaluating the most recent American Community Survey data and school district data, consultation with several local community and health and human services organizations, and discussions with bus operators and customer service staff, CyRide estimated that its Chinese speaking LEP population was between 500- 600 people, below the Safe Department of Justice Safe Harbor threshold of 1000 people. CyRide also determined that its LEP community infrequently comes into contact with its services.

The deficiency in this area is now closed.

1. Title VI Complaint Procedures

**Requirement:** *FTA recipients shall 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.*

**Findings:** During this Title VI Compliance Review of CyRide, no deficiencies were found regarding CyRide’s compliance with FTA requirements for Title VI Complaint Procedures. Prior to the site visit, CyRide provided a copy of its *Title VI “Statement of Policy.”* The Policy was approved on March 29, 2011, by CyRide’s Board of Trustees and included its procedures for investigating complaints.

CyRide’s Title VI complaint procedures complied with FTA Circular 4702.1A, IV.2. The Review team noted that, as a part of its complaint procedures appeals process, CyRide stated that “*Complaints may be filed with the following three organizations* ***no later than 180 days*** *after the date of the alleged discrimination….”* The Lilly Ledbetter Fair Pay Act of 2009 removed the statute of limitations on filing discrimination complaints. Accordingly, CyRide should remove the requirement to file a complaint “no later than 180 days after the date of the alleged discrimination,” or update its policy to say, “Complaints ***should*** be filed with the following three organizations within one-hundred-eighty (180) calendar days of the alleged discrimination.”

Prior to the conclusion of the site visit, CyRide updated its Title VI complaint procedures, removing the statement requiring the complainant to file a complaint with outside agencies within 180 days.

1. Record of Title VI Investigations, Complaints, and Lawsuits

**Requirement:** *FTA recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipients that allege discrimination on the basis of race, color, or national origin. This list shall 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.*

**Findings:** During this Title VI Compliance Review of CyRide, no deficiencies were found regarding CyRide’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits. Prior to the site visit, CyRide indicated that it had received one Title VI complaint in the last three years and it submitted summary information for this complaint. No summary log was submitted.

During the site visit, CyRide was requested to develop a Title VI complaint tracking log that included all the required elements per FTA Circular 4702.1A, IV.3. Prior to the conclusion of the site visit, CyRide provided a Title VI Complaint Log that complied with the Circular.

1. Notice to Beneficiaries of Protection Under Title VI

**Requirement:** *FTA recipients shall 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. Recipients shall disseminate this information to the public through measures that can include but shall not be limited to a posting on its Web site.*

**Findings:** During this Title VI Compliance Review of CyRide, no deficiencies were found regarding CyRide’s compliance with FTA requirements for Notice to Beneficiaries of Protection under Title VI. Prior to the site visit, CyRide submitted its *Title VI “Statement of Policy,”* which included a description of CyRide, a commitment to a policy of non-discrimination on the basis of race, color, or national origin in the conduct of its business, operational objectives pursuant to Title VI, the establishment of who within CyRide was responsible for Title VI, information on how to obtain additional information on CyRide’s Title VI obligations and how to file a Title VI complaint, and CyRide’s Title VI complaint procedures. CyRide also submitted a separate statement that included the following:

*CyRide operates its transit service without regard to race, color, and national origin. For more information or to file a complaint or concern, e‐mail cyride@cyride.com or call (515)292‐1100 and ask to speak to CyRide’s Assistant Director – Operations.*

CyRide’s statement included all three elements required by FTA Circular 4702.1A, IV.5, as shown in the following table:

|  |  |
| --- | --- |
| **Elements Required in Title VI Notification**  **(Per FTA Circular 4702.1A Chapter IV Section 5.a)** | **Included in CyRide’s Policy?** |
| A statement that the agency operates programs without regard to race, color, and national origin | Yes |
| A description of the procedures that members of the public should follow in order to request additional information on the recipient’s nondiscrimination obligations | Yes |
| A description of the procedures that members of the public should follow in order to file a discrimination complaint against the recipient. | Yes |

CyRide explained that this statement was located on all CyRide buses, either behind the driver (temporary placard) or in the advertising area (permanent placard), and on system maps and public timetable brochures.

For clarity and consistency purposes, the Review team suggested posting the abovementioned statement on its website rather than its entire *Title VI “Statement of Policy.”* CyRide concurred and, during the site visit, changed its Title VI information on its website to include the statement, with a link to its *Title VI “Statement of Policy.”*

During the site visit, the Review team observed that the statement was located on CyRide’s website as well as on its informational brochures and its route maps and schedules.

1. Annual Title VI Certification and Assurance

**Requirement:** *FTA**recipients shall submit its annual Title VI certification and assurance as part of its Annual Certifications and Assurances submission to FTA (in the FTA web based Transportation Electronic Award Management (TEAM) grants management system.*

**Findings:** During this Title VI Compliance Review of CyRide, no deficiencies were found regarding CyRide’s compliance with FTA requirements for Annual Title VI Certification and Assurance. The FTA Civil Rights Assurance is incorporated in the Annual Certifications and Assurances submitted annually to FTA through the Transportation Electronic Award and Management (TEAM) system. CyRide executed its FY 2011 Annual Certifications and Assurances in TEAM on December 20, 2010. CyRide checked as applicable,*01. Certifications and Assurances required of all applicants*. This is the category where the nondiscrimination assurance is located.

1. Environmental Justice Analysis of Construction Projects

**Guidance:** *FTA**recipients should integrate an environmental justice analysis into its National Environmental Policy Act (NEPA) documentation of construction projects. (Recipients are not required to conduct environmental justice analyses of projects where NEPA documentation is not required.). In preparing documentation for a categorical exclusion (CE), recipients can meet this requirement by completing and submitting FTA’s standard CE checklist, which includes a section on community disruption and environmental justice.*

**Findings:** During this Title VI Compliance Review of CyRide, no deficiencies were found regarding CyRide’s compliance with FTA guidance for Environmental Justice (EJ) Analyses of Construction Projects. Prior to the site visit, CyRide submitted documented Categorical Exclusions (dCEs) for the following construction projects:

* Ames Intermodal Facility – included a statement on community disruption and environmental justice accompanied with a demographic analysis of the affected area.
* Ames Transit Agency (CyRide) Maintenance Storage Facility 2011 Expansion – included a statement on community disruption and environmental justice, but did not include a demographic analysis of the affected area. CyRide explained that this project was an expansion of its existing maintenance and administration facility, and the dCE for the facility’s original construction was simply updated to accommodate the expansion project. This was sufficient, given the scope and location of the project.

CyRide was advised to include a demographic analysis for future projects that qualify for a Categorical Exclusion or documented Categorical Exclusion. In addition, should CyRide undertake any construction projects that require an Environmental Assessment (EA) or Environmental Impact Statement (EIS), it should include the following Environmental Justice elements per FTA Circular 4702.1A:

| **Elements Required in Environmental Justice Analysis of Construction Projects**  **(Per FTA Circular 4702.1A Chapter IV, 8a-f)** |
| --- |
| 1. A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population |
| 1. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population. |
| 1. A discussion of all positive effects that would affect the identified minority and low-income population, such as an improvement in transit service, mobility, or accessibility. |
| 1. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project. |
| 1. A discussion of the remaining effects, if any, and why further mitigation is not proposed. |
| 1. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas. |

1. Submit Title VI Program

**Requirement:** *FTA recipients that are State Departments of Transportation or Other Administrating Agency are required to document their compliance with the general reporting requirements by submitting a Title VI Program to FTA’s Regional Civil Rights Officer once every three years.*

**Findings:** During this Title VI Compliance Review of CyRide, no deficiencies were found regarding CyRide’s compliance with FTA requirements to Submit Title VI Program. CyRide’s initial Title VI Program Submittal to FTA dated June 1, 2009, complied with FTA Circular 4702.1A.IV.7 in form, but not in substance.

Specifically, CyRide’s initial submittal did not include a complete LEP four-factor analysis, documentation that its Notice to Beneficiaries of Protection Under Title VI was distributed in locations other than its website, and updated complaint procedures. Supplements and revisions to some sections of the original Submittal were submitted to the FTA Region VII Civil Rights staff on March 15, 201l, and CyRide’s Submittal was ultimately approved on March 30, 2011.

CyRide was advised to document all future outreach efforts to minority and low-income individuals and include this documentation in its next Submittal.

1. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS

| **Title VI Requirements** | **Findings** | **Description of Deficiencies** | **Corrective Action(s)** | **Response Days/Date** | **Date Closed** |
| --- | --- | --- | --- | --- | --- |
| **GENERAL REPORTING REQUIREMENTS AND GUIDELINES– FTA C. 4702.1A. IV, 1-9** | | | | | |
| 1. Inclusive Public Participation | D | No documentation confirming CyRide’s efforts to facilitate and seek out inclusive public participation from minorities. | CyRide must submit to the FTA Equal Opportunity Specialist in FTA’s Headquarters Office of Civil Rights a plan for conducting ongoing outreach to minority and low-income communities, and documentation confirming efforts to include minority populations, particularly Chinese and Koreans, in its planning and decision-making process, as required by FTA Circular 4702.1A | 90 | 9/29/11 |
| 1. Language Access to LEP Persons | D | Four-factor Assessment incomplete. | CyRide must submit to the FTA Equal Opportunity Specialist in FTA’s Headquarters Office of Civil Rights documentation that it has conducted a LEP four factor analysis and developed a language assistance plan, as required by FTA Circular 4702.1A. In addition, CyRide must provide documentation that it has done the following:   * Sufficiently identified the number of non-student Chinese speaking LEP persons in its service area regardless of dialect spoken. * Identified what Chinese dialects are spoken in its service area. * Identified a qualified resource to determine if “Traditional Chinese” can be understood by the different Chinese dialects identified by CyRide. | 90 | 11/30/2011 |
| 1. Title VI Complaint Procedures | ND |  |  |  |  |
| 1. Record of Title VI Investigations, Complaints, and Lawsuits | ND |  |  |  |  |
| 1. Notice to Beneficiaries of Protection Under Title VI | ND |  |  |  |  |
| 1. Annual Title VI Certification and Assurance | ND |  |  |  |  |
| 1. Environmental Justice Analysis of Construction Projects | ND |  |  |  |  |
| 1. Submit Title VI Program | ND |  |  |  |  |

Findings at the time of the site visit: ND = No Deficiencies; D = Deficiency; NA = Not Applicable;

NR = Not Reviewed; AC = Advisory Comment

1. ATTENDEES

| **NAME** | **ORGANIZATION/TITLE** | **PHONE NUMBER** | **E-MAIL ADDRESS** |
| --- | --- | --- | --- |
| **GRANTEE – Ames Transit Agency (CyRide)** | | | |
| Sheri Kyras | Transit Director | (515) 239-5563 | [skyras@cyride.com](mailto:skyras@cyride.com) |
| Shari Atwood | Transit Planner/EEO Officer | (515) 239-5539 | [satwood@cyride.com](mailto:satwood@cyride.com) |
| Barbara Neal | Operations Supervisor | (515) 239-5565 | [bneal@cyride.com](mailto:bneal@cyride.com) |
| Karen Jamison | Assistant Director/Operations | (515) 239-5567 | [kjamison@cyride.com](mailto:kjamison@cyride.com) |
| Rich Leners | Assistant Transit Director/Fleet | (515) 239-5570 | [rleners@cyride.com](mailto:rleners@cyride.com) |
| Tom Davenport | Transit Coordinator | (515) 239-5564 | [tdavenport@cyride.com](mailto:tdavenport@cyride.com) |
| **Federal Transit Administration – FTA** | | | |
| Mark Bechtel | Community Planner, FTA Region VII | (816) 329-3937 | [mark.Bechtel@dot.gov](mailto:mark.Bechtel@dot.gov) |
| **REVIEW TEAM – The DMP Group, LLC** | | | |
| Donald Lucas | Lead Reviewer | (202) 726-2630 | [donald.lucas@thedmpgroup.com](mailto:donald.lucas@thedmpgroup.com) |
| Gregory Campbell | Reviewer | (202) 726-2630 | [gregory.campbell@thedmpgroup.com](mailto:gregory.campbell@thedmpgroup.com) |

1. Per the 2000 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories. [↑](#footnote-ref-1)