

Kitsap Transit

Kitsap Transit

Title VI Compliance Review

Final Report

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Federal Transit Administration



**PRE PA RE D BY**

The DMP Group, LLC

Washington, DC





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1. GENERAL INFORMATION

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(KT)

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Grantee Number: 1746

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Site Visit Dates: January 31 – February 2, 2012

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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. Kitsap Transit (KT) 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 17, (October 1, 2010).

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 KT’s Title VI Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC to conduct the Title VI Compliance Review of KT. The primary purpose of this Compliance Review was to determine the extent to which KT 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 KT 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 on the Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas as defined by FTA Circular 4702.1A, to discuss the proposed changes in FTA Circular 4702.1B, 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 complaint filed against KT.

#### 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 to:

* 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

Kitsap Transit (KT) is a Washington municipal corporation and Public Transportation Benefit Area Authority under Ch. 36.57A RCW. Established by the voting public in 1982, KT was organized for the purpose of providing a public transportation system and service for the residents of Kitsap County.

KT is governed by a 10-member Board of Commissioners (Board). Beginning in 2010, as the result of a change in state law, membership on the KT Board increased from nine to ten members and now includes one non-voting member who represents the agency's labor unions. The nine voting members of the KT Board are the three Kitsap County Commissioners, the Mayors of the four incorporated Cities in Kitsap County; Bainbridge Island, Bremerton, Port Orchard and Poulsbo, one Bremerton City Councilmember, and one at-large member from one of the other City Councils.

KT’s Executive Director reports to the Board and is responsible for public transportation operations which are organized across six functional departments. The following department heads report to the Executive Director: Operations Director, Maintenance Director, Service Development Director, Finance Director, Human Resources Director, and the Capital Development Director. Prior to the site visit, the KT Human Resource Director was responsible for Title VI compliance; however, during the site visit, the Review team was informed that the KT Operations Director had the responsibility for Title VI compliance.

Public transportation service is provided to the Cities of Bremerton, Port Orchard, Poulsbo, Silverdale, and Bainbridge Island, to Naval Base Kitsap, and to Kitsap County. Ferry service is provided between Bremerton and Port Orchard and Bremerton and Annapolis. According to the 2010 U.S. Census, the total population of KT’s service area is 251,133 people.

KT operates 39 bus routes in fixed-route service, Dial-a-Ride service in Bainbridge and South Kitsap, and one ferry route. It also provides *ACCESS* service for persons that cannot ride public transportation due to age or disability. This service is used to meet ADA paratransit requirements and includes supplemental taxi service. KT also operates a unique service called the Worker/Driver program. This service consists of 30 routes to the Puget Sound Naval Shipyard and the Naval Base Kitsap – Bremerton and Bangor. The buses are driven by full-time employees (“Worker”) of the military facilities that are also part-time KT bus operators (“Driver”). All bus public transportation service is provided directly by KT. The ferry service is operated under a contract with Kitsap Harbor Tours, LLC. KT also operates a van pool program.

The fixed-route service operates between 4:30 a.m. and 9:00 p.m. Monday through Friday. Saturday service operates between 10:00 a.m. to 6:00 p.m. No service operates on Sundays. ADA paratransit service operates during the same hours as fixed-route service. The Bremerton-Port Orchard ferry service also operates between 4:30 a.m. and 9:00 p.m. on weekdays and between 10:00 a.m. and 6:00 p.m. on Saturdays. The Bremerton-Annapolis ferry service operates weekdays, only during the peak periods, with eight trips in each peak.

The basic adult fare for fixed-route bus service, the ferry service, and the

Worker/Driver service is $2.00. A reduced fare of $1.00 is offered to senior citizens, youths, persons with disabilities, and persons with a Medicare card. The fare for *ACCESS* service is $2.00, with $3.00 charged for trips in outlying areas. A number of different pass programs are available to passengers.

KT operates a fleet of 117 buses for fixed-route and Worker/Driver service. The bus fleet consists of various sized transit coaches and small vehicles. The current peak requirement is for 84 vehicles. KT's paratransit fleet (*ACCESS*) consists of 61vehicles. The current peak requirement is for 57 vehicles which include vanpools (VanLink – see below) that supplement the *ACCESS* program. KT also operates a vanpool program with 150 assigned to that fleet and 49 vehicles assigned to the VanLink program that supplements *ACCESS* transportation. KT operates from three bus facilities: Charleston Base (primary maintenance base), North Base, and South Base; six transit centers (including the Bremerton Transportation Center) that are spread across its service area; and three ferry terminals. The headquarters facility is in downtown Bremerton near the ferry terminal and Bremerton Transportation Center, a facility jointly operated with the Washington State Ferry system.

The following table represents a demographic profile of the KT service area using data from the 2000 and the 2010 Census. The table shows the 2000 and 2010 population by racial/ethnic group, the increase (or decrease) in population from 2000 to 2010, and the percentage of the racial/ethnic group population to the total population in both 2000 and 2010.

From 2000 to 2010, the total population of the KT service area increased 8.3 percent. The White population increased 6.1 percent, while the Black population decreased less than one percent, the Hispanic population increased 63.2 percent, the Asian population increased 21.6 percent, the Hawaiian/Pacific Islander population increased 28 percent, and the American Indian/Alaskan Native increased 7.4 percent. In 2010, 82.6 percent of the total population was White (a decrease of 1.7 percent from 2000), 2.6 percent was Black (a negligible decrease), 6.2 percent was Hispanic (an increase of 2.1 percent), 4.9 percent was Asian (a negligible increase), 0.9 percent was Hawaiian/Pacific Islander (a negligible increase), and 1.6 percent was American Indian/Alaskan Native (a negligible increase). According to the 2000 Census, 19,601 persons (8.5 percent) of the population had income below the poverty level and 5,244 persons (2.3 percent) of the population had limited English proficiency (LEP).

**Table 1 – Demographics of the Kitsap County**

**Racial/ Ethnic Breakdown - Source: 2000 and 2010 U.S. Census**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Racial/ Ethnic Group** | **Kitsap County**  **2000** | | **Kitsap County**  **2010** | | | | **Change in Kitsap County** | | |
| **Number** | **Percent** | **Number** | | **Percent** | | **Number** | **Percent change ethnic group** | **Percent change total population** |
| White | 195,481 | 84.3% | 207,369 | | 82.6% | | 11,888 | 6.1% | (1.7%) |
| Black | 6,648 | 2.9% | 6,650 | | 2.6% | | 2 | 0.0% | (0.2%) |
| American Indian and Alaska Native | 3,760 | 1.6% | 4,040 | | 1.6% | | 280 | 7.4% | 0.0% |
| Asian | 10,192 | 4.4% | 12,396 | | 4.9% | | 2,204 | 21.6% | 0.5% |
| Hawaiian/Pacific Islander | 1,805 | 0.8% | 2,310 | | 0.9% | | 505 | 28.0% | 0.1% |
| Other Race | 3,309 | 1.4% | 3,919 | | 1.6% | | 610 | 18.4% | 0.1% |
| Two or More | 10,774 | 4.6% | 14,449 | | 5.8% | | 3,675 | 34.1% | 1.1% |
| Hispanic Origin[[1]](#footnote-1) | 9,609 | 4.1% | 15,686 | | 6.2% | | 6,077 | 63.2% | 2.1% |
| **Total** | **231,969** | **100%** | **251,133** | | **100%** | | **19,164** | **8.3%** | **0.0%** |
|  |  |  |  |  | |
| Low-Income | 19,601 | 8.5% | 23,2502 | 9.4% | |
| Limited English | 5,244 | 2.3% | 7,7032 | 3.1% | |

1. SCOPE AND METHODOLOGY

#### Scope

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

General Reporting Requirements and Guidelines – all applicants, recipients, and subrecipients shall maintain and submit the following:

1. Annual Title VI Certification and Assurance;
2. Title VI Complaint Procedures;
3. Record of Title VI Investigations, Complaints, and Lawsuits;
4. Language Access to LEP Persons;
5. Notice to Beneficiaries of Protection under Title VI;
6. Submit Title VI Program;
7. Environmental Justice Analysis of Construction Projects; and
8. Inclusive Public Participation.

Since KT’s service area population had only recently exceeded 200,000 people, the scope of the Review did not include a determination of compliance or deficiency for the Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas as defined by FTA Circular 4702.1A. However, since KT will now be required to integrate the Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas into its Title VI program going forward, the Review team, in agreement with KT, provided technical assistance in the areas of *Collect Demographic Data*, *System-wide Service Standards and Policies*, *Evaluation of Service and Fare Changes,* and *Monitoring Transit Service*. In anticipation of the soon to be implemented proposed FTA Circular 4702.1B, the Review team also discussed the proposed new Circular and how it would apply to KT.

#### Methodology

Initial interviews were conducted with the FTA Headquarters Civil Rights staff and the FTA Region IX Civil Rights Officer to discuss specific Title VI issues and concerns regarding KT. An agenda letter covering the Review was sent to KT 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 General Reporting Requirements and Guidelines that are contained in FTA Title VI Circular 4702.1A that became effective on May 13, 2007. The General Reporting Requirements and Guidelines now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders.

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

* Description of KT’s service area, including general population and other demographic information using the most recent Census data.
* Current description of KT’s public transit service, including system maps, public timetables, transit service brochures, etc.
* Roster of KT’s current revenue fleet, to include acquisition date, fuel type, seating configurations, and other amenities.
* Description of transit amenities maintained by KT for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
* KT Organization Chart.
* Any studies or surveys conducted by KT, 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 KT’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 list of any investigations, lawsuits, or complaints naming KT that alleges discrimination on the basis of race, color, or national origin during the last 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 KT in response to the investigation, lawsuit, or complaint.
* Documentation of efforts made by KT 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.

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

The site visit to KT occurred January 31 – February 2, 2012. 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 KT senior management, KT staff, 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 Review team met with KT’s Executive 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 KT. The Review team then met with KT staff to discuss how KT incorporated FTA Title VI requirements into its public transportation program. During the site visit, the Review team toured several KT bus routes, as described below.

At the end of the site visit, an Exit Conference was held with KT staff and the contractor Review team. At the Exit Conference, initial findings and corrective actions were discussed with KT.

**Site Visits**

With KT’s assistance, the Review team selected eight minority, non-minority, low-income, and non-low-income routes to tour. The objective of the tours was to get a sense of KT’s service area in relation to Title VI and to identify any obvious disparities in the distribution of transit amenities along its routes. The route tours revealed that there were no disparities in the distribution of transit amenities that had an adverse impact on the minority and low-income communities.

1. FINDINGS AND RECOMMENDATIONS

The Title VI Compliance Review focused on KT'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 eight areas reviewed. Deficiencies were identified in the area of *Inclusive Public Participation*. Following the issuance of the Draft report, KT submitted documentation to close the deficiencies in this area. At the time of the Final report, KT had no outstanding deficiencies.

#### 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 KT, deficiencies were found regarding KT’s compliance with FTA guidance for Inclusive Public Participation. KT provided documentation confirming general public outreach, but did not confirm that it had a process for engaging, including, and receiving input from minority persons, specifically, as required by FTA Circular 4702.1A. In May 2011, KT submitted its final update to its most recent Title VI Program submittal originally submitted in December 2009. FTA’s review of KT’s updated Title VI Program determined that KT still needed to

*...submit a Public Participation Plan that identifies and describes the policies and/or procedures for inclusive public participation that ensure access to the transportation planning process for low-income and minority populations.*

In June 2011, KT responded with another update that was approved by the FTA. The Inclusive Public Participation Plan in this most recent update included the following combination of outreach efforts:

* *Public comment meetings in connection with service reductions and fare increases that occurred from 2006 to 2009.*
* *Regular meetings of the Kitsap Citizen Advisory Committee and ACCESS Passenger Advisory Committee at which the public could comment and discuss service and fare change issues and provide input and feedback to KT’s short and long range service plans and projects.*
* *Monthly meetings with the Kitsap Continuum of Care Coalition (KCCC) whose membership is made up of about 40 different social service agencies from all around Kitsap County who serve low-income, minority, and LEP persons.*
* *Monthly meetings with the Kitsap Information, Resources & Networking (KIRN) group. This group is comprised of members of the Kitsap Coalition Group, Suquamish Tribe, Easter Seals, Hollyridge Center, Olympic College Students in Need, and Olympic College’s Foreign Exchange Department.*

During the site visit, KT could not confirm that KCCC, KIRN, or any of their member organizations were engaged to get input specifically from minority or low-income persons.

During the site visit, KT stated that its inclusive public participation efforts were limited to its public comment process associated with service and fare changes and other specific initiatives. KT had not developed and executed a plan for engaging minority and low-income persons on an ongoing basis.

KT cited its recent smart card implementation as an example of how the viewpoints and concerns of low-income persons influenced its planning. In a document titled, *Kitsap Transit’s Current Program for Assisting Low-Income Passengers*, dated September 2011, KT detailed its efforts to evaluate the impact of the One Regional Card for All (ORCA) fare payment card on low-income persons. KT sought feedback from the low-income community through its participation in the Community Transportation Steering Committee (CTSC). The CTSC was comprised of the following organizations:

* Kitsap Transit
* Area food banks and homeless shelters
* Kitsap County WorkRelease program
* Olympic College – Workfirst program
* WorkSource
* DSHS
* ParaTransit Services
* Kitsap Community Resources
* Kitsap Mental Health
* Salvation Army
* Goodwill Silverdale Job Assistance Program
* Kitsap Senior Information and Assistance
* Bremerton Food Line
* Sally Santana
* Peninsula 211
* Area Agency on Aging
* The Temporary Assistance for Needy Families program
* The South Puget Intertribal Planning Agency

The CTSC met monthly to discuss issues that low-income persons may encounter while participating in ORCA or the use of public transportation in general.

The Review team pointed out that in the development of its *Kitsap Transit LEP Plan*, dated June 9, 2011, several of the methods used to identify and better understand the LEP communities in its service area were consistent with the requirements for Inclusive Public Participation in FTA Circular 4702.1A. The following efforts were made to identify how frequently LEP persons used its service.

*In addition to this analysis, stakeholder interviews with health care providers, an English as a Second Language instructor, social service providers, a translation and interpreting business-owner and a church described transit as extremely important for the Spanish-speaking and Mam populations. Stakeholders said that Mexicans live in North Kitsap, Poulsbo, and some in Port Orchard. Guatemalans live in Bremerton and Belfair.*

*Stakeholders cited that Spanish-speaking and Mam women are especially reliant on transit and frequent the Kitsap Immigrant Assistance Center consistently during operating hours on Mondays and Tuesday from 12-4pm. The Center is a popular service organization providing assistance to immigrants from all over the world, (but especially to Hispanic and Mam immigrants) to help with paperwork, translation services, and by referring people to specific organization for health care, legal, financial and educational needs. There is a constant flow of women and children that take bus #13 to make the trip to the Center.*

*Stakeholders spoke almost exclusively about the needs of the Latina and Mam and did not mention the needs of the Filipino/Tagalog speaking population. When asked about this group’s needs, respondents said that they do use transit but they speak English fluently because English is mandatory in the Philippines. The translation service business owner said she only received four requests for Tagalog interpreting/translation service in the last 12 months. This could mean that Tagalog-speaking LEP are less reliant on translation and interpreting service and get help from family and friends. There was a general impression among respondents that this group was getting its needs met and language was not a barrier.*

While this effort was in connection with the conduct of KT’s LEP four-factor analysis, engaging community organizations, individuals, businesses, and churches were all recommended methods for including minority and low-income persons early and continuously in the planning process.

During the site visit, KT explained that its primary method for including the public early and continuously in its planning process was through its Citizens Advisory Committee (CAC). The CAC met monthly and was composed of Kitsap County residents. KT stated there were no minority persons on the CAC. The Review team suggested that KT make an effort to recruit one or more minority persons from the community to participate on the CAC. In addition, KT should make efforts to ensure that minority persons are involved in the planning and development of its Transit Development Plan which is updated every five years.

After the site visit, in an email dated February 21, 2012, KT submitted its *Kitsap Transit Public Comment Process Policy, Updated February 15, 2012*. In this document, KT established the following:

*In order to ensure that Kitsap Transit is equitable in its provision of service, and not disproportionately affecting minority or low income groups by reducing service or increasing fares, Kitsap Transit is forming an agency group based upon the minority and low income populations identified in Kitsap Transit’s Limited English Proficiency Plan (LEP). This group will meet on an as-needed basis, currently identified as once each quarter, or prior to any proposed change in services or fares, to discuss and study the impacts of any changes in service or fares proposed by Kitsap Transit. Kitsap Transit will use demographic information as well as the LEP agency group to recruit minority and low income members to the Kitsap Transit Citizen Advisory Committee (CAC). The CAC meets once each month to review Kitsap Transit services, plans, and business needs.*

*Prior to a fare increase or a major service reduction, Kitsap Transit will hold a public meeting to solicit comments from the public. In the case of a proposed fare increase, Kitsap Transit will hold a series of public meetings around the county. In the case of a service reduction, the public meetings will be held in the affected area(s). Consideration will be given to using centrally located, transit-accessible facilities when appropriate for these public meetings. Kitsap Transit will also make every effort to accommodate persons with special needs and to include members of potentially underserved groups, including minority and low income populations. To publicize these public meetings, Kitsap Transit will:*

* *Discuss all proposed changes with the Kitsap Transit Citizens Advisory Committee*
* *Place Rider Alerts on the affected bus routes*
* *Place ads in the weekly newspapers of the affected area and in the daily newspaper*
* *Place information on the Kitsap Transit web page so that comments may be sent in via e-mail*
* *Send out Rider Alerts on Kitsap Transit’s subscription e-mail service for the affected routes*
* *Notify by flyer or mailing residents in minority and low income areas based upon Kitsap Transit’s analysis of demographic data for both groups*
* *Meet with minority and low income advocacy groups that have been identified through Kitsap Transit’s LEP*

Through these updates KT better incorporates Title VI Inclusive Public Participation requirements in its public comment process associated with service and fare changes. KT is advised, however, not to limit its identification, recruitment, and inclusion of minority and/or low-income persons on advisory boards to LEP persons identified in its LEP four-factor analysis. Minority and low-income persons are not necessarily LEP. If demographic data obtained through its LEP four-factor analysis happens to provide information on African-Americans or other non-LEP minority groups, then it could be used for Title VI purposes. In addition, KT must still develop an Inclusive Public Participation Plan that is not only executed during the implementation of service and fare changes.

In response to the Draft report, in a letter dated April 13, 2012, Kitsap submitted a document titled, *Kitsap Transit Public Participation Policies March 29, 2012*. This document included the following:

*LEP, Low-Income and Minorities Committee*

*Kitsap Transit has recently formed a group to ensure inclusion of LEP individuals and low-income and minorities. Kitsap Transit has contacted all of the agencies listed in the LEP plan as well as other agencies and churches that have low-income and minority participants. Olympic College is one of the agencies that Kitsap Transit has contacted to coordinate with their Multi-cultural center. A complete list of included agencies is attached to Kitsap Transit’s LEP plan.*

*This newly formed committee will meet quarterly, or as needed, to discuss any service, issues, or barriers that may exist for members of the LEP, low-income and minority populations. Kitsap Transit currently offers one of the only low-income fare programs in the state of Washington.*

This update to KT’s public participation process is sufficient to close the deficiency in this area.

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 KT, no deficiencies were found regarding KT’s compliance with FTA requirements for Language Access to LEP persons. Prior to the site visit, KT submitted its *Kitsap Transit LEP Plan*, dated June 9, 2011, which fully complied 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 KT’s**  **Plan** | **Notes/Comments** |
| **Part A – Four-Factor Assessment** | | |
| 1. Demography –The number or proportion of LEP persons eligible to be served or likely to be encountered | Yes | KT reasonably relied on American Community Survey 2005-2009 data to determine the LEP populations in its service area. It is recommended that KT use 2010 U.S. Census data when available and when updating its LEP Plan. KT also conducted stakeholder interviews to better ascertain the languages spoken in its service area, including a University of Washington Spanish and Portuguese Studies program professor. As identified in its LEP Plan, the two largest LEP populations in its service area are Spanish-speaking (2,585 people) and Tagalog-speaking (1,502) persons. In addition, a third language, Mam (less than 100 people), spoken by an indigenous population from Guatemala, is also spoken. |
| 1. Frequency of Contact – the frequency with which LEP individuals come in contact with the program and/or activities | Yes | KT conducted a bus operator survey, used GIS mapping to determine the proximity of LEP communities to existing KT bus routes, and conducted stakeholder (health care providers, an English as a Second Language instructor, social service providers, a translation and interpreting business owner) interviews to determine frequency of contact with LEP persons. 81 out of 87 bus operators surveyed stated that they had transported or spoken to Spanish and Tagalog LEP riders, but no Mam LEP riders. KT also confirmed through its GIS analysis that 92 percent of Spanish LEP persons live in communities with proximity to existing routes and 94 percent of Asian and Pacific Island LEP persons live in proximity to existing routes. The frequent use of KT’s service by Spanish-speaking and Mam-speaking persons was confirmed through stakeholder interviews. According to several stakeholders, most Filipino (Tagalog speaking) riders also spoke English. |
| 1. Importance – the nature and importance of the program, activity, or service to people's lives | Yes | Based on stakeholder input, public transportation is critical to LEP  persons in Kitsap to go to medical appointments, access social services and educational offerings, such as English as a Second Language, and to get to school and work. Based on this information, KT’s most important services include fixed route bus services and bus transfer centers.  KT also used *Means of Transportation to Work* data for Kitsap County LEP residents. Areas with more than 25 people per 100 acres that use transit to commute to work include: Bremerton, East Bremerton, Kariotis, eastern Bainbridge Island (due to ferry commuters), Suquamish, Parkwood, and Manchester. |
| 1. Resources – the resources available and costs | Yes | Based on the needs of its LEP community, KT satisfactorily took inventory of its existing LEP measures and associated costs. KT’s LEP measures primarily consist of translated documents, pictograms, a language line, and ongoing engagement with community organizations knowledgeable of the LEP communities throughout the KT service area. |
| Part B - Develop Language Assistance Plan | | |
| 1. Identification of LEP Persons | Yes | See Factor 1 above. It is recommended that KT use 2010 U.S. Census data when available and when updating its LEP Plan |
| 1. Language Assistance Measures | Yes | KT’s language assistance measures include internal language experts, professional language interpreters, language line, pictograms, translated documents, translated information on its website, and instructional business cards for bus operators to assist them when encountering an LEP rider. |
| 1. Training of Staff | Yes | Drivers are made aware of LEP measures during new-hire orientation and periodic continuing education and training. KT provided business cards to drivers with instructions in  Spanish and Tagalog on how to access telephone-based interpreting services. |
| 1. Provide Notice to LEP Persons | Yes | In addition to notices placed on buses and on its website, KT will disseminate information to LEP communities via partner organizations knowledgeable about the LEP communities in its service area. |
| 1. Monitor and Update the LAP | Yes | KT will update its LEP plan every five years in connection with the production of its Transit Development Plan. KT will incorporate its LEP Plan into its Comprehensive Transit Development Plan |

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 KT, no deficiencies were found regarding KT’s compliance with FTA requirements for Title VI Complaint Procedures. KT’s complaint procedures included reasonable steps to receive and investigate complaints, and adjudicate appeals.

All Title VI complaints were recorded on a complaint form and routed to KT’s Human Resources Director (HRD). KT’s HRD assigned a staff member, as appropriate, to investigate the complaint by interviewing all parties and collecting relevant facts. Once the investigation was complete, the investigator submitted a recommendation regarding the merit of the complaint and whether remedial actions were available to the HRD. The HRD then notified the complainant of KT’s determination. Depending on the investigator’s recommendation, the HRD would send the complainant one of three letters: a letter of resolution, a letter of finding when KT was not found to be in noncompliance, and a letter of finding when KT was found to be in noncompliance. The “letter of finding when KT was not found to be in noncompliance,” included instructions on how to file an appeal. Appeals were handled by KT’s Board of Commissioners. If a complainant’s request for reconsideration was denied by the Board of Commissioners, the complainant might also submit a complaint to the FTA Region X Headquarters for investigation.

It was suggested that KT update its Title VI Complaint Procedure to include a description of how a complaint can be filed (i.e. phone, website, in person.) In addition, when a complaint is filed over the phone, it was recommended that KT consider allowing its customer service staff to fill out its complaint form on behalf of the complainant. At the time of the site visit, after receiving a complaint, KT’s procedure was to mail the complaint form to the complainant for them to fill out and return. KT indicated that seldom do the complaint forms get returned. KT should consider recording the complaint on the form at the time the complaint is filed.

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 KT, no deficiencies were found regarding KT’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits. KT submitted a list of nine Title VI complaints filed between January 2010 and December 2011. The list included all elements required by FTA Circular 4702.1A, IV, 3 as follows:

1. The date the investigation, lawsuit, or complaint was filed
2. A summary of the allegation(s)
3. The status of the investigation, lawsuit, or complaint
4. Actions taken by the recipient or in response to the investigation, lawsuit, or complaint.

KT indicated that it had not received any Title VI complaints prior to January 2010, presumably due to the fact that prior to that, it had not posted its Title VI Notice informing riders of their protections under Title VI and their right to file a Title VI complaint.

The Review team suggested KT update its complaint log to include a way to reference each complaint.

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 KT, no deficiencies were found regarding KT’s compliance with FTA requirements for Notice to Beneficiaries of Protection under Title VI. KT’s Title VI Notice contained all of the elements required by FTA Circular 4702.1A, IV, 5.a, as illustrated in the following table:

| **Elements Required in Title VI Notice to Beneficiaries**  **(Per FTA Circular 4702.1A Chapter IV Section 5.a)** | **Included in KT’s Notice?** |
| --- | --- |
| 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 |

KT disseminated its Notice on its website and on car cards posted on buses. KT’s Notice stated, “For Title VI complaints and information, please call…” It was suggested that KT replace this statement with, “For Title VI complaints or *additional* information, please call…”

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 KT, no deficiencies were found regarding KT’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. KT executed its fiscal year 2011 Annual Certifications and Assurances in TEAM on November 9, 2011. KT 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 KT, no deficiencies were found regarding KT’s compliance with FTA guidance for Environmental Justice (EJ) Analyses of Construction Projects. In the last three years, KT did not have any construction projects that qualified for an Environmental Impact Statement (EIS) or Environmental Assessment (EA). During the site visit, KT provided Documented Categorical Exclusions (DCE) for the following construction projects:

* Main Base Expansion
* Harper Church Park and Ride Expansion
* North Base Expansion
* Olhava II Park and Ride
* Bremerton Transportation Center Dock, Phase III Final

The DCEs for each of these projects included a section on EJ and/or community disruption. The FTA Region X DCE checklist, asked KT to state whether the project would have any adverse impacts on minority and/or low-income communities, and to explain any outreach efforts made by KT to these communities. On all of the DCE checklists, KT included a declarative statement about the impacts of each project (there were none), but did not include a description of its outreach efforts. It was suggested that for future construction projects, KT document its outreach efforts on the DCE checklist.

During the site visit, KT stated that it anticipated future construction projects that would require either an EIS or EA. The Review team provided technical assistance, advising KT of the need to incorporate the following elements, as required by FTA Circular 4702.1A, IV, 8 in all future EIS and EA documents:

| **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 KT, no deficiencies were found regarding KT’s compliance with FTA requirements to Submit Title VI Program. Prior to the site visit, the Review team reviewed KT’s most recent Title VI Program, dated June 10, 2011, and found that it included four of the five elements required by FTA Circular 4702.1A, IV, 7, as described in the following table:

| **ELEMENTS REQUIRED FOR TITLE VI PROGRAM** | |
| --- | --- |
| **GENERAL REQUIREMENTS AND GUIDELINES (Per FTA C. 4702.1A, IV, 7. a. (1) – (5))** | **In KT’s Title VI Program Submittal?** |
| * A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities. | Partial |
| * A copy of the agency’s plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency’s alternative framework for providing language assistance. | Yes |
| * A copy of the agency procedures for tracking and investigating Title VI complaints. | Yes |
| * A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part. | Yes |
| * A copy of the agency’s notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint. | Yes |

KT’s most recent Title VI Program submittal did not include a list of outreach efforts made since its prior submittal. While KT included a general description of what it did to engage the general public, it did not include a record of its actual outreach activity. KT was advised to include this activity in all future Title VI Program submittals.

KT was also advised to include in its next Title VI Program submittal all of the requirements for Submit Title VI Program detailed in FTA Circular 4702.1A,V,6, under Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas. These requirements are as follows:

|  |
| --- |
| **Program-specific requirements AND GUIDELINES**  **(Per FTA C. 4702.1A, V, 6. a. (1) – (4))** |
| * A copy of the agency’s demographic analysis of its beneficiaries. This should include either any demographic maps and charts prepared or a copy of any customer surveys conducted since the last report that contain demographic information on ridership, or the agency’s locally developed demographic analysis of its customer’s travel patterns. |
| * Copies of system-wide service standards and system-wide service policies adopted by the agency since the last submission. |
| * A copy of the equity evaluation of any significant service changes and fare changes implemented since the last report submission. |
| * A copy of the results of either the level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally developed monitoring procedures conducted since the last submission. |

**TECHNICAL ASSISTANCE**

Since KT’s service area population had only recently exceeded 200,000 people, the scope of the Review did not include a determination of compliance or deficiency for the Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas as defined by FTA Circular 4702.1A. However, since KT will now be required to integrate the Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas into its Title VI program going forward, the Review team, in agreement with KT, provided technical assistance in the following areas:

1. Demographic Data

**Requirement:** *FTA recipients serving large urbanized areas shall collect and analyze racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.*

During the site visit, the Review team discussed the requirements and guidance detailed in FTA Circular 4702.1A, V, 1 with KT, communicating the need to collect and analyze demographic data, as follows:

|  |
| --- |
| **Option A: Demographic and Service Profile Maps and Charts**  **(Per FTA C. 4702.1A, V, 1. a.)** |
| * A base map of the agency’s service area that includes each census tract or traffic analysis zone (TAZ), major streets, etc., fixed transit facilities and major activity centers. The map should also highlight those transit facilities that were recently modernized or are scheduled for modernization in the next five years. |
| * A demographic map that plots the above information and also shades those Census tracts or TAZ where the percentage of the total minority and low-income population residing in these areas exceeds the average minority and low-income population for the service area as a whole. |
| * A chart for each Census tract or TAZ that shows the actual numbers and percentages for each minority group within the zone or tract. |

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| --- |
| **Option B: Survey Information on Customer Demographics and Travel Patterns**  **(Per FTA C. 4702.1A, V, 1. b.)** |
| * Recipients may collect information on the race, color, national origin, income, and travel patterns of their riders. FTA recommends that recipients collect the following information (recipients may request additional information from their riders, as appropriate, or request different information that is more applicable to the type of service they provide):   (1) Information on riders’ race, color, and national origin.  (2) Whether the rider speaks or understands English “not well” or “not at all.”  (3) Information on riders’ income or income range.  (4) The mode of transit service that riders use most frequently (when applicable).  (5) The frequency of transit usage.  (6) The typical number of transfers made.  (7) The fare payment type and media most frequently used (when applicable).  (8) Riders’ auto availability.  (9) Riders’ opinion of the quality of service they receive (this could include questions such as satisfaction with the system, willingness to recommend transit to others, and value for fare paid).  (10) In administering the above option, grantees should keep the following guidance in mind:   * + - 1. Timing. The information recommended in Section 1.b.(1) can be integrated into customer surveys routinely employed by transit agencies and can be collected at the time that such surveys are routinely performed.       2. Language access. The recipient should take steps to translate customer surveys into languages other than English, or to provide interpretation services in the course of conducting customer surveys consistent with the DOT LEP guidance. |
| **Option C: Locally Developed Alternative**  **(Per FTA C. 4702.1A, V, 1. c.)** |
| * Recipients may modify the above options or develop their own procedures to collect and analyze demographic data on their beneficiaries. Any locally developed alternative shall meet the expectations of 49 CFR Section 21.9(b). |

The Review team shared industry best practices with KT that were successfully implemented by other transit systems (some similar in size and some larger) to provide KT with ideas and options for developing its own demographic mapping and charting strategies.

1. System-wide Service Standards and Policies

**Requirement:** *FTA recipients serving large urbanized areas shall adopt quantitative system-wide service standards necessary to guard against discriminatory service design or operations decisions. Recipients serving large urbanized areas shall adopt system-wide service policies necessary to guard against discriminatory service design or operations decisions. Service standards differ from service policies in that they are not based necessarily on a quantitative threshold.*

During the site visit, the Review team discussed the requirements and guidance detailed in FTA Circular 4702.1A, V, 2-3 with KT, communicating the need to develop quantifiable standards for measuring system performance with respect to the equitable distribution of service, as defined by the Circular. The following standards and policies were discussed in detail:

|  |  |
| --- | --- |
| Service Standards | Service Policies |
| * Vehicle Load | * Vehicle Assignment |
| * Distribution of Transit Amenities | * Transit Security |
| * Vehicle Headway |  |
| * Service Availability |  |
| * On-time Performance |  |

The Review team shared industry best practices with KT that were successfully implemented by other transit systems (some similar in size and some larger) to provide KT with ideas and options for developing its own service standards and service policy strategies.

1. Evaluation of Service and Fare Changes

**Requirement:** *FTA recipients shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. For service changes, this requirement applies to “major service changes” only. Recipients should have established guidelines or thresholds for what it considers a “major” change.*

During the site visit, the Review team discussed the following related requirements and guidance with KT:

* FTA Circular 4702.1A.V.4;
* The FTA Administrator’s Dear Colleague Letter dated March 8, 2011, titled “Civil Rights”; and
* The “Transit Service & Fare Equity Analysis Under Title VI of the Civil Rights Act of 1964 – Training Overview for FTA Funding Recipients” webinar PowerPoint presentation.

It was recommended that KT reference the following requirements in FTA Circular 4702.1A, V, 4 when developing procedures for conducting equity evaluations for service and fare changes during the planning phase:

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| --- |
| **ELEMENTS REQUIRED FOR EVALUATION OF SERVICE AND FARE CHANGES (PER FTA C. 4702.1A, V, 4a.) – Option A** |
| 1. ASSESS THE EFFECTS OF THE PROPOSED FARE OR SERVICE CHANGE ON MINORITY AND LOW-INCOME POPULATIONS. |
| 1. *Route changes: For proposed major service changes that would reduce or expand frequency of service or add or eliminate routes, the recipient should produce maps of the routes that would be eliminated, reduced, added, or expanded, overlaid on a demographic map of the service area, that highlights those Census tracts or traffic analysis zones where the total minority and low-income population is greater than the service area average.* |
| 1. *Span of service*:  *For proposed changes that would reduce or expand hours and days of service, the recipient should analyze any available information generated from ridership surveys that indicates whether minority and low-income riders are more likely to use the service during the hours and/or days that would be eliminated*. |
| 1. *Fare changes*:  *For proposed changes that would increase or decrease fares on certain transit modes or by fare payment type or payment media, the recipient should analyze any available information generated from ridership surveys indicating whether minority and low-income riders are more likely to use the mode of service, payment type, or payment media that would be subject to the fare increase.* |
| 1. ASSESS THE ALTERNATIVES AVAILABLE FOR PEOPLE AFFECTED BY THE FARE INCREASE OF MAJOR SERVICE CHANGE. |
| 1. *Service changes*:  *For proposed service changes, the recipient should analyze what, if any, modes of transit or transit routes are available for people affected by the service expansions or reductions. This analysis should compare the travel time and cost of the current route with the travel time and cost to the rider of the alternatives.* |
| 1. *Fare changes*: *For proposed fare changes, the recipient should analyze what, if any, alternative transit modes, fare payment types, or fare payment media are available for people affected by the fare change. This analysis should compare the fares paid under the change with fares that would be paid through available alternatives.* |
| 1. Describe the actions the agency proposes to minimize, mitigate, or offset any adverse effects of proposed fare and service changes on minority and low-income populations. |
| 1. Determine which, if any of the proposals under consideration would have a disproportionately high and adverse effect on minority and low-income riders. Recipients can implement a fare increase or major service reduction that would have disproportionately high and adverse effects provided that the recipient demonstrates that the action meets a substantial need that is in the public interest and that alternatives would have more severe adverse effects than the preferred alternative. |

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| **ELEMENTS REQUIRED FOR EVALUATION OF SERVICE AND FARE CHANGES (PER FTA C. 4702.1A, V, 4b.) – Option B** |
| *Recipients have the option of modifying the above option or developing their own procedures to evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. This locally developed alternative shall include a description of the methodology used to determine the impact of the service and fare change, a determination as to whether the proposed change would have discriminatory impacts, and a description of what, if any, action was taken by the agency in response to the analysis conducted.* |

Kitsap is advised to reference the Title VI Service and Fare Equity Analysis Presentation found on the FTA website at <http://fta.dot.gov/civilrights/12328.html>. This presentation provides additional guidance and best practices for conducting Title VI service and fare equity analyses.

1. Monitoring Transit Service

**Requirement:** FTA *recipients shall monitor the transit service provided throughout its service area. Periodic service monitoring activities shall 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. Monitoring shall be conducted at minimum once every three years. If recipient monitoring determines that prior decisions have resulted in disparate impacts, it shall take corrective action to remedy the disparities.*

The Review team discussed the following Circular requirements and guidance with KT, communicating the need to conduct Title VI monitoring going forward:

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| --- |
| **Elements Required for Monitoring – Option A: Level of Service Methodology**  **(Per FTA C. 4702.1A, V, 5. a.)** |
| 1. Select a sample of bus routes and fixed guideway routes that provide service to a demographic cross-section of the recipient’s population. A portion of the routes in the sample should be those routes that provide service to a predominantly minority and low-income areas. |
| 1. Assess the performance of each route in the sample for each of the recipient’s service standards and policies. |
| 1. Compare the transit service observed in the assessment to the established service policies and standards. |
| 1. In cases in which observed service does not meet the stated service policy or standard, recipients should determine why the discrepancy exists and take corrective action to correct the discrepancy. |
| **Elements Required for Monitoring – Option B: Quality of Service Methodology**  **(Per FTA C. 4702.1A, V, 5. b.)** |
| 1. Identify an appropriate number of Census tracts or traffic analysis zones that represent a cross-section of the recipient’s population. A portion of this sample should include Census tracts or traffic analysis zones where minority and/or low-income residents predominate. Recipients should keep in mind that the greater the sample size, the more reliable the results. |
| 1. Identify the most frequently traveled destinations for riders using the recipient’s service. |
| 1. For each of the three most frequently traveled destinations, compare the average peak hour travel time to destination, average non-peak hour travel time to destination, number of transfers required to reach the destination, total cost of trip to the destination, and cost per mile of trip to the destination for people beginning the trip in the selected Census tracts or traffic analysis zones. |
| 1. If disparities exist in any of these factors along the trips to any of the destinations analyzed, recipients should determine whether the differences are significant. FTA recommends that recipients employ standard statistical tests for significance to make this determination. |
| 1. If significant disparities in one or more quality of service indicators have been confirmed, recipients should determine why the disparity exists and take corrective action to correct the disparity. |
| **Elements Required for Monitoring – Option C: Title VI Analysis of Customer Surveys (Per FTA C. 4702.1A, V, 5. c.)** |
| 1. For their most recent passenger survey, compare the responses from individuals who identified themselves as members of minority groups and/or in low-income brackets, and the responses of those who identified themselves as white and/or in middle and upper-income brackets. |
| 1. To the extent that survey data is available, recipients should determine whether the different demographic groups report significant differences in the travel time, number of transfers, and overall cost of the trip or if different demographic groups gave significantly different responses when asked to rate the quality of service, such as their satisfaction with the system, willingness to recommend transit to others, and value for fare paid. |
| 1. If the agency concludes that different demographic groups gave significantly different responses, it should take corrective action to address the disparities. |

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| **Elements Required for Monitoring – Option D: Locally Developed Alternative**  **(Per FTA C. 4702.1A, V, 5. d.)** |
| Recipients have the option of modifying the above options or developing their own procedures to monitor their transit service to ensure compliance with Title VI. Any locally developed alternative should be designed to ensure that the agency’s service meets the expectations of 49 CFR part 21 as illustrated by the example in Appendix C of the same, which provides that “no person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.” |

The Review team discussed practical monitoring options based on its size, and shared examples of effective monitoring practices, including remediation of any adverse impacts discovered as a result of its monitoring efforts. As an example, the Review team demonstrated how KT could use its Trip Planner application to conduct quality of service analysis and monitoring.

1. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS

| **Title VI Requirements** | **Findings** | **Description of Deficiencies/**  **Comments** | **Corrective Action(s), if Required** | **Response Days/Date** | **Date Closed** |
| --- | --- | --- | --- | --- | --- |
| **GENERAL REPORTING REQUIREMENTS AND GUIDELINES– FTA C. 4702.1A. IV, 1-9** | | | | | |
| 1. Inclusive Public Participation | D | Public outreach deficiencies | KT must submit to the FTA Headquarters Office of Civil Rights documentation of an inclusive public participation strategy that offers early and continuous opportunities for minority and low-come populations to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions, as required by FTA Circular 4702.1A. | 120 | 4/13/2012 |
| 1. Language Access to LEP Persons | ND |  |  |  |  |
| 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 – Kitsap Transit (KT)** | | | |
| Richard M. Hayes | Executive Director | 360-478-6230 | [ktexecutive@kitsaptransit.com](mailto:ktexecutive@kitsaptransit.com) |
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| Ellen Gustafson | Operations Director | 360-478-5491 | [elleng@kitsaptransit.com](mailto:elleng@kitsaptransit.com) |
| Wendy Clark-Getzin | Capital Development Director | 360-478-6931 | [wendyc@kitsaptransit.com](mailto:wendyc@kitsaptransit.com) |
| Jeff Cartwright | Human Resources Director | 360-478-6227 | [jeffc@kitsaptransit.com](mailto:jeffc@kitsaptransit.com) |
| Hayward Seymore | Vehicle and Facilities Maintenance Director | 360-478-6229 | [haywards@kitsaptrasit.com](mailto:haywards@kitsaptrasit.com) |
| Cathie Knox-Browning | Clerk of the Board | 360-478-6230 | [ktexecutive@kitsaptransit.com](mailto:ktexecutive@kitsaptransit.com) |
| Laurie Talbert | Marketing and Public Information Coordinator | 360-478-6225 | [lauriet@kitsaptransit.com](mailto:lauriet@kitsaptransit.com) |
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1. Per the 2000 and the 2010 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories.

   2 Per the 2006-2010 American Community Survey 5-Year Estimates. [↑](#footnote-ref-1)