

# FTA

FEDERAL TRANSIT ADMINISTRATION

## Transit Joint Powers Authority for Merced County Title VI Compliance Review

Final Report

February 2016

Federal Transit Administration



U.S. Department of Transportation  
Federal Transit Administration

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## Table of Contents

Executive Summary .....	1
1. General Information.....	1
2. Jurisdiction and Authorities .....	3
3. Purpose and Objectives.....	4
3.1 Purpose.....	4
3.2 Objectives .....	4
4. Introduction to Transit Joint Powers Authority for Merced County (The Bus) .....	5
4.1 Introduction to Transit Joint Powers Authority for Merced County (The Bus) and Organizational Structure .....	5
5. Scope and Methodology .....	6
5.1 Scope.....	6
5.2 Methodology .....	6
5.3 Stakeholder Interviews.....	9
6. Findings and Advisory Comments of General Reporting Requirements and Guidelines .....	11
6.1 Inclusive Public Participation .....	11
6.2 Language Access to LEP Persons.....	13
6.3 Title VI Complaint Procedures .....	17
6.4 Record of Title VI Investigations, Complaints, and Lawsuits.....	17
6.5 Notice to Beneficiaries of Protection under Title VI.....	18
6.6 Annual Title VI Certification and Assurance .....	19
6.7 Monitoring Sub-recipients .....	20
6.8 Minority Representation on Planning or Advisory Bodies .....	20
6.9 Determination of Site or Location of Facilities .....	20
6.10 Submit Title VI Program .....	22
7. Findings of Transit Providers that Operate 50 or More Fixed Route Vehicles in Peak Service and are located in a UZA of 200,000 or more in population.....	24
7.1 Demographic Data .....	24
7.2 System wide Service Standards and Policies.....	24
7.3 Evaluation of Service and Fare Changes .....	25
7.4 Monitoring Transit Service.....	25
8. Summary of Findings/Corrective Actions .....	26

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## Executive Summary

This report details the findings of a Compliance Review of Transit Joint Powers Authority for Merced County (The Bus)'s Title VI program implementation. The Compliance Review examined this agency's Title VI program procedures, management structures, actions, and documentation. Documents and information were collected from the Federal Transit Administration (FTA) and The Bus. In addition, the following entities were interviewed as part of this review: The Bus officials, Merced County Association of Governments officials, Merced County NAACP, and the Merced Lao Family Community. The three-day review included interviews, assessments of data collection systems, and review of program and contract documents.

Transit Joint Powers Authority for Merced County (The Bus)'s Title VI Program includes the following positive program elements:

### Positive Program Elements

- Since 2012, The Bus has increased not only the frequency of its public outreach efforts but also the type and format of outreach efforts.
- The Bus has adapted its public outreach efforts to reflect ridership demographics by translating critical documents into Spanish and holding meetings, events, and workshops in lower-income areas.
- The Bus utilizes survey data collected for the Short Range Transit Plan (SRTP) in the development and implementation of its Title VI program.

The Program has the following administrative deficiencies:

### Administrative Deficiencies

- The standards for Vehicle Load and On-Time Performance do not describe the methodology used for determining the standards and policies. The procedures do not prescribe reviewing and updating the policies.

## 1. General Information

This chapter provides basic information concerning this Compliance Review of The Bus. Information on The Bus, the review team, and the dates of the review are presented below.

<b>Grant Recipient:</b>	Transit Joint Powers Authority for Merced County (The Bus)
<b>City/State:</b>	Merced, California
<b>Grantee Number:</b>	5731
<b>Executive Official:</b>	Marjorie Kirn
<b>On-site Liaison:</b>	Dariana Lua
<b>Report Prepared By:</b>	Milligan and Company, LLC

<b>Dates of On-site Visit:</b>	September 15-17, 2015
<b>Compliance Review Team Members:</b>	Kristin Szwajkowski, Habibatu Atta, Allison Reed

## 2. 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 Bus 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”

FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”

FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients”

DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons (December 14, 2005)

[Executive Order 13166](#): “Improving Access to Services for Persons with Limited English Proficiency”

Section 13 of FTA’s Master Agreement 21 (October 1, 2014)

## 3. Purpose and Objectives

### 3.1 Purpose

The Federal Transit Administration (FTA) Office of Civil Rights periodically conducts discretionary reviews of grant recipients and sub-recipients 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 The Bus’s Title VI Program was necessary.

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

### 3.2 Objectives

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

Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;

Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;

Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.



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## **4. Introduction to Transit Joint Powers Authority for Merced County (The Bus)**

The Bus of Merced, California provides public transit services in the Merced urbanized area, which includes the City of Merced and adjoining cities of Atwater, Planada, Le Grand, Livingston, Delhi, Gustine, Dos Palos, and Los Banos. The Bus provides fixed route bus and ADA complementary paratransit service. Approximately 161,700 people live in The Bus service area, which covers 311 square miles.

### **4.1 Introduction to Transit Joint Powers Authority for Merced County (The Bus) and Organizational Structure**

The Bus services operate 5 days a week from 5:30 a.m. to 11:00 p.m. Monday through Friday; from 7:00 a.m. to 7:00 p.m. on Saturdays and from 7:30 a.m. to 7:00 p.m. on Sundays. At the time of the on-site review, The Bus operated 18 bus routes during the weekdays and 16 routes during Saturday and Sunday, with all services through contractors utilizing Merced Transportation Company-owned buses. On an average weekday, The Bus ridership totals 2,952; FY 2012 bus ridership totaled 1,031,500. At the time of the on-site review, the bus contractor was the Merced Transportation Company, operating 54 fixed-route vehicles across the entire service area.

The Bus's paratransit service area encompasses an area of 311 square miles. Service is provided by a fleet of 29 vehicles operated directly by Merced Transportation Company (MTC) under contract to The Bus. At the time of the review, 2,214 eligible passengers were provided with a total of 106,700 trips per year.

Per the 2010 Census, the population for Merced County is 255,793. The population consists of 81.9 percent white Caucasian, 56.8 percent Hispanic, 8.1 percent Asian 4.2, percent black or African American, and 2.5 percent American Indian and Alaska native, 3.0 percent two or more races, and 0.4 percent Native Hawaiian and other Pacific Islander. The median household income is about \$42,591, with 25.4 percent of persons below poverty level.

Per the 2012 Short Range Transit Plan, 44 percent of existing riders using The Bus are age 24 or under, with the majority being students. A large portion (57 percent) of riders has neither an automobile nor a driver licenses. On-board surveys showed that 51 percent of the riders are Hispanic, 21 percent are white, 16 percent are African American, 6 percent are Asian, 4 percent are other, and 2 percent are Native American Indian. About 54 percent of The Bus passengers reported household income of \$10,000 or less due in part to the large student and migrant worker population as well as an 11 percent unemployment rate.

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## 5. Scope and Methodology

### 5.1 Scope

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

General Reporting Requirements and Guidelines – All applicants, recipients and sub-recipients shall maintain and submit the following:

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

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

- System wide Service Standards and Policies

Requirements and Guidelines for Fixed Route Transit Providers that Operate 50 or More Fixed Route - Vehicles in Peak Service and are Located in a UZA of 200,000 or More in Population

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

### 5.2 Methodology

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 approval of the Title VI program. An agenda letter covering the Compliance Review was sent to The Bus 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 4702.1B that became effective on October 12, 2012. The General Reporting Requirements and Guidelines included implementation of the Limited English Proficiency (LEP) Executive Order.

Transit Joint Powers Authority for Merced County (The Bus) was requested to provide the following documents in advance of the site visit:

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- Description of The Bus service area, including general population and other demographic information using the most recent Census data
  - Current description of The Bus public transit service, including system maps, public timetables, transit service brochures, etc
  - Roster of current The Bus revenue fleet, to include acquisition date, fuel type, seating configurations, vehicle assignment, and other amenities
  - Description of transit amenities maintained by The Bus for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
  - The Bus Organization Chart
  - A narrative that describes the individuals and resources dedicated to implementing the Title VI requirements, handling any Title VI inquiries, and educating the agency's staff on Title VI.
  - List of any sub-recipients and when their Title VI program is due. Also included is how the primary recipient stores the submitted Title VI programs, and a summary of the efforts undertaken to ensure sub-recipients comply with their Title VI obligations.
  - Any studies or surveys conducted by The Bus, its consultants, or other interested parties (colleges or universities, community groups, etc.) regarding information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns, and fare usage by fare type amongst minority users and low-income users, during the past five years
  - Summary of The Bus's current efforts to engage the public, with special emphasis on the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities
  - Copy of The Bus's four factor analysis of the needs of persons with Limited English Proficiency
  - Copy of The Bus's Language Assistance Plan (LAP) for persons with limited English proficiency that is based on the USDOT LEP Guidance
  - The Bus'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.
  - List of any investigations, lawsuits, or complaints naming The Bus that allege 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
    - actions taken by The Bus in response to the investigation, lawsuit, or complaint
  - Copy of The Bus's Notice to Beneficiaries of Protections under Title VI
  - Documentation of efforts made by The Bus to notify members of the public of the protections against discrimination afforded to them by Title VI.
  - Documentation that shows the racial breakdown of minority representation on planning and advisory bodies. This documentation is to include a table depicting the racial breakdown of the membership of each planning and advisory body, and a description of the efforts made to encourage the participation of minorities.
  - Copies of any Title VI equity analysis conducted for any siting or location of facilities projects during the past three years. Additionally, if certain projects normally evaluated during the NEPA process, did not undergo such an evaluation, a Title VI equity analysis is to be conducted.

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- Copy of The Bus demographic analysis of its beneficiaries. This can include either demographic maps and charts prepared or a copy of any customer surveys conducted since the last Title VI submittal that contain demographic information on ridership, or The Bus’s locally developed demographic analysis of its customer’s travel patterns.
  - Quantitative system-wide service standards and qualitative system-wide service policies adopted by The Bus to guard against discriminatory service design or operations decisions
  - Documentation of The Bus’s policies and procedures for evaluating any fare change and major service change (included with the policies and procedures is the related public outreach related to the development of said policies and procedures). If The Bus has made a fare change or a major service change in the past three years or is currently planning such changes, The Bus’s service and fare equity analysis was to be provided.
  - Documentation of periodic service monitoring activities undertaken by The Bus, during the past three years, to compare the level and quality of service provided. The monitoring analysis should compare minority to non-minority routes to ensure that the end result of policies and decision-making is equitable service. If the transit agency determines that the system’s ridership does not permit a minority to non-minority comparison, the transit agency must determine whether it is able to conduct an analysis that disaggregates the ridership into specific minority groups and make the appropriate comparison. If The Bus’s monitoring determined that prior decisions have resulted in disparate impacts, they were asked to provide documentation of corrective actions taken to remedy the disparities.

The Bus 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 on-site Title VI review of The Bus took place from September 15 to 17, 2015. The review began with an entrance conference held at 9 a.m. on Tuesday, September 15 at The Bus offices located at 369 W. 18<sup>th</sup> Street, Merced, CA. Attending the conference were:

- Marjorie Kirn, Executive Director, Merced County Association of Governments
- Rich Green, Transit Manager, The Bus
- Dariana Lua, Grant Analyst I, The Bus
- Jonathan Ocana, FTA Title VI Program Coordinator
- Brian Whitehead, FTA Program Specialist
- Yolanda Mitchell, FTA Contract Specialist

Milligan and Company, LLC

- Kristin Szwajkowski Tighe, Lead Reviewer
- Habibatou Atta, Reviewer
- Allison Reed, Reviewer
- Sandra Swiacki, Project Director

Following the Entrance Conference, the review team met with Marjorie Kirn 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 The Bus. The review team then met with The Bus staff to discuss how The Bus incorporated FTA Title VI

requirements into its public transportation program. During the site visit, the review team also rode the system and toured several transit stops, and fixed route and paratransit vehicles.

At the end of the site visit, an Exit Conference was held with The Bus staff, FTA Headquarters and Regional staff, and the contractor review team. At the Exit Conference, initial findings and corrective actions were discussed with The Bus. Attending the conference were:

- Marjorie Kirn, Executive Director, Merced County Association of Governments
- Rich Green, Transit Manager, The Bus
- Dariana Lua, Grant Analyst I, The Bus
- Jonathan Ocana, FTA Title VI Program Coordinator
- Brian Whitehead, FTA Program Specialist
- Marisa Appleton, FTA Region IX Acting Civil Rights Officer

Milligan and Company, LLC

- Kristin Szwajkowski Tighe, Lead Reviewer
- Habibatu Atta, Reviewer
- Allison Reed, Reviewer

### **5.3 Stakeholder Interviews**

Prior to the site visit, the review team contacted organizations serving the community. The purpose of this activity was to invite agencies to participate in stakeholder interviews to determine the level of public outreach, whether The Bus discrimination complaints had been filed with the transit agency, and identify practices that would require further attention and analysis during the review.

The following four organizations were contacted to participate in the stakeholder interviews:

- NAACP Merced
- Merced Lao Family Community, Inc.
- Merced Hispanic Chamber of Commerce
- Merced Organizing Project

Representatives from two of the agencies (NAACP Merced and Merced Lao Family Community, Inc.) responded and agreed to participate.

The representatives were asked questions regarding:

- Title VI notices on buses and at transportation centers
- the transit agency's interaction with LEP communities
- notification of public hearings
- provision of documentation in languages other than English
- complaints and how these are handled
- community input on upcoming service and fare changes

Representatives mentioned issues in the past with bus service consistently not being on time. The routes were not run frequently enough and passengers would have to leave their home one to two hours prior to the time they needed to arrive at their destination. Representatives noted an increase in bus service over the last four to five years. They have also noticed that a wheelchair lift is now available to board and alight from all buses; whereas one was not available in the past.

NAACP representatives stated they have not been contacted at all by The Bus. One representative mentioned he has never received any correspondence nor has been contacted by The Bus in the last 15 years. The representatives have not received any prior notification of public hearings, public meetings or presentations by The Bus. Any changes to service or fares have been announced via notices in the newspaper. NAACP has not been included in the planning or decision making process for transit projects by The Bus. NAACP has not received any formal complaints regarding The Bus from its members. Overall, NAACP members say the bus service is average in terms of providing reasonable transit service and fares. NAACP representatives noted the Dial-A-Ride service provides great regularity in its service and is a great resource for seniors. They stated that The Bus has good communication regarding the Dial-A-Ride service. NAACP representatives would like to be more aware and informed about new initiatives, workshops, and meetings being held by The Bus.

Merced Lao Family Community, Inc. stated the organization and its members are well informed by The Bus regarding transit services provided. The organization has also been notified in a timely fashion about changes to the transit service. Vital documents are translated into Spanish and Hmong, which is a native language in the Lao community. The Bus has also included the organization and its members in the planning of service changes, such as the addition of new routes. The organization did not have any formal or informal complaints to report.

During the site visit, the review team discussed expanding The Bus outreach list to include additional organizations that had not been a part of outreach in the past. The Bus agreed to expand outreach efforts to include additional organizations such as the NAACP.

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## 6. Findings and Advisory Comments of General Reporting Requirements and Guidelines

### 6.1 Inclusive Public Participation

#### Requirement

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.

#### Discussion

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance for inclusive public participation. The Bus provided sufficient documentation to demonstrate that its public participation practices satisfied the requirements of FTA Circular 4702.1B. The September 2014 Title VI Plan submitted by The Bus summarized its Title VI public outreach strategy as follows:

- Provide adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to, a reasonable opportunity to comment on the proposed implementation or changes to: the Transit Development Act (TDA) - Annual Unmet Transit Needs process; Short Range Transit Plan (SRTP) Update; and Transit Service Reductions or Transit fare increases
- Provide timely notice and reasonable access to information about The Bus's issues and processes
- Employ visualization techniques to describe or any changes (maps, charts, photographs)
- Make public information (technical information and meeting notices) available in electronically accessible formats and means, such as the internet
- Hold any public meetings at convenient and accessible locations and times
- Demonstrate explicit consideration and response to public input received during the implementation or changes to SRTP, unmet needs hearing, service changes or fare increase
- Seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services
- Provide an additional opportunity for public comment, if the final SRTP change differs significantly from the version that was made available for public comment by The Bus and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts
- Coordinate with the statewide transportation planning public involvement and consultation processes
- Periodically review the effectiveness of the procedures and strategies contained in the Public Participation Plan (PPP) to ensure a full and open participation process
- Update the PPP document every three years as a requirement component of Title VI Requirements and Guidelines for Federal Transit Administration Recipients (FTA Circular 4702.1B).

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Based on the on-site review, the review team verified that The Bus uses the following outreach mediums to promote participation:

- targeted mailings, flyers placed on vehicles and at transit hubs, and flyers distributed to community organizations
- news releases and public service announcements via local print media, including minority media outlets, to encourage dissemination
- electronic media including email, The Bus website, online news sites, community calendars, and community websites
- newsletters and other printed formats

The Bus maintains an agency list for transit-related public outreach. The list, which is included in the current Title VI Plan, names 36 local organizations and the type of ridership (i.e. fixed-route, paratransit, senior, student, etc.) each organization has contact with to maximize outreach. The Bus determines the type of public outreach format on a case by case basis, based on methods that have been shown to promote inclusive participation as well as knowledge of the service area and ridership. The formats most used by the Bus include:

- Open houses/workshops
- Facilitated discussions
- Question-and-Answer sessions with planners and policy board members
- Break-out sessions for smaller group discussions on multiple topics
- Interactive exercises
- Customized presentations
- Information booths at community events and public gathering spaces

During the on-site interviews, The Bus staff stated that they consider where events are requested and scheduled and who is likely to come to the event that would benefit. The majority of The Bus ridership is minority (Hispanic) and most of the ridership is lower income, thus staff makes extra effort to attend events and provide information in lower-income areas. The Bus staff is aware from interaction with The Bus ridership and the general population in the service areas that the Spanish speaking population has low literacy rates. Therefore, bi-lingual Spanish speaking staff attends all events and meetings so that information can be conveyed verbally in Spanish when written material would not be effective.

The Bus has been undergoing service and fare changes since 2012 that impact riders. Changes include transitioning from flag stops to assigned bus stop locations, route and schedule adjustments resulting from flag stop elimination, and fare changes due to a fiscal year 2010-2011 fare box recovery shortfall. In determining route realignments, new assigned bus stops, and schedule adjustments, The Bus staff used actual ridership data based on electronic fare card usage and AVL information. The implementation of assigned stops and corresponding amenities began in 2012 and is an on-going effort as additional data is gathered via rider feedback and AVL data.

During the on-site review, The Bus staff provided samples of the following information to document public participation outreach for fare and service changes:

- Maps generated to determine which stops had high demand in order to assign permanent stop locations and the level of amenities needed at permanent stops.
- Copies of public notices for fare and service hearings, proof of publication, and flyers announcing the public hearings and deadline for public comments.



- Copies of public comments received.
- Flyers announcing transit workshops regarding service changes in both English and Spanish.
- Copies of flyers announcing the approved fare service changes in both English and Spanish with implementation dates.
- A copy of a 2013 passenger questionnaire which asked riders how frequently they ride, which routes they ride, their favorite destination, other locations they would like The Bus to go, and what riders like/dislike about the new routes. The questionnaire was provided in English and Spanish.

Regarding the September 2012 fare change, The Bus officials stated that the change was a result of the fare box ratio shortfall in fiscal year 2010- 2011. The analysis for the recommend fare change was included in the 2012-2017 Short Range Transit Plan (SRTP). A copy of an internal memorandum outlining the proposed fare changes and a public hearing notice were provided on-site along with flyers in both English and Spanish for transit workshops and frequently asked questions regarding the proposed changes.

Other public outreach efforts currently underway include the installation of information monitors on buses to increase announcements and information available to customers. The Bus staff regularly rides buses and goes to stations with higher ridership almost weekly to give out information and talk to customers. The Bus provides information and announcements to all agencies that provide transit passes. The Bus educates social service agency staff on how to use The Bus services so that they can help their clients use the system.

Additionally, The Bus uses polls, surveys, and focus groups to gather public input in planning processes and proposed changes. Public feedback on service is gathered mostly at events. When gathering survey data for proposed changes, The Bus includes questions to find out what is working well in the system so that a service that customers use is not inadvertently changed. The Bus holds at least six public workshops for each proposed change in service area. The Bus holds workshops for all proposed changes, not just major service or fare changes. In the period between February 2012 and July 2015, The Bus held more than 150 public outreach events. In the previous three-year period (2009 to 2011), The Bus held just nine outreach events all of which were public hearings or subcommittee meetings. Since 2012, The Bus has increased not only the frequency of its public outreach efforts but also the type and format of outreach efforts.

## 6.2 Language Access to LEP Persons

### Requirement

FTA recipients shall take responsible steps to ensure meaningful access to all benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP).<sup>1</sup>

### Discussion

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance for language access to LEP persons. Prior to the site visit, The Bus provided its most recent LEP analysis, which included its four-factor analysis and a Language Assistance

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<sup>1</sup> Language access to LEP persons is not limited to only fixed route services, but will also include paratransit service and any other demand response services the grantee makes available to the public.

Plan (LAP). During site visit interviews, the review team gathered additional information from The Bus staff to confirm the results of the four-analysis. Based upon the interviews, The Bus staff demonstrated that it understands the literacy challenges for a segment of the Spanish speaking ridership. The interviews and documentation provided onsite to address these challenges provided additional confirmation that The Bus is implementing its LAP. The four-factor analysis and LAP include the elements required by FTA Circular 4702.1B, as detailed in Table 3 below.

**Table 3 – LEP Four-Factor Analysis and Language Assistance Plan**

Elements Required (per FTA C. 4702.1B)	Included in Plan	Notes/Comments
<b>Part A – Four-Factor Analysis</b>		
Demography – Number or proportion of LEP persons eligible to be served or likely to be encountered	Yes	Using 2010 U.S. Census data, The Bus determined that 52 percent of the population in Merced County speaks a language other than English. In Merced County 23.5 percent have limited English proficiency. The majority of these LEP persons speak Spanish with a much smaller population of Hmong speakers.  In Merced County, of those persons with limited English proficiency, 19 percent of Spanish speakers speak English less than “very well”.
Frequency of contact – Frequency with which LEP individuals come into contact with program and/or activities	Yes	The Bus surveys riders and drivers, track interaction at meetings, workshops, and phone inquiries. The most frequent contact is with bus drivers and across all routes the average ridership is 15 percent LEP persons. Some routes have ridership that is as high as 40 percent LEP persons (Spanish speakers).
Importance – Nature and importance of program, activity, or service to people’s lives	Yes	The Bus serves a large Spanish-speaking population that is also low-income. The SRTP survey data shows that they The Bus ridership is transit dependent, with 57 percent of the ridership having neither a car nor a driver’s license. LEP persons make up 12 percent of the transit dependent ridership.
<b>Part B – Develop Language Assistance Plan</b>		
Identification of LEP persons	Yes	Spanish

Elements Required (per FTA C. 4702.1B)	Included in Plan	Notes/Comments
Language assistance measures	Yes	<p>The availability of bilingual office staff provides The Bus the opportunity to translate vital documents as well as all public announcements. The Bus staff provided examples of fliers in both English and Spanish. During interviews, staff stated that fliers are posted on buses, at the Merced and Atwater stations, and handed out during peak times at stops with higher ridership, such as Merced College and the Target shopping center. The following documents were provided and reviewed on site:</p> <ul style="list-style-type: none"> <li>• Service announcement for The Bus holiday office closings</li> <li>• Notice of public hearings for route changes in Merced and Los Banos</li> <li>• Transit workshop announcements regarding pending route changes in Merced, Los Banos, and Atwater</li> <li>• Route and schedules changes</li> <li>• Fare change flyers for both fixed route and ADA paratransit</li> <li>• Frequently asked questions for fixed-route, ADA paratransit, and Dial-A-Ride.</li> </ul> <p>During interviews, The Bus staff stated that at least one bilingual Spanish-speaking staff member attends all community outreach events and public meetings. The Bus staff frequently attends events requested by community organizations and social service agencies that serve the Spanish-speaking population in The Bus service area.</p> <p>Staff also stated that they provide translated information to social service agencies, when requested, to help clients with travel training and navigating The Bus system.</p> <p>In addition to Spanish-speaking staff, translators for other languages are available upon request at public meetings. Regarding Hmong speakers, The Bus stated that they provided translators at meeting which were never used. Subsequently, The Bus staff determined that the Lao community does not use public transit frequently.</p> <p>The review team verified that Google translate is available on The Bus website in every language Google offers. All information on the website can be translated including fare information, bus schedules, and ADA paratransit information.</p> <p>Some bus drivers speak Spanish and all drivers are provided with “I Speak” cards if they encounter a limited English speaking passenger. According to driver feedback, staff stated that they frequently encounter Spanish-speaking riders but rarely encounter other LEP persons.</p>

Elements Required (per FTA C. 4702.1B)	Included in Plan	Notes/Comments
Training of staff	Yes	<p>Dariana Lua is the staff member primarily responsible for developing and implementing the Title VI program. Ms. Lua stated that she participates in FTA webinars when available, Triennial workshops, and as many trainings as possible offered in California. The Bus travel budget does not permit her to travel outside of California for training. She stated that she has found very little formal training available for Title VI. Most of her training is self-directed by reading and being familiar with 4702.1B.</p> <p>Dariana Lua and Rich Green are responsible for overseeing that staff is internally trained in Title VI procedures, The Bus's LEP responsibilities, language assistance services offered by The Bus, how to use language identification cards, how to access and use of language line service, and complaint procedures. Additionally, three office staff and several drivers are bi-lingual Spanish speakers. Training is accomplished through discussion of Title VI requirements with staff at meetings.</p>
Identify Vital Documents/Prioritization of Vital Documents	Yes	<p>The review team verified that all vital documents, including the Notice to Beneficiaries, complaint form and procedures, and paratransit eligibility information are translated into Spanish and can be translated at no cost to the customer into other languages upon request. Other documents routinely translated into Spanish are:</p> <ul style="list-style-type: none"> <li>• Surveys</li> <li>• Meeting notices</li> <li>• Schedule brochures</li> <li>• Passenger rules</li> <li>• Fare information</li> <li>• Public Announcements</li> </ul>
Provide notice to LEP persons	Yes	<p>The Bus uses the PPP to help disseminate information about the LAP. A copy of the LAP is available to anyone upon request. Additionally, the majority of The Bus's public documents are translated in Spanish and can be translated into other languages upon request. Spanish-speaking staff attends all public meetings and translators for other languages are available upon request.</p>
Monitor and update LAP	Yes	<p>The LAP will be updated every three years. The 2016 Title VI Plan submission will be the first update to the LAP.</p>

## 6.3 Title VI Complaint Procedures

### Requirement

FTA recipients and sub-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.

### Discussion

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance for Title VI complaint procedures. Prior to the site visit, The Bus provided a document detailing how the public can file a complaint and the procedures and timelines that The Bus will follow to investigate the complaint. The complaint procedures are included in the Title VI program submitted to FTA.

The review team also observed that the complaint form and compliant procedures were also posted on The Bus website at <http://www.mercedthebus.com/206/Title-VI>. In addition to the website, The Bus staff confirmed during the on-site interviews that the public can also obtain a copy of the complaint procedures and the form in person at The Bus office and at the Merced Transpo center. Complaint forms and procedures are available in both English and Spanish. Although complaints must be submitted in writing, The Bus staff will assist anyone who may have limited English or limited literacy skills in filing a complaint. The procedures state that complaints may be filed with The Bus or directly the FTA and the correct contact information is included in the procedures.

The Bus receives few formal complaints. No formal complaints have been received since March 2014. Dariana Lua is responsible for tracking complaints and ensuring that complaint procedures are followed. Both Rich Green and Dariana Lua have responsibility for following up with complainants and following through on the investigation. If a complaint involves a bus driver, the driver is interviewed and the outcome of the interview is discussed with the complainant. All buses are equipped with recording equipment, and if video is available, The Bus officials watch the video and invite the complainant to also watch video so there is transparency in the investigation. In most cases the video resolves both formal and informal complaints. As a result, complaints are either withdrawn by the complainant or The Bus decides on the appropriate action if the driver is found to be at fault. Dariana Lua ensures that the complainant is notified of the outcome.

## 6.4 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.

### Discussion

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance for Title VI investigations, complaints, and lawsuits. There have been no

lawsuits in the preceding three year period. Two formal complaints were filed, listed below, which have been investigated and closed. There have been no Title VI related complaints filed since March 2014. The Title VI Program submission provides a list of these complaints and the applicable details.

Complaint Date	Basis	Complaint	Outcome	Status
3/1/2013	Race	Driver did not stop where rider was standing when he flagged bus and had to walk to reach bus to board. He felt driver discriminated against him because of his skin color.	Reviewed video from bus and determined that, driver was following safety policy. Allegation was not substantiated. No action was taken against driver.	Closed
3/10/2014	Race	Complainant was on a three-wheeled scooter and driver made her get off to board bus. Driver was unable to secure rider properly and proceeded to laugh at rider. Rider felt she was discriminated against because of her race.	Reviewed video from the bus and determined that driver did not follow procedures. Allegation was substantiated; driver was issued a written warning for unprofessional behavior.	Closed

## 6.5 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. Furthermore, notices will detail a recipient's Title VI obligations into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's LAP.

### Discussion

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance for notice to beneficiaries of protection under Title VI. Prior to the site visit, The Bus provided the review team with the following documentation:

- A document outlining the requirement to notify beneficiaries of protection under Title VI
- A copy of The Bus's Title VI Notice to Beneficiaries
- The Bus's Title VI Notice to Beneficiaries poster
- The Bus's Title VI Complaint Form and Complaint procedures

The review team also observed that the Notice to Beneficiaries is located on The Bus website at <http://www.mercedthebus.com/206/Title-VI>. On Tuesday, September 15, the review team traveled throughout The Bus service area to view Title VI Notice to Beneficiaries postings at stations and on vehicles. The team observed the Notice to Beneficiaries inside the Merced Transpo station and outside at the Transpo bus shelter. The notice was also observed on the route M2 and M3 buses in Merced and on a paratransit vehicle. The team traveled to Atwater and observed that the notice was posted at the Atwater Transpo shelter and on the route A1 bus. The team then observed that the notice was posted at the bus shelters located at Merced College (route M4) and at the Target shopping center bus shelter (route M1). The review team also observed that transit amenities appeared to be equally distributed throughout The Bus service area. All notices contained the required information and were provide in both English and Spanish.

The review team read through the documents provided and discussed the FTA requirements for Notice to Beneficiaries of Protection under Title VI. The results of that review and discussion are illustrated in Table 4.

**Table 4 – Transit Joint Powers Authority for Merced County (The Bus) Notice to Beneficiaries of Protection under Title VI**

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

## 6.6 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.

### Discussion

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance 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. The Bus executed the FY 2015 Annual Certifications and Assurances in TEAM on January 5, 2015. The Bus checked that it

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agrees to comply with the applicable provisions of Groups 01-24 Certifications and Assurances required of all applicants. Group 01 is the category where the nondiscrimination assurance is located.

## **6.7 Monitoring Sub-recipients**

### **Requirement**

Primary recipients must monitor their sub-recipients for compliance with the regulations. Importantly, if a sub recipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

### **Discussion**

Not applicable as The Bus does not have sub-recipients.

## **6.8 Minority Representation on Planning or Advisory Bodies**

### **Requirement**

FTA recipients shall not deny an individual on the basis of race, color, or national origin the opportunity to participate as a member of a transit-related, non-elected planning, advisory, committee, or similar body. FTA recipients shall provide a table depicting the racial breakdown of the membership of those bodies, and a description of the efforts made to encourage the participation of minorities on such committees.

### **Discussion**

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance for minority representation on planning or advisory bodies. The Bus currently has one non-elected advisory committee, the Social Services Transit Advisory Committee. The minority membership of the committee includes 17 percent Latino, 17 percent African American, and 17 percent Asian American. There is no Native American participation and the remaining 49 percent of the membership is Caucasian. This particular advisory committee also includes members that are low-income and/or are disabled.

The Bus encourages minority participation on advisory committees by posting committee membership information on buses, by providing information at public meetings, and through outreach to contacts at community organizations.

## **6.9 Determination of Site or Location of Facilities**

### **Requirement**

FTA recipients shall complete a Title VI equity analysis during the planning stage with regard to race, color, or national origin. A recipient shall also engage in outreach to persons potentially impacted by the siting of facilities. The analysis shall compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site. This requirement will mostly focus on certain facilities, due to the NEPA process evaluating the other types of projects. If however the NEPA process was not triggered, the normally exempted projects will undergo a Title VI equity analysis.



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## Discussion

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance for determination of site or location of facilities. During the on-site interview, Rich Green stated that The Bus needed to locate property for a new maintenance and operations center. A site close to the existing maintenance yard had been identified as the best option.

Since 1996, The Bus had contracted with Merced County for the maintenance of its bus fleet and leased the public works yard from the County. The operations contract was expiring and The Bus decided to release an RFP for both operations and maintenance services to help reduce the maintenance cost per mile. As a result of the search for a new maintenance provider, the lease for the public works yard was going to be ended by the County.

The Bus looked at its requirements for a new facility and determined that approximately 6 acres would be needed for a new yard and facility. Staff looked at several locations that were zoned appropriately for a transit yard. Four areas were considered:

1. Castle: Determined to be too far from the Merced Transpo Center and adjacent to residential housing
2. North Hwy 59: Determined that traffic at Highway 59 and 16<sup>th</sup> Street routinely causes major delays
3. Merced Airport Industrial Area: Determined to be the most practical due to proximity to the Merced Transpo Center and the exiting transit yard
4. Mission Interchange/Campus Parkway Industrial Area: Determined to be too far from the Merced Transpo Center

The Merced Airport Industrial Area was determined to be the best option and within that area four sites were identified as possible options. Of the four sites, one site was adjacent to residential housing, one had an irregular shape providing design challenges, and a third site had a pre-existing building that would need to be demolished and was determined to be too small.

The Bus determined that only one site in the Merced Airport Industrial Area at 6.5 acres would meet the criteria needed for the new transit yard. The site is zoned for this industrial use and is completely surrounded by existing developed industrial uses, creating limited to no impact. The front entrance to the property would be over 800 feet from any existing residential uses. The parking portion of the yard where the buses start up in the morning would be about a quarter of a mile away since it would be in the back half of the property. In addition, the proximity to the existing yard would make the move and transition very easy.

The Bus considered the impact of the site selected on minority and low-income populations. The Bus used Census and GIS data to map the minority and low-income populations surrounding the selected site. The site is in an industrial area with US Census block median household income between \$40,000 and \$55,999. The median household income for Merced County is \$39,922. The Hispanic population in Merced County is 57.5 percent. The majority of the urbanized areas of Atwater and Merced have a Hispanic population of 50 percent or greater. The Bus determined that there are no areas zoned for industrial uses in North Merced that have a lower percentage of Hispanic population. Based upon the site criteria needed for a new operations and maintenance facility and taking into account the minority and low-income demographics of the area, The Bus believes they have identified the most feasible site with the least impact on the community.

The design and construction of the new facility is not anticipated to occur until 2016. The Bus officials stated that public meetings will be held so that the community is informed regarding the project.

## 6.10 Submit Title VI Program

### Requirement

All direct and primary recipients must document their compliance with DOT's Title VI regulations by submitting a Title VI program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. All recipients (including sub-recipients), the Title VI program must be approved by the recipient's board of directors or appropriate governing entity or officials responsible for policy decisions prior to submission.

### Discussion

During this Title VI Compliance Review of The Bus, no deficiencies were found regarding The Bus's compliance with FTA guidance for submission of a Title VI Program. The Bus prepared and submitted a Title VI Plan to FTA on May 13, 2014. The Plan was revised and resubmitted to FTA on September 25, 2014 as a result of a 2014 Triennial Title VI Enhanced Review Module. The Transit Joint Powers Authority for Merced County Board approval documentation for both the March 2014 and September 2015 Title VI Plans was provided by Rich Green during the site visit. The Bus Title VI program is pending FTA approval. The next Title VI program submission date is December 1, 2016.

**Table 5 – Title VI Program Reporting Requirements and Guidelines**

<b>General Reporting Requirements/Guidelines (per FTA Circular 4702.1B)</b>	<b>Included in Program Submittal</b>
Summary of public outreach and involvement activities undertaken since last submission and description of steps taken to ensure that minority and low-income people had meaningful access to these activities.	Yes
Copy of agency's plan for providing language assistance for persons with limited English proficiency that was based on DOT LEP Guidance or copy of agency's alternative framework for providing language assistance.	Yes
Copy of agency procedures for tracking and investigating Title VI complaints.	Yes
List of any Title VI investigations, complaints, or lawsuits filed with agency since time of last submission. Should include only those investigations, complaints, or lawsuits that pertain to agency submitting report, not necessarily larger agency or department of which entity is a part.	Yes
List of any sub-recipients and when their Title VI program is due. Also included is how the primary recipient stores the submitted Title VI programs, and a summary of the efforts undertaken to ensure sub-recipients comply with their Title VI obligations.	NA
Copy of agency's notice to public that it complies with Title VI and instructions to public on how to file discrimination complaint.	Yes
Copy of the agency's table depicting the racial breakdown of the planning and advisory bodies and the efforts made to encourage the participation of minorities on such committees.	Yes
Copy of any conducted Title VI equity analyses related to the siting or location of facilities.	NA

<b>General Reporting Requirements/Guidelines (per FTA Circular 4702.1B)</b>	<b>Included in Program Submittal</b>
<b>Program-Specific Requirements/Guidelines (per FTA Circular 4702.1B)</b>	
Copy of the agency's demographic analysis of its beneficiaries. Should include either any demographic maps and charts prepared or copy of any customer surveys conducted since last report that contain demographic information on ridership, or agency's locally-developed demographic analysis of its customer travel patterns.	Yes
Copies of system-wide service standards and system-wide service policies adopted by agency since last programmatic submission.	Yes
Copy of equity evaluation of any fare change and major service change implemented since last programmatic submission.	NA
Copy of results of either level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally-developed monitoring procedures conducted since last submission.	NA

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## **7. Findings of Transit Providers that Operate 50 or More Fixed Route Vehicles in Peak Service and are located in a UZA of 200,000 or more in population**

### **7.1 Demographic Data**

#### **Requirement**

FTA recipients that provide fixed route transit and operate 50 or more vehicles in peak service and are located in a UZA of 200,000 or more in population shall collect and analyze racial and ethnic data to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA.

#### **Discussion**

Not Applicable to The Bus.

### **7.2 System wide Service Standards and Policies**

#### **Requirement**

FTA recipients that provide fixed route service shall set service standards and policies for each specific fixed route mode of service they provide. Fixed route modes of service include but are not limited to, local bus, express, bus commuter bus, bus rapid transit, light rail, subway, commuter rail, passenger ferry, etc. These standards and policies must address how service is distributed across the transit system, and must ensure that the manner of the distribution affords users access to these assets.

#### **Discussion**

During this Title VI Compliance Review of The Bus, deficiencies were found regarding The Bus's compliance with FTA guidance for system wide service standards and policies. At the site visit, the review team reviewed and discussed the service standards and policies with The Bus officials. The standards provided prior to the review do not describe the methodology used for determining the standards and policies for vehicle load for each mode and on-time performance. The system wide standards and policies do include methodology for vehicle headway for each mode, service availability for each mode, distribution of transit amenities, and vehicle assignment for each mode. Prior to the exit conference, The Bus staff prepared a draft document that included the methodology for setting the system wide standards for all areas including vehicle load and on-time performance. The Bus officials stated that the methodology would be included in the next Title V Plan submission to FTA in 2016.

The system wide standards and policies in the September 2014 Title VI Plan submission to FTA do not prescribe reviewing and updating the policies as required by 4702.1B. The Bus officials stated that the procedures for periodic review and updating of the standards and policies would be included in the next Title VI Plan submission to FTA in 2016.

## **Corrective Actions and Schedules**

Within 60 days of the issuance of the final report, The Bus must submit to the FTA Office of Civil Rights the methodology used for determining the system wide standards vehicle load for each mode and on-time performance, along with the policies and the procedures for reviewing and updating the system wide policies as required by FTA Circular 4702.1B.

### **7.3 Evaluation of Service and Fare Changes**

#### **Requirement**

FTA recipients that provide fixed route transit service and operate 50 vehicles or more during peak service and operate within a UZA of 200,000 persons shall evaluate any fare change and all major service changes at the planning and programming stages to determine whether those changes have a discriminatory impact. Recipients shall have established policies and procedures that specify how an agency will undertake the analysis associated with fare and major service changes<sup>2</sup>.

#### **Discussion**

Not Applicable to The Bus.

### **7.4 Monitoring Transit Service**

#### **Requirement**

FTA recipients shall monitor the transit service provided throughout their service areas. 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.

#### **Discussion**

Not Applicable to The Bus.

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<sup>2</sup> Transit providers that have implemented or will implement a New Start, Small Start, or other new fixed guide way capital project shall conduct a service and fare equity analysis. The service and fare equity analysis will be conducted six months prior to the beginning of revenue operations, whether or not the proposed changes to existing service rise to the level of “major service change” as defined by the transit provider. All proposed changes to parallel or connecting service will be examined. The service equity analysis shall include a comparative analysis of service levels pre-and post- the New Starts/Small Starts/new fixed guide way capital project. The transit provider shall also conduct a fare equity analysis for any and all fares that will change as a result of the capital project.

## 8. Summary of Findings/Corrective Actions

Item	Title VI Requirements	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
1.	Inclusive Public Participation	No deficiencies identified			
2.	LEP Language Assistance Plan	No deficiencies identified			
3.	Title VI Complaint Procedures	No deficiencies identified			
4.	List of Title VI Investigations, Complaints and Lawsuits	No deficiencies identified			
5.	Notice to Beneficiaries of Protection Under Title VI	No deficiencies identified			
6.	Annual Title VI Certification and Assurance	No deficiencies identified			
7.	Determination of Site or Locations	No deficiencies identified			
8.	Minority Representation on Planning or Advisory Bodies	No deficiencies identified			
9.	Monitoring Sub-recipients	Not Applicable			
10.	Prepare and Submit a Title VI Program	No deficiencies identified			
<b>Fixed Route Transit Provider Requirements</b>					
11.	Demographic Data	Not Applicable			
12.	System wide Service Standards/Policies	Deficient	<p>The standards for Vehicle Load and On-Time Performance do not describe the methodology used for determining the standards and policies.</p> <p>The procedures do not prescribe reviewing and updating the policies</p>	<p>The Bus must submit to the FTA Office of Civil Rights the methodology used for determining the system wide standards and policies and the procedures for reviewing and updating the system wide policies as required by FTA Circular 4702.1B</p>	<p>Within 60 days of the issuance of the final report.</p>

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Item	Title VI Requirements	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
13.	Evaluation of Fare/Service Changes	Not Applicable			
14.	Monitoring Transit System	Not Applicable			