

# FTA

FEDERAL TRANSIT ADMINISTRATION

## City of Poughkeepsie Title VI Compliance Review

Final Report  
March 2017



U.S. Department of Transportation  
Federal Transit Administration

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## Executive Summary

This report details the findings of a Compliance Review of the City of Poughkeepsie (City) 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 City. In addition, the following entities were interviewed as part of this review: City officials, Catholic Charities Community Services of Dutchess County, and Dutchess County Regional Chamber of Commerce. The three-day review included interviews, assessments of data collection systems, and review of program and contract documents.

The Program has the following administrative deficiencies:

### **Administrative Deficiencies**

- FY 2016 Certifications and Assurances have not been uploaded to TrAMS.

The Program has the following substantive deficiencies:

### **Substantive Deficiencies**

- The City's Title VI Plan expired in March 2015 and additional information requested by FTA has not been provided, as required by FTA Circular 4702.1B-III-4 (6.10 Submit Title VI Program).
- The City's Title VI Program does not include a detailed public participation plan specifying outreach to engage minority, low income, and LEP populations, as required by FTA Circular 4702.1B -III-8 (6.1 Inclusive Public Participation).
- The City's Language Assistance Plan is missing required elements and documentation to demonstrate the implementation of the Language Assistance Plan, as required by FTA Circular 4702.1B-III-9 (6.2 Language Access to LEP Persons).

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## 1. General Information

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

<b>Grant Recipient:</b>	City of Poughkeepsie
<b>City/State:</b>	Poughkeepsie, NY
<b>Grantee Number:</b>	2062
<b>Executive Official:</b>	Rob Rolison, Mayor
<b>On-site Liaison:</b>	Karen Sorrell, Deputy Commissioner of Finance
<b>Report Prepared By:</b>	Milligan & Company, LLC
<b>Dates of On-site Visit:</b>	November 1-3, 2016
<b>Compliance Review Team Members:</b>	Kristin Szwajkowski Tighe, Habibatou 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 City 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 City's Title VI Program was necessary.

The Office of Civil Rights authorized Milligan & Company to conduct the Title VI Compliance Review of the City of Poughkeepsie. The primary purpose of this Compliance Review was to determine the extent to which the City 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 City the requirements of the DOT Guidance concerning the Recipient's Responsibility to Limited English Proficient (LEP) persons 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 City.

### 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.



## 4. Introduction to the City of Poughkeepsie

Transit service in the City of Poughkeepsie metropolitan area is provided by the City of Poughkeepsie Transit System, a division of the City's Department of Public Works. The bus system serves the City of Poughkeepsie and the towns of Poughkeepsie and Hyde Park. The population of its service area is approximately 55,000 people. The City does not directly provide ADA and paratransit service. That service is provided through a contract with the Dutchess County LOOP transit service.

### 4.1 Introduction to the City of Poughkeepsie Transit System and Organizational Structure

The City's bus system operates a network of six fixed routes. Service is provided Monday through Friday from 6:30 a.m. to 6:30 p.m. and Saturdays from 6:30 a.m. to 3:30 p.m. There is no service on Sundays.

The basic adult fare for bus service is \$1.75. A reduced fare of \$0.75 is offered at all times to persons with disabilities, seniors, Medicare cardholders, and children ages 6 to 11. The fare for children under six is free. The reduced student fare of \$0.75 for elementary and secondary city school students (ages 12 to 18) is valid weekdays for travel between the hours for 6:30 to 8:30 a.m. and 2:00 to 5:30 p.m. The City operates a total fleet of eight transit coaches: six FTA, state, and city-funded buses and two FTA ARRA - funded buses. There is no peak service, as ridership is consistent throughout operational hours.

The City's bus system operates from a single maintenance and administration facility, located at 26 Howard Street, in the City of Poughkeepsie, which it shares with other City-owned vehicles. The City opened a new Transit Hub located at Main and Market Streets near Civic Center Plaza in 2013. The Transit Hub includes passenger shelters, transportation service information, digital signs, benches, and trash cans. All bus routes originate at or travel to the Transit Hub.

Per the 2010 Census, the population of the City of Poughkeepsie was 32,736. The median household income is about \$38,973, with 23.6 percent of persons below the poverty level.

**Table 4.1 – 2010 Census City of Poughkeepsie by Race**

Race	Percentage of Population
Caucasian	50.9%
African American	33.5%
Asian	1.6%
American Indian/Alaska Native	0.9%
Native Hawaiian/Pacific Islander	0.1%
Two or More Races	4.5%
Some Other Race	8.5%
Hispanic or Latino	19.5%

The City of Poughkeepsie's Deputy Commissioner of Finance, Karen Sorrell, is responsible for administration of the Title VI Program and is the designated Title VI Officer. As the Title VI Officer, she oversees the day to day administrative requirements of the City's Title VI program. The Deputy Commissioner of Finance reports to the Commissioner of Finance. In addition to Title VI, the Deputy Commissioner of Finance is responsible for the City's DBE program and federal grants management. At the time of the site visit, Ms. Sorrell had been with the City for more than 10 years.

The Title VI Officer works with the Commissioner of Public Works on the investigation and resolution of any complaints of discrimination. Chris Gent is currently the Commissioner of Public Works and is assisted by a Transit Safety Coordinator and a Dispatcher in the daily operation of the City's transit system. The Safety Coordinator works in conjunction with the Title VI Officer to develop and monitor the system wide service standards and policies. There are no other staff that directly support the implementation of Title VI at the City.

## 5. Scope and Methodology

### 5.1 Scope

The Title VI Compliance Review of the City 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
- Information on Monitoring Subrecipients
- Title VI Program
- Information on Determination of Site or Facilities Location
- Information on Minority Representation on Planning or Advisory Bodies
- Information on Inclusive Public Participation

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

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

### 5.2 Methodology

Initial interviews were conducted with the FTA Headquarters Civil Rights staff and the FTA Region II 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 City 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.

The City of Poughkeepsie (City) was requested to provide the following documents in advance of the site visit:

- 
- Description of the City’s service area, including general population and other demographic information using the most recent Census data.
  - Current description of the City’s public transit service, including system maps, public timetables, transit service brochures, etc.
  - Roster of the City’s current revenue fleet, to include acquisition date, fuel type, seating configurations, vehicle assignment, and other amenities.
  - Description of transit amenities maintained by the City for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
  - The City’s 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 City, 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 City’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 City’s four-factor analysis of the needs of persons with Limited English Proficiency.
  - Copy of the City’s Language Assistance Plan (LAP) for persons with Limited English Proficiency that is based on the USDOT LEP Guidance.
  - The City’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 City 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 City in response to the investigation, lawsuit, or complaint.
  - Copy of the City’s Notice to Beneficiaries of Protections under Title VI.
  - Documentation of efforts made by the City 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.

- Copy of the City's 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 City'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 City to guard against discriminatory service design or operations decisions.
- Documentation of the City'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 City has made a fare change or a major service change in the past three years or is currently planning such changes, the City's service and fare equity analysis was to be provided.
- Documentation of periodic service monitoring activities undertaken by the City, 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 City'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 City assembled the available documents prior to the site visit and provided them to the review team for advance review. The review team developed a detailed schedule for the three-day site visit.

The on-site Title VI review of the City of Poughkeepsie took place from November 1-3, 2016. The review began with an entrance conference held at 9:00 a.m. on Tuesday, November 1 at the City offices located at 62 Civic Center Plaza, Poughkeepsie, NY. Attending the conference were:

- Chris Gent, Commissioner of Department of Public Works, City of Poughkeepsie
- Karen Sorrell, Deputy Commissioner of Finance, City of Poughkeepsie
- George McGann, Safety Coordinator, City of Poughkeepsie
- Rosaria Luperena, FTA Region II Transportation Program Specialist
- Lynn Bailey, FTA Region II Acting Civil Rights Officer

Milligan and Company, LLC

- Kristin Sz wajkowski Tighe, Lead Reviewer
- Habibat u Atta, Reviewer
- Allison Reed, Reviewer

Following the Entrance Conference, the review team met with Karen Sorrell, who is responsible for Title VI Compliance as the designated Title VI Officer. 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 City. The review team then met with Chris Gent and additional staff to discuss how the City 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 vehicles.

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

- Chris Gent, Commissioner of Department of Public Works, City of Poughkeepsie
- Karen Sorrell, Deputy Commissioner of Finance, City of Poughkeepsie
- George McGann, Safety Coordinator, City of Poughkeepsie
- William Brady, Finance Consultant, City of Poughkeepsie
- Britney Berry, FTA Program Manager
- Rosaria Luperena, FTA Region II Transportation Program Specialist
- Lynn Bailey, FTA Region II 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 any discrimination complaints had been filed with the transit agency, and identify practices that would require further attention and analysis during the review.

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

- Catholic Charities Community Services of Dutchess County (CCCSDC)
- Community Action Partnership for Dutchess County
- Dutchess County Regional Chamber of Commerce
- St. Mary's-St. Joseph's Parish
- Middle Main Initiative

The representatives were asked questions regarding:

- knowledge of the City's Title VI program
- right to file discrimination complaints
- the City's public engagement efforts
- the City's interaction with LEP communities

Representatives from two of the agencies (Catholic Charities Community Services of Dutchess County and Dutchess County Regional Chamber of Commerce) responded and agreed to participate. Both agencies stated that they did not have any contact with the City in the past three years regarding their transit program. Both agencies also indicated that there have not been any complaints brought to their attention by their constituents. During the on-site review it was discussed with the City that the lack of response and knowledge of the transit system by community organizations indicates that the City is not engaging in sufficient and continuous public outreach regarding its transit activities and services. The public should be aware that they can provide input and feedback to the City on its transit service.

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## 6. Findings and Advisory Comments

### 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, deficiencies were found regarding the City's public participation efforts. Its April 2015 Title VI Plan submitted by the City states that public participation activities will include:

- The opportunity for the public to communicate their concerns at the Common Council meetings, which are held on the first and third Monday of every month. These meetings are held at a convenient and accessible location and time. If the City plans to discuss a transit-related matter, a public notice is placed in *The Poughkeepsie Journal* and posted on the website.
- A telephone line for the public to call to receive general information, information on transit schedules, or to voice their concerns. The phone number is posted on the website and the City's bus schedules.
- Transit related announcements, such as changes to the schedule, system, or service, are posted on the City's website. They may also be posted in *The Poughkeepsie Journal*.
- Advertising Bus Committee meetings to the public via the City's website and *The Poughkeepsie Journal*.
- Outreach to organizations that serve the LEP population including Catholic Charities, St. Mary's-St. Joseph's Parish, Middle Main Initiative, Literacy Connections, Poughkeepsie Housing Authority, and Dutchess County Department of Social Services.

The Public Participation Plan identifies organizations that serve the LEP community but does not incorporate the Language Assistance Plan to ensure that LEP persons are meaningfully engaged in public outreach. The plan also does not discuss how minority and low-income populations will be included in the public participation process. The City must develop a strategy for continuous public outreach based on methods that have been shown to promote inclusive participation of minorities, low-income, and LEP persons.

The plan did not include documentation of past public outreach activities related to transit. During the on-site interviews, the Title VI Officer stated that no recent transit related public outreach has been conducted with any organizations listed in the Title VI Plan. As confirmed by the stakeholder interviews, community organizations have not been contacted by the City recently and is a further indication that the City has not implemented their public participation plan.

#### Corrective Actions and Schedules

Within 60 days of the final report, the City must complete and submit to the FTA Office of Civil Rights a revised Public Participation Plan. The plan must include a strategy to meaningfully and continuously engage minority, low-income, and LEP populations in the service area. The plan must also include a list

of upcoming public outreach activities with proposed dates. The City must incorporate the corrective action discussed in the Language Access requirements below—Section 6.2—as part of its Public Participation Plan. The City must also provide documents (e.g., call-logs, sign-in sheets from public meeting etc.) to demonstrate its increased public outreach efforts and is active implementation of the Public Participation Plan. (Please be advised, the City should not await FTA approval before implementing its revised Public Participation Plan)

## 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, deficiencies were found regarding the City’s compliance with FTA guidance for Language Access to LEP Persons. The Title VI Plan prepared by the City includes the Four-Factor Analysis indicating that Spanish is the primary LEP language spoken. The Language Assistance Plan (LAP) within the City’s Title VI Program does not include all the elements required by FTA Circular 4702.1B-III-9. In addition, the City did not implement all the activities listed within its Language Assistance Plan (LAP) as described in Table 1 below:

**Table 6.2 – 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	<p>The analysis contains 2009-2013 five-year Census data on English proficiency in the City of Poughkeepsie showing that 2,366 persons, or eight percent, of the population are Spanish speakers who speak English less than “very well”. The remaining individual LEP populations are less than 200 persons each.</p> <p>The City produced a map of linguistically isolated households in Dutchess County which shows that the Spanish-speaking LEP population is concentrated within the City of Poughkeepsie.</p>

<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.



Elements Required (per FTA C. 4702.1B)	Included in Plan	Notes/Comments
Frequency of contact – Frequency with which LEP individuals come into contact with program and/or activities	Yes	The analysis states that the City has conducted outreach to community groups to assess the LEP community’s usage of the bus service. Bus operators are surveyed for the frequency they encounter LEP persons. Based on feedback, the frequency of contact with the LEP population is very low.
Importance – Nature and importance of program, activity, or service to people’s lives	Yes	Roughly eight percent of the population are LEP Spanish speakers who live in the City of Poughkeepsie. All bus routes travel through the City.
Resources – Resources available and costs	Yes	The analysis states the cost to provide outreach to the LEP community is minimal as the City uses employees for translation services. The City has a \$500 printing budget for the translation of meetings, schedules, and fliers into Spanish. Additionally, the City has a stipend fund of \$25,000 paid to Spanish speaking staff for translation and interpretive services. The City does not use outside resources for translation services unless a specific request for translation services has been made. No request has been made to date.
<b>Part B - LAP Plan</b>		
Identification of LEP persons	No	The LAP only includes Census data without an analysis or discussion of all Limited English Proficient populations that may be encountered. The LAP does not include a basis for selecting Spanish as the only language requiring assistance.
Language assistance measures	No	The City has 12 staff members who speak Spanish. The plan states that if a Spanish-speaking LEP person calls and needs assistance, the call can be transferred to a Spanish-speaking City staff member. Although language resources are available, the LAP does not include a clear process to show what steps should be taken when translation or interpreter services are requested.

Training of staff	No	There is no Title VI training being administered for City staff. The Title VI Officer receives training through the yearly Triennial workshops.
Identify Vital Documents/Prioritization of Vital Documents	No	The plan does not identify a list of vital documents that are translated. The prioritization of vital documents is not included in the plan. During the on-site review, the team verified that the following documents were translated into Spanish: <ul style="list-style-type: none"> <li>- Notice to Beneficiaries</li> <li>- Complaint Form</li> <li>- Bus Schedule</li> </ul>
Provide notice to LEP persons	Yes	The Title VI notice is posted on the website, on buses, and at the Transit Hub in both English and Spanish. The City website contains information on how to obtain services in Spanish.
Monitor and update LAP	No	The LAP should describe how the City monitors, evaluates and updates the LAP. The City did not provide documentation that the LAP is being implemented or monitored. The LAP does not state when or how frequently it will be updated.

### Corrective Actions and Schedules

Within 60 days of the final report, the City must complete and submit to the FTA Office of Civil Rights a revised Language Assistance Plan (LAP) including the results of the Four-Factor Analysis, a description of the LEP populations served, a list of vital documents to be translated, a formal process to address translation requests from the LEP community, a training strategy associated with its LAP, an outreach strategy for informing the LEP community of services available, documentation of implementation and monitoring of the LAP, and information on how often the LAP will be updated.

## 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, no deficiencies were found regarding the City's compliance with FTA guidance for Title VI complaint procedures. The City's Title VI plan includes information on how the public can file a complaint and the procedures and timelines that the City will follow to investigate the complaint.

The review team also observed that the complaint form and complaint procedures were posted on the City's website at <http://cityofpoughkeepsie.com/public-works/bus-service/>. In addition, City staff confirmed during the on-site interviews that the public can obtain a copy of the complaint procedures or file a complaint by calling the City. Complaint forms and procedures are available in both English and Spanish. Complaints can be submitted in writing, by phone, e-mail, fax, or in person. The procedures state that complaints may be filed with the City or sent directly to the FTA. The correct contact information is included in the procedures.

During the review, the Title VI Officer confirmed that no Title VI complaints have been received in the past three years. According to the complaint procedures, the Title VI Officer is responsible for tracking complaints and ensuring that complaint procedures are followed. Both the Title VI Officer and the Commissioner of Public Works 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. The Title VI Officer ensures that the complainant is notified of the outcome.

During the review, the City was advised to reconsider lengthening the current five-day period for fact finding and interviewing all parties involved with a complaint. The complaint process should provide adequate timeframes for due diligence and a thorough investigation of complaints.

## **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, no deficiencies were found regarding the City's compliance with FTA guidance for Title VI investigations, complaints, and lawsuits. There have been no complaints, investigations, or lawsuits in the preceding three-year period.

## **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 website. 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, no deficiencies were found regarding the City's compliance with FTA guidance for notice to beneficiaries of protection under Title VI. The Title VI Plan includes the following documentation:

- A copy of the City's Title VI Notice to Beneficiaries
- The City's Title VI Notice to Beneficiaries poster
- The City's Title VI Complaint Form and Complaint procedures

The documents contain all the required elements as discussed in Table 6.5 below. The plan states that the notice will be posted on the City's website, in City Hall, and on buses.

On November 1st and 2nd, the review team traveled throughout the City's service area to view the posting of the Title VI Notice to Beneficiaries at stations and on vehicles. The team observed the notice inside the main public area of City Hall, on all vehicles, and outside at the Transit Hub's bus shelters. The notice was observed in all four bus shelters located at the Transit Hub and it was translated into Spanish at all locations. All buses come through the Transit Hub, where the majority of ridership originates.

The review team noted that the Notice to Beneficiaries was not found on the City's website. During the site visit, the City corrected this issue and the notice can be found on the website at: <http://cityofpoughkeepsie.com/public-works/bus-service/>. The review team observed that the notice on the website was not translated into Spanish and references FTA Circular 4702.1A instead of the most recent version. The City needs to update the website to correct this issue.

**Table 6.5 – City of Poughkeepsie 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 Award Management System (TrAMS).

### Discussion

During this Title VI Compliance Review, deficiencies were found regarding the City's compliance with FTA guidance for Annual Title VI Certification and Assurance. The City did not execute the required FY 2016 Annual Certifications and Assurances in the Transportation Award Management System (TrAMS). The FTA Civil Rights Assurance is incorporated in the Annual Certification and Assurance and is required to be submitted annually to FTA through TrAMS (formerly TEAM).

## **Corrective Actions and Schedules**

Within 15 days of the final report, the City must complete and submit to the FTA Office of Civil Rights the FY 2016 Annual Certification and Assurance along with documentation that it has been submitted in TrAMS. The City must check that it 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 City of Poughkeepsie 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, no deficiencies were found regarding the City's compliance with FTA guidance for minority representation on planning or advisory bodies. The City currently has one transit advisory committee which consists solely of elected members of the City's Common Council. The advisory committee meets infrequently and on an as needed basis. All members of the Common Council are invited to participate, however, in the past only four members have been actively involved in the committee. The committee is currently 75 percent Caucasian and 25 percent African American. The City expects that the committee will become more active when discussions of the possible consolidation of transit service with the Dutchess County LOOP service resumes in 2017.

### **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.

## **Discussion**

During this Title VI Compliance Review, no deficiencies were found regarding the City's compliance with FTA guidance for determination of site or location of facilities. During the on-site interview, Chris Gent, Commissioner of Public Works stated that that City had not sited nor was it planning to site any transit facilities. The only facility potentially projected for upgrade is an existing single bay bus wash at a City maintenance facility. Due to the potential consolidation of bus service with the Dutchess County LOOP system, the City has no plans for any new or expanded transit facilities in the near future. The Milligan team discussed the requirements for a Title VI equity analysis should the City decide to expand a facility or site a new facility in the future.

### **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. For 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, deficiencies were found regarding the City's compliance with FTA guidance for submission of a Title VI Program. The most recent plan submission to FTA, on September 10, 2015 has not been approved and is pending additional required documentation for public participation, language assistance, and FY 2016 Certifications and Assurances as discussed in sections 6.1, 6.2, and 6.6 of this report.

The City's current Title VI Plan expired on March 31, 2015. The City prepared and submitted a Title VI Plan, dated April 15, 2015, to FTA on April 23, 2015. The Plan was revised and resubmitted to FTA on June 26, 2015, August 27, 2015, and September 10, 2015 as a result of a request for additional information from FTA. The Common Council of the City of Poughkeepsie approved and adopted the April 15, 2015 Title VI Plan on September 8, 2015. The Common Council approval was included in the September 10, 2015 submission to FTA. The City's Title VI program is pending FTA approval. The next required Title VI program submission date is February 1, 2018.

**Table 6.10 – 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.	No
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.	No
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 the public that it complies with Title VI and instructions to the public on how to file a 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>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.	NA
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

**Corrective Actions and Schedules**

Within 60 days of the final report, the City must complete and submit to the FTA Office of Civil Rights a revised Title VI Plan which includes the required elements for public participation, language assistance, and documentation of the submission of the FY 2016 Certifications and Assurances.

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## The following requirements are specific to fixed route providers:

### 6.11 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

This requirement is not applicable to the City of Poughkeepsie. The City has six fixed routes and a total of eight vehicles which is less than the required threshold of 50 or more vehicles in peak service. The population of the City of Poughkeepsie is 32,736, which is below the threshold of being located in a UZA of 200,000 or more in population. The City does not meet the thresholds in FTA Circular 4702.1B Chapter VI that trigger the requirement to collect and report demographic data.

### 6.12 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, no deficiencies were found regarding the City's compliance with FTA guidance for system wide service standards and policies. The plan includes system wide standards and policies for vehicle load, on-time performance, vehicle headway for each mode, service availability for each mode, distribution of transit amenities, and vehicle assignment for each mode.

At the site visit, the review team discussed the service standards and policies with the City officials. The standards for vehicle load and on-time performance provided prior to the review did not describe the methodology used for determining the standards and policies. Vehicle load did not include peak and off-peak capacity. The on-time performance standard stated that vehicles would arrive no more than five minutes early or seven minutes late but did not include a percentage standard for overall on-time performance for the system.

During the site visit, City staff stated that the transit system does not experience peak and off-peak periods since service and ridership are constant throughout the day, therefore vehicle load remains the same. The City operates six routes with one vehicle assigned per route except for the Southside route which requires two vehicles. The City owns a total of eight vehicles. Bus service is provided Monday through Friday from 6:30 a.m. to 6:30 p.m. and Saturdays from 6:30 a.m. to 3:30 p.m. with seven buses in operation at all times. Buses operate on a 60-minute headway. There is no bus service on Sundays.



The City tracks fare box activity on each route and gathers feedback from drivers on ridership. The City provided the following data in Table 6.11 that shows the quarterly average ridership for each bus route during the weekday over a 12-month period.

**Table 6.11 – City of Poughkeepsie Average Weekday Ridership**

<b>Weekday Ridership Numbers</b>			
<b>Routes</b>	<b>AM Service 6:30 – 10:00 AM</b>	<b>Mid-Day Service 10:00 AM-2:00 PM</b>	<b>PM Service 2:00 -6:30 PM</b>
<b>Galleria</b>	35	79	56
<b>Main Street</b>	124	144	87
<b>Northside</b>	121	89	73
<b>Southside</b>	53	59	45
<b>Shopper's Special</b>	13	55	39
<b>Special*</b>	23	---	---

Average from quarterly totals 2015-2016 (3/1, 6/1, 9/1, 12/1)

\*Ridership data for the Mid-Day and PM service for the Special Route was not provided by the City.

The City also provided data showing that the overall ridership has been decreasing. Between 2012 and 2014 ridership decreased by 91,358 trips or 20.6 percent. Based upon the ridership data, the small number of routes provided, the small fleet of vehicles, and lack of ridership demand, the City does not provide peak service. Since the City does not provide peak service, a reduced fare of \$0.75 is offered at all times to persons with disabilities, seniors, Medicare cardholders.<sup>2</sup> Since the City of Poughkeepsie does not offer peak service, the vehicle load is not expressed in peak and non-peak capacity.

The City stated that the system wide standard for on-time performance is for 83 percent of vehicles to be on-time and explained that the percentage is not higher due to the small number of vehicles and the 60-minute vehicle headway. Prior to the exit conference, the City 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 expressed as a percentage. The City officials stated that the update would be included in the next revised Title VI Plan submission to FTA.

The review team also discussed the methodology for siting transit amenities. The Commissioner of Public Works stated that amenities were originally sited according to ridership. The City currently has no funding to replace or site new amenities and is focused on repairing and maintaining existing amenities. A recent request for a new bus shelter at the hospital was approved, however, the hospital will pay for the installation of the shelter. The review team confirmed while touring the system that several existing shelters were in need of repair and that amenities such as shelters and benches were located at stops likely to have more frequent ridership such as at the hospital, in shopping areas, and at the Transit Hub.

<sup>2</sup> Guidance for FTA C 9030.1E, Ch.VI, Section 1.a (6) under the Triennial Review program states that “If the grantee determines it is not large enough, or demand is not strong enough, to identify or justify peak hour service, then its entire service should be defined as “off peak.” In this instance, the grantee has two options:

- Review ridership data and determine the peak ridership hours and develop a policy for half fare, or
- Choose not to determine a peak period and offer half fares during all hours.”

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## 6.13 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>3</sup>.

### Discussion

The City does not meet the required threshold of 50 or more peak vehicles in service and UZA of 200,000 or more in population. Although not required to evaluate service and fare changes, the Milligan team did discuss fare and service changes with the City. There were no fare or service changes in the previous three years.

A feasibility study for the possible transfer of the City's bus service to the Dutchess County LOOP system was conducted in 2013 by an outside firm, Wendel, on behalf of the Poughkeepsie-Dutchess County Transportation Council (PDCTC). PDCTC is the designated Metropolitan Planning Organization (MPO) for Dutchess County and the City of Poughkeepsie. The feasibility study included a discussion on the federal Title VI and environmental justice requirements. Demographic maps showing percentages of minority and low-income populations in the County were prepared but the City did not proceed with a full equity analysis. The feasibility study cites FTA Circular 4702.1B and outlines the Title VI requirements for fare and service changes.

The transfer of the City's bus service to the Dutchess County LOOP system did not proceed in 2013. The City and County may consider exploring this option again in 2017. The City stated they would hold public meetings and a service equity analysis would be conducted prior to proceeding with the transfer of service to the County to ensure that there are no disparate impacts on minority riders. The City does not meet the regulatory threshold requiring an equity analysis nor does it have internal procedures for requiring such analysis. However, during the on-site review, the City stated an equity analysis would be conducted should this potential service change move forward.

## 6.14 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 a minimum once every three

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<sup>3</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.

years. If recipient monitoring determines that prior decisions have resulted in disparate impacts, it shall take corrective action to remedy the disparities.

**Discussion**

This requirement is not applicable to the City of Poughkeepsie. The City has six fixed routes and a total of eight vehicles which is less than the required threshold of 50 or more vehicles in peak service. The population of the City of Poughkeepsie is 32,736, which is below the threshold of being located in a UZA of 200,000 or more in population. The City does not meet the thresholds in FTA Circular 4702.1B Chapter VI that trigger the requirement to monitor transit service.

## 7. Summary of Findings/Corrective Actions

Item	Title VI Requirements	Site Review Finding	Deficiencies	Corrective Action(s)	Response Days/Date
1.	Inclusive Public Participation	Deficient	<p>The Public Participation Plan does not contain a specific strategy to engage minority, low-income, and LEP populations.</p> <p>The City did not provide sufficient documentation to demonstrate the implementation of the public participation plan.</p>	<p>The City must complete and submit to the FTA Office of Civil Rights a revised Public Participation Plan that includes a strategy to meaningfully and continuously engage minority, low-income, and LEP populations in the service area. The plan must also include a list of upcoming public outreach activities with proposed dates. The City must incorporate the corrective action discussed in the Language Access requirements in Section 6.2 as part of its Public Participation Plan. The City must also provide documents (e.g., call-logs, sign-in sheets from public meeting etc.) to demonstrate its increased public outreach efforts and is active implementation of the Public Participation Plan. (Please be advised, the City should not await FTA approval before implementing its revised Public Participation Plan.)</p>	<p>Within 60 days of the issuance of the final report.</p>

2.	LEP Language Assistance Plan	Deficient	<p>The Language Assistance Plan is lacking information on:</p> <ul style="list-style-type: none"> <li>• the results of the Four Factor Analysis, including a description of LEP population served</li> <li>• how the recipient provides language assistance by language</li> <li>• how employees are trained to provide timely and reasonable language assistance to LEP populations</li> <li>• how the LAP is monitored and updated.</li> </ul> <p>The City did not provide sufficient documentation to demonstrate the implementation of the Language Assistance Plan.</p>	<p>The City must complete and submit to the FTA Office of Civil Rights a revised Language Assistance Plan (LAP) including the results of the Four-Factor Analysis, a description of the LEP populations served, a list of vital documents to be translated, a formal process to address translation requests from the LEP community, a training strategy associated with its LAP, an outreach strategy for informing the LEP community of services available, documentation of implementation and monitoring of the LAP, and information on how often the LAP will be updated.</p>	<p>Within 60 days of the issuance of the final report.</p>
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	Deficient	FY 2016 Annual Certification and Assurance not submitted in TrAMS.	The City must complete and submit to the FTA Office of Civil Rights the FY 2016 Annual Certification and Assurance along with documentation that it has been submitted in TrAMS. The City must check that it 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.	Within 15 days of the issuance of the final report.
7.	Determination of Site or Locations	No deficiencies identified	-	-	-
8.	Minority Representation on Planning or Advisory Bodies	Not Applicable	-	-	-
9.	Monitoring Sub-recipients	Not Applicable	-	-	-
10	Prepare and Submit a Title VI Program	Deficient	FTA has requested additional information required for Plan approval. The Title VI Plan is lacking information required for inclusive public participation and language assistance to LEP populations.	The City must complete and submit to the FTA Office of Civil Rights a revised Title VI Plan which includes the required elements for public participation, language assistance, and documentation of the submission of the FY 2016 Certification and Assurance.	Within 60 days of the issuance of the final report.

<b>Fixed Route Transit Provider Requirements</b>					
11.	Demographic Data	Not Applicable	-	-	-
12.	System wide Service Standards/Policies	No deficiencies identified	-	-	-
13.	Evaluation of Fare/Service Changes	Not Applicable	-	-	-
14.	Monitoring Transit System	Not Applicable	-	-	-