**TITLE VI COMPLIANCE REVIEW**

**OF THE**

**Santa Cruz Metropolitan Transit District (METRO)**

**Santa Cruz, California**

**Final Report**

**December 2011**

**Prepared For**

**U.S. DEPARTMENT OF TRANSPORATION**

**FEDERAL TRANSIT ADMINISTRATION**

**OFFICE OF CIVIL RIGHTS**

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Table of Contents

I. GENERAL INFORMATION 3

II. JURISDICTION AND AUTHORITIES 4

III. PURPOSE AND OBJECTIVES 5

IV. BACKGROUND INFORMATION 7

V. SCOPE AND METHODOLOGY 13

VI. FINDINGS AND RECOMMENDATIONS 18

1. Inclusive Public Participation 18

2. Language Access to LEP Persons 21

3. Title VI Complaint Procedures 24

4. Record of Title VI Investigations, Complaints, and Lawsuits 25

5. Notice to Beneficiaries of Protection Under Title VI 26

6. Annual Title VI Certification and Assurance 27

7. Environmental Justice Analysis of Construction Projects 28

8. Submit Title VI Program 29

9. Evaluation of Service and Fare Changes 32

10. Monitoring Transit Service 34

VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS 38

VIII. ATTENDEES 40

1. GENERAL INFORMATION

Grant Recipient: Santa Cruz Metropolitan Transit District

(METRO)

City/State: Santa Cruz, California

Grantee Number: 1675

Executive Official: Mr. Leslie R. White

General Manager

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Site Visit Dates: September 13 – 15, 2011

Compliance Review

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1. JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct civil rights compliance reviews. The Santa Cruz Metropolitan Transit District (METRO) is a recipient of FTA funding assistance and is therefore subject to the Title VI compliance conditions associated with the use of these funds pursuant to the following:

* Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d).
* Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.).
* Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.).
* Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted).
* DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted).
* Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987).
* Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted).
* DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997).
* DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005).
* Section 12 of FTA’s Master Agreement 17, (October 1, 2010).

1. PURPOSE AND OBJECTIVES

#### Purpose

The Federal Transit Administration (FTA) Office of Civil Rights periodically conducts discretionary reviews of grant recipients and subrecipients to determine whether they are honoring their commitments, as represented by certification, to comply with the requirements of 49 U.S.C. 5332. In keeping with its regulations and guidelines, FTA determined that a Compliance Review of METRO’s Title VI Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC to conduct the Title VI Compliance Review of METRO. The primary purpose of this Compliance Review was to determine the extent to which METRO has met its General Reporting Requirements in accordance with FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients.” Members of the Compliance Review team also discussed with METRO the requirements of the DOT Guidance on Special Language Services to Limited English Proficient (LEP) Beneficiaries that is contained in Circular 4702.1A. The Compliance Review had a further purpose to provide technical assistance and to make recommendations regarding corrective actions, as deemed necessary and appropriate. The Compliance Review was not an investigation to determine the merit of any specific discrimination complaint filed against METRO.

#### Objectives

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

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

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

1. BACKGROUND INFORMATION

The Santa Cruz Metropolitan Transit District (METRO) provides transit service in Santa Cruz County, California, serving the cities of Capitola, Santa Cruz, Scotts Valley, Watsonville, and the unincorporated areas of Santa Cruz County. METRO is a Transit District formed under the State of California Public Utilities Code, Section 98000 et. seq. METRO is governed by an 11 member board plus one ex-officio member from the University of California Santa Cruz. METRO’s mission is “To provide a public transportation service that enhances personal mobility and creates a sustainable transportation option in Santa Cruz County through a cost‐effective, reliable, accessible, safe, clean and courteous transit service.”

METRO is organized into eight major departments, including the Office of the General Manager, District Counsel, Finance, Human Resources, Operations, Maintenance, Information Technology, and Fleet/Facilities Maintenance. The General Manager reports to the METRO Board of Directors and has the ultimate responsibility for the implementation of METRO’s Title VI program. The General Manager has delegated to the various departments that are responsible for spending the grant funds, the responsibility of managing all grant requirements including Title VI requirements. The various departments have grant Project Managers and Analysts that manage the organizations grants and meet frequently with the General Manager to discuss grant activity including compliance. This structure, designed by the General Manager, is responsible for establishing policies and monitoring procedures to ensure Title VI compliance. METRO receives Section 5307, Section 5311, Section 5316, and Section 5317 funding.

While METRO’s service area is technically all of Santa Cruz County with a total population of approximately 262,382 persons, METRO primarily operates service in the four urbanized areas (UZAs) of Santa Cruz, Watsonville, Capitola, and Scotts Valley with a total population of approximately 132,643.

METRO operates a network of 34 fixed routes and a complementary paratransit service called ParaCruz. Service is provided weekdays from 4:45 a.m. to 12:40 a.m. Weekend service is operated from 6:40 a.m. to 11:40 p.m. METRO operates five types of fixed route services as follows:

* **Rural (6 routes):** These routes provide service to rural areas of the county in the Santa Cruz Mountains and outside Watsonville. These areas include the communities in the San Lorenzo Valley and Corralitos.
* **Local / Feeder (11 routes):** These routes are designed to provide bus service within the urban communities of the county. The majority of these routes serve the cities of Santa Cruz and Watsonville.
* **Intercity (9 routes):** These routes are primarily focused on meeting the bus rider demands between urban areas including the Santa Cruz to Watsonville corridor and Santa Cruz to Scotts Valley corridor. A variety of service options (local stop to express) between Santa Cruz and Watsonville are offered to meet the various travel needs along the Highway 1 corridor. An agreement between Monterey Salinas Transit (MST) and METRO established a no cost interagency transfer across county lines allowing MST and METRO riders access to both systems with one fare payment.
* **University of California Santa Cruz (7 routes):** UCSC contracts with METRO to provide dedicated fixed route transit service to its students. METRO bills UCSC monthly for trips taken by students with valid UCSC identification. Annual revenue from trips provided to UCSC students is approximately $3.5 million - $4 million, or 10% of METRO’s budget.The majority of this service is only offered during the University’s school term and is not in service during the summer months.

* **Regional (1 route):** This route provides commuter service between Santa Cruz County and Santa Clara County along Highway17. This service connects the Downtown Santa Cruz station with San Jose’s Diridon station, servicing park and ride lots and the Cavallaro Transit Center in Scotts Valley. At Diridon station, passengers can connect to the Santa Clara Valley Transportation Authority’s (VTA) transit system, and the Caltrain and Amtrak regional rail systems. Once at Diridon, transit passengers can also connect to the San Jose airport using the VTA system. During school term, the Highway 17 service extends to San Jose State University. An Agreement with VTA allows riders purchasing a METRO Highway 17 Express Day Pass full unlimited ride access to VTA’s bus and light rail system.

METRO operates ADA complementary paratransit service called ParaCruz. ParaCruz provides service to areas within a ¾ of a mile of its fixed route service, except the Highway 17 commuter route. ParaCruz provides shared ride, door-to-door service from 6:00 AM until 10:30 PM every day except New Year’s Day, Thanksgiving, and Christmas Day for eligible riders. Trips must be scheduled between 1-14 days in advance between the hours of 8:00 AM and 5:00 PM. ParaCruz uses two local taxicab companies, Santa Cruz Transportation (Yellow Cab) and Watsonville Transportation (Courtesy Cab), to supplement its ADA paratransit service, as needed.

The basic adult fare for bus service is $2.00. A reduced fare of $1.00 is offered to seniors 62 years or older, valid Medicare card holders, and persons with disabilities during all hours of service. The fare for ADA paratransit service is $4.00, twice the price of the regular fixed route fare.

METRO operates a fleet of 102 buses for fixed-route service. Its bus fleet consists of 35- and 40-foot standard and low floor buses. Over the past three years, METRO has purchased Compressed Natural Gas (CNG) buses with a long term goal of completely replacing its diesel fleet with CNG buses. The current peak requirement is for 83 vehicles. METRO has a contingency fleet of nine buses, bringing its total fixed-route bus fleet to 111. METRO also has a fleet of 45 vans, which are used for its ParaCruz complementary paratransit service.

At the time of the site visit, METRO had the following noteworthy projects underway:

* Complete right-of-way purchase and renovation of the Pacific Station;
* Upgrade video surveillance system;
* Purchase of 11 – 13 new buses (State of Good Repair grant);
* Installation of a new CNG tank at the Santa Cruz location;
* Design and implementation of the HASTUS scheduling system;
* Upgrade of Radio system to meet FCC mandate.

The following table represents a demographic profile of the METRO Service Area as well as the demographic profile of Santa Cruz County using data from the 2000 and the 2010 Census. The table shows the 2000 and 2010 population by racial/ethnic group, the increase (or decrease) in population from 2000 to 2010, and the percentage of the racial/ethnic group population to the total population in both 2000 and 2010.

From 2000 to 2010, the total population of the METRO Service Area increased 9.5 percent. The White population increased 4.4 percent, while the Black population increased 13.9 percent, the Hispanic population increased 26 percent, the Asian population increased 43.7 percent, the American Indian/Alaskan Native population decreased 11.6 percent, and the Native Hawaiian/Pacific Islanders population increased 6 percent. In 2010, 72.5 percent of the total population was White (a decrease of 3.1 percent from 2000), 1.1 percent was Black (a negligible increase), 32 percent was Hispanic (an increase of 5.3 percent), 4.2 percent was Asian (an increase of 1.3 percent), 0.9 percent was American Indian/Alaskan Native (a decrease of 0.2 percent), and 0.1 percent was Native Hawaiian/Pacific Islander (a negligible increase).

According to the 2000 Census, 9.3 percent of the population had income below the poverty level and 303,729 persons (4.6 percent) of the population had Limited English Proficiency (LEP), as shown on the Table below.

**Table 1 – Demographics of the Santa Cruz Metro Service Area[[1]](#footnote-1)**

**Racial/ Ethnic Breakdown**

Source: 2000 and 2010 U.S. Census

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Racial/ Ethnic Group** | **METRO’s Service Area**  **2000** | | **Santa Cruz County**  **2000** | | **METRO’s Service Area**  **2010** | | **Santa Cruz County**  **2010** | | **Change in METRO’s Service Area** | | |
| **Number** | **%** | **Number** | **%** | **Number** | **%** | **Number** | **%** | **Number** | **% change ethnic group** | **% change total pop** |
| White | 81,415 | 67.2% | 191,931 | 75.1% | 84,981 | 64.1% | 190,208 | 72.5% | 3,566 | 4.4% | -3.1% |
| African American | 1,451 | 1.2% | 2,477 | 1.0% | 1,653 | 1.2% | 2,766 | 1.1% | 202 | 13.9% | 0.0% |
| Asian | 5,059 | 4.2% | 8,789 | 3.4% | 7,269 | 5.5% | 11,112 | 4.2% | 2,210 | 43.7% | 1.3% |
| American Indian and Alaska Native | 1,340 | 1.1% | 2,461 | 1.0% | 1,185 | 0.9% | 2,253 | 0.9% | -155 | -11.6% | -0.2% |
| Native Hawaiian and Pacific Islander | 166 | 0.1% | 382 | 0.1% | 176 | 0.1% | 349 | 0.1% | 10 | 6% | 0.0% |
| Other Race | 26,118 | 21.6% | 38,391 | 15.0% | 30,678 | 23.1% | 43,376 | 16.5% | 4,560 | 17.5% | 1.4% |
| Two or More Races | 5,620 | 4.6% | 11,171 | 4.4% | 6,701 | 5.1% | 12,318 | 4.7% | 1,081 | 19.2% | 0.4% |
| Hispanic Origin[[2]](#footnote-2) | 44,741 | 36.9% | 68,486 | 26.8% | 56,395 | 42.5% | 84,092 | 32.0% | 11,654 | 26.0% | 5.3% |
| **Total Population** | 121,169 | 100% | 255,602 | 100% | 132,643 | 100% | 262,382 | 100% | 11,474 | 9.5% | 0.0% |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Low Income | 17,693 | 14.7% | 29,383 | 11.9% |
| Limited English | 23,623 | 19.6% | 34,399 | 14.3% |

1. SCOPE AND METHODOLOGY

#### Scope

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

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

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

Since METRO does not meet the size threshold for a large urban operator (all applicants, recipients and subrecipients that provide public mass transit service in urbanized areas with populations over 200,000), it is not required to report on its activities related to FTA Circular 4702.1A Program-Specific Requirements and Guidelines for Large Urban Areas. However, since METRO is required to ensure that its services and the results of its decision-making are equitable, the Review team, in agreement with METRO, provided technical assistance in the areas of *Evaluation of Service and Fare Changes* and *Monitoring Transit Service*.

#### 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 METRO. An agenda letter covering the Review was sent to METRO advising it of the site visit and indicating additional information that would be needed and issues that would be discussed. The Review team focused on the General Reporting Requirements and Guidelines that are contained in FTA Title VI Circular 4702.1A that became effective on May 13, 2007. The General Reporting Requirements and Guidelines now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders.

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

* Description of METRO’s service area, including general population and other demographic information using the most recent Census data.
* Current description of METRO’s public transit service, including system maps, public timetables, transit service brochures, etc.
* Roster of METRO’s current revenue fleet, to include acquisition date, fuel type, seating configurations, and other amenities.
* Description of transit amenities maintained by METRO for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
* METRO Organization Chart.
* Any studies or surveys conducted by METRO, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding ridership, service levels and amenities, passenger satisfaction, passenger demographics, or fare issues for its public transit service during the past three years.
* Summary of METRO’s current efforts to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.
* A copy of METRO’s four factor analysis of the needs of persons with Limited English Proficiency, if updated since its most recent FTA Title VI Program Compliance Report dated February 26, 2010.
* A copy of METRO’s plan for providing language assistance to persons with Limited English Proficiency that is based on the USDOT LEP Guidance, if updated since its most recent FTA Title VI Program Compliance Report dated February 26, 2010.
* METRO’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, if updated since its most recent FTA Title VI Program Compliance Report dated February 26, 2010.
* A list of any investigations, lawsuits, or complaints naming METRO that alleges discrimination on the basis of race, color, or national origin since its most recent FTA Title VI Program Compliance Report dated February 26, 2010. This list must include:
* the date the investigation, lawsuit, or complaint was filed;
* a summary of the allegation(s);
* the status of the investigation, lawsuit, or complaint; and
* actions taken by METRO in response to the investigation, lawsuit, or complaint.
* Copy of METRO’s Notice to Beneficiaries of Protection under Title VI, if updated since its most recent FTA Title VI Program Compliance Report dated February 26, 2010.
* Documentation of efforts made by METRO to notify members of the public of the protections against discrimination afforded to them by Title VI.
* Copies of any environmental justice assessments conducted for construction projects since its most recent FTA Title VI Program Compliance Report dated February 26, 2010 and, if needed, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities.
* Documentation of any equity evaluations of fare and service changes undertaken by METRO since its most recent FTA Title VI Program Compliance Report dated February 26, 2010.
* Documentation of periodic service monitoring activities undertaken by METRO, during the past three years, to compare the level and quality of service provided to predominantly minority and low-income areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. If METRO’s monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.

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

The site visit to METRO occurred September 13 – 15, 2011. The individuals participating in the Review are listed in Section VIII of this report. An Entrance Conference was conducted at the beginning of the Compliance Review with METRO senior management, METRO staff, and the contractor Review team. The Review team showed the participants a U.S. Justice Department Title VI film during the Entrance Conference. Also, during the Entrance Conference, the Review team explained the goals of the Review and the needed cooperation of staff members. A detailed schedule for conducting the on-site visit was discussed.

Following the Entrance Conference, the Review team met with the METRO General Manager 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 METRO.

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

**Site Visits**

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Minority  (Route 71) | Non-Minority  (Route 35) | Low-Income  (Route 75) | Non-Low-Income  (Route 3) |
| Bench | 101 | 48 | 22 | 24 |
| Shelter | 47 | 16 | 12 | 6 |
| Trash Can | 46 | 35 | 11 | 3 |
| Light | 2 | 2 | 3 | 1 |
| Park and Ride | 1 | 1 | 0 | 0 |

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

1. FINDINGS AND RECOMMENDATIONS

The Title VI Compliance Review focused on METRO's compliance with the General Reporting Requirements and Guidelines. This section describes the requirements and findings at the time of the Compliance Review site visit. In summary, no deficiencies were identified in seven of the eight areas reviewed. Deficiencies were identified in the area of *Language Access to LEP Persons*. Advisory comments were issued in the areas of *Environmental Justice Analysis of Construction Projects* and *Submit Title VI Program*.

Following the issuance of the Draft report, METRO submitted documentation that it has initiated efforts to prepare its Language Access Plan. It expects to complete the Plan by February 24, 2011. METRO also described its plan to address the advisory comment related to the Title VI Program.

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

1. Inclusive Public Participation

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

**Findings:** During this Title VI Compliance Review of METRO, no deficiencies were found regarding METRO’s compliance with FTA guidance for Inclusive Public Participation. METRO provided documentation confirming early and continuous outreach to minority and low-income communities throughout its service area. Examples included:

* Holding monthly Board meetings open to the public in different locations throughout Santa Cruz County, including minority and low-income areas.
* Placing bilingual (English/Spanish) meeting announcements in the majority newspaper, Santa Cruz Sentinel.
* Placing translated meeting announcements in the minority newspaper, La Ganga.
* Engagement of the METRO Advisory Committee (MAC) which included bus riders who are members of the minority and low-income communities. MAC meeting minutes are reviewed by the METRO Board prior to every monthly Board meeting. There are three minorities on the MAC and two other individuals who reside in and represent Watsonville, METRO’s largest minority community.
* Running public information programming on local television stations and on the Internet.

At the time of the site visit, the METRO Board included one minority and four residents of METRO’s largest minority area. METRO indicated how rider-focused its Board was and how committed its Board was to including the riding public in its decision-making process. Meeting minutes from several METRO Board meetings confirmed participation and input from the minority and low-income communities.

Per a METRO memorandum dated September 7, 2010 regarding “*The Title VI Evaluation on Impacts and Mitigations Related to Fall 2010 Service Reductions*,” METRO conducted the following outreach efforts:

* *Hosted sixteen (16) public hearings in various locations throughout the County, including low-income and minority neighborhoods. Also made presentations to the Santa Cruz and Watsonville City Councils.*
* *Notices were published in multiple languages in three (3) local newspapers and onboard every fixed route bus. These notices included contact information so that members of the community could voice their concerns.*
* *Poster displays of the proposed reductions and changes were displayed at the METRO Center Pacific Station in downtown Santa Cruz.*
* *Staff also recorded a 25 minute Community Television program in multiple languages explaining the proposed changes and reductions along with the times and locations of each public hearing. This program was aired in cycles for over 6 weeks on various Community Television channels.*
* *Santa Cruz METRO’s website also hosted information on the changes and reductions as well as contact information so that members of the community could voice their concerns.*
* *Customer Service staff and Bus Operators also distributed flyer handouts with information on the Fall 2010 service reductions as well as information on public hearings and contact information.*

*Based on public feedback, several modifications were considered for the Fall 2010 service reduction proposal. Such feedback guided Santa Cruz METRO staff in anticipating the impacts to low-income and minority populations as consequence of the Fall 2010 service reduction.*

METRO was advised to record, in the form of a list or log, its inclusive public participation outreach efforts to minority and low-income communities for Title VI Program Submittal reporting purposes.

1. Language Access to LEP Persons

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

**Findings:** During this Title VI Compliance Review of METRO, deficiencies were found regarding METRO’s compliance with FTA requirements for Language Access to LEP persons. METRO did not complete a four-factor analysis or develop a Language Assistance Plan (LAP), as required by FTA Circular 4702.1A and DOT LEP Guidance. It was noted that, although METRO did not conduct a four-factor analysis, it had implemented measures to assist Spanish speaking LEP persons. For example, the Review team confirmed the availability of translated information, including METRO’s Title VI Notice, complaint procedures, complaint form, *Bus Rider’s Guide* information, and some website information.

The Review team provided technical assistance to METRO on FTA LEP requirements, including recommendations on how to conduct a four-factor analysis and develop a LAP for its transit service. Specifically, the Review team explained the four-factor analysis and Language Assistance Plan development requirements in the table below:

| **Elements Required for LEP Analysis and Language Access Plan**  **(Per FTA C. 4702.1A, IV, 4. a. and DOT Policy Guidance)** |
| --- |
| **Part A – Four-Factor Assessment** |
| 1. Demography –The number or proportion of LEP persons eligible to be served or likely to be encountered |
| 1. Frequency of Contact - the frequency with which LEP individuals come in contact with the program and/or activities |
| 1. Importance - the nature and importance of the program, activity, or service to people's lives; |
| 1. Resources - the resources available and costs |
| **Part B - Develop Language Assistance Plan** |
| 1. Identification of LEP Persons |
| 1. Language Assistance Measures |
| 1. Training of Staff |
| 1. Provide Notice to LEP Persons |
| 1. Monitor and Update the LAP |

After the issuance of the Draft Report on December 9, 2011, METRO submitted a draft of its completed LEP four-factor analysis. METRO’s LEP four-factor analysis was conducted in a manner consistent with FTA Circular 4702.1A and DOT LEP Guidance, as described in the following table:

| **Elements Required for LEP Four-Factor Analysis**  **(Per FTA C. 4702.1A, IV, 4. a. and DOT Policy Guidance)** | | |
| --- | --- | --- |
|  | **Included in METRO’s**  **Plan** | **Notes/Comments** |
| **Part A – Four-Factor Assessment** | | |
| 1. Demography –The number or proportion of LEP persons eligible to be served or likely to be encountered | Yes | METRO used 2000 and 2010 U.S. Census data, American Community Survey data, California Department of Education data, customer service and transit operator surveys, and surveys conducted in conjunction with community organizations serving LEP populations to determine the number and proportion of LEP persons it is likely to serve. METRO’s largest LEP community is Spanish speaking, followed by Chinese speaking people. Spanish and Chinese speaking LEP persons represent approximately 90 percent and 2 percent of METRO’s LEP population, respectively. METRO’s largest Spanish speaking LEP community is located in the City of Watsonville. |
| 1. Frequency of Contact - the frequency with which LEP individuals come in contact with the program and/or activities | Yes | METRO used customer service data, transit operator surveys, outreach to community organizations, and focus groups with individuals from the LEP community to determine the frequency with which it comes into contact with LEP persons. Collectively, these efforts revealed that METRO’s LEP community frequently uses its services. |
| 1. Importance - the nature and importance of the program, activity, or service to people's lives | Yes | Through outreach to community organizations and surveys METRO identified the reasons members of its LEP community relied on its service, and also identified service routes frequently used by LEP individuals. METRO’s LEP community identified healthcare, education, and employment as important reasons for using METRO’s service. |
| 1. Resources - the resources available and costs | Yes | METRO’s LEP resources are as follows: bilingual staff, interpreters, translated notices and system information in print and on the Internet, bilingual ticket vending machines, bilingual security officers and station managers. As result of its four-factor analysis, METRO identified additional resources it plans to develop, including: translation of critical website information, translation of safety and security related announcements, and “I Speak” cards for transit operators. |

In its response to the Draft report in a letter dated December 21, 2011, METRO indicated that it is working on completing its Language Assistance Plan. According to METRO, the LAP should be completed and approved by its Board of Directors at the Board’s February 24, 2012 meeting.

**Corrective Actions and Schedules:** Within 120 days, METRO must submit to the FTA Equal Opportunity Specialist in the FTA Headquarters Office of Civil Rights a completed Language Assistance Plan that meets the requirements to provide meaningful access to Limited English Proficient (LEP) persons, as described in FTA Circular 4702.1A and *DOT LEP Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons*.

1. Title VI Complaint Procedures

**Requirement:** *FTA recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request.*

**Findings:** During this Title VI Compliance Review of METRO, no deficiencies were found regarding METRO’s compliance with FTA requirements for Title VI Complaint Procedures. METRO’s complaint procedures included reasonable steps to receive and investigate complaints, and adjudicate appeals.

All Title VI complaints were recorded on a complaint form and immediately routed to METRO’s General Manager (GM). METRO’s GM assigned an investigator who interviewed all parties and collected relevant facts. The investigator submitted a report of findings to the GM who determined the merits of the complaint and associated actions to be taken. The GM also notified the complainant of METRO’s determination. If the complainant disagreed with METRO’s determination, the complainant was informed that an appeal could be filed with the METRO Board of Directors.

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

**Requirement:** *FTA recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipients that allege discrimination on the basis of race, color, or national origin. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint.*

**Findings:** During this Title VI Compliance Review of METRO, no deficiencies were found regarding METRO’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits. METRO submitted a narrative summary of the one Title VI complaint it received in the past three years. While the complaint was submitted in narrative form, it did include all elements required by FTA Circular 4702.1A, IV, 3 as follows:

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

The Review team recommended that METRO track its Title VI complaints in a log format for future reporting purposes.

1. Notice to Beneficiaries of Protection Under Title VI

**Requirement:** *FTA recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients shall disseminate this information to the public through measures that can include but shall not be limited to a posting on its Web site.*

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

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

METRO disseminated its Notice on its website, at transit centers, on its buses, and in its *Bus Riders Guide*. METRO posted its entire *Title VI Program Regulation & Complaint Procedure* on its website. This was a 13-page document that included METRO’s Title VI complaint procedures. METRO’s actual Title VI Notice was included as Attachment A on page 12 of this document. It was recommended that METRO only post its actual Title VI Notice on its website and provide a link to its *Title VI Program Regulation & Complaint Procedure*.

1. Annual Title VI Certification and Assurance

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

**Findings:** During this Title VI Compliance Review of METRO, no deficiencies were found regarding METRO’s compliance with FTA requirements for Annual Title VI Certification and Assurance. The FTA Civil Rights Assurance is incorporated in the Annual Certifications and Assurances submitted annually to FTA through the Transportation Electronic Award and Management (TEAM) system. METRO executed its FY 2011 Annual Certifications and Assurances in TEAM on December 1, 2010. METRO checked as applicable,*01. Certifications and Assurances required of all applicants*. This is the category where the nondiscrimination assurance is located.

1. Environmental Justice Analysis of Construction Projects

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

**Findings:** During this Title VI Compliance Review of METRO, an advisory comment was issued regarding METRO’s compliance with FTA guidance for Environmental Justice (EJ) Analyses of Construction Projects. METRO did not have any construction projects in the past three years. For METRO’s most recent construction project, *MetroBase Project* (2002), FTA approved a Categorical Exclusion (CE), however, METRO was unaware of the need to, and did not, complete a FTA CE Checklist. While the *MetroBase Project* qualified for a CE by FTA, METRO decided, in response to community feedback, to conduct an Environmental Impact Report (EIR) titled, *Environmental Impact Report for the MetroBase Project SCH #2001042003*, dated February 7, 2003. This EIR did not contain a discussion of the project’s impacts on minority and low-income communities, as required by FTA Circular 4702.1A, IV, 8. These requirements are as follows:

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

For all future construction projects, METRO was advised to complete a CE checklist or include all elements listed in the table above in its Environmental Assessments and/or Environmental Impact Statements/Reports, as required by the Circular.

1. Submit Title VI Program

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

**Findings:** During this Title VI Compliance Review of METRO, an advisory comment was issued regarding METRO’s compliance with FTA requirements to Submit Title VI Program. Prior to the site visit, METRO’s most recent *Title VI Compliance Update 2010* included three of the five elements required by FTA Circular 4702.1A, IV, 7, as described in the following table:

| **ELEMENTS REQUIRED FOR TITLE VI PROGRAM** | |
| --- | --- |
| **GENERAL REQUIREMENTS (Per FTA C. 4702.1A, IV, 7. a. (1) – (5))** | **In METRO’s Title VI Program Submittal?** |
| * A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities. | No |
| * A copy of the agency’s plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency’s alternative framework for providing language assistance. | No |
| * A copy of the agency procedures for tracking and investigating Title VI complaints. | Yes |
| * A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part. | Yes |
| * A copy of the agency’s notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint. | Yes |

METRO did have a section in its *Title VI Compliance Update 2010* for LEP, which consisted of an acknowledgement of what is required in a four-factor analysis, but did not include its completed four-factor analysis or LAP.

METRO’s *Title VI Compliance Update 2010* did not include a summary of public outreach and involvement activities; however, prior to the site visit, METRO provided documentation confirming outreach to minority and low-income communities per FTA Circular 4702.1A, IV, 9. In addition, METRO’s *Title VI Compliance Update 2010* included information required in the previous FTA Circular, 4702.1 that is no longer required in the current Circular, 4702.1A. METRO was advised to develop its next Title VI Submittal per FTA Circular 4702.1A, which includes providing documentation confirming outreach to minority and low-income communities.

In its response to the Draft report in a letter dated December 21, 2011, METRO indicated that it is compiling a summary of all public outreach efforts since it’s February 2010 Title VI Program Submittal. Once this summary is completed METRO will submit it to the FTA Region IX Civil Rights Officer as an update to its February 2010 Title VI Program Submittal.

**TECHNICAL ASSISTANCE**

1. Evaluation of Service and Fare Changes

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

With respect to the program-specific reporting requirements in FTA Circular 4702.1A, METRO is not considered a large-urban operator based on the aggregate population of the four incorporated urbanized areas in METRO’s service area. As such, METRO is not required to report to the FTA its activities related to Evaluations of Service and Fare Changes. Nevertheless, per FTA Circular 4702.1A, METRO is required to ensure that its programs, services, and decisions are made without regard to race, color, or national origin, and that decisions impacting its services do not have a disparate impact on minorities and low-income persons. Consistent with this requirement is the need for METRO to consider the impact changes to its service and fares have on minorities and low-income persons to ensure that these protected groups are not impacted disproportionately by its decisions.

During the site visit, it was confirmed that METRO sufficiently analyzed the impact of service and fare changes on its riders and attempted to mitigate all adverse effects. With respect to service changes, METRO produced maps of the routes proposed for a change, and produced a summary of impacts and related mitigation efforts when evaluating service changes. METRO also produced separate demographic maps of its service area that identified minority and low-income populations. For future service change evaluations, it was recommended that METRO create a map that identifies its proposed route changes and also shows where its minority and low-income populations are to visually determine if the proposed change has a disparate impact on minorities and low-income persons. It is also recommended that for its summary of impacts and related mitigation efforts, METRO should specifically include an analysis of the impacts on minorities and low-income persons.

With respect to fare changes, it was recommended that METRO develop a procedure for considering the impacts of fare changes on minority and low-income populations. In a 2003 study conducted by the University of California, Santa Cruz (UCSC) titled, *Technical Memorandum #2: UCSC Comprehensive Transit Study Survey Results and Transit Results Draft Report*, it was pointed out that discounts associated with monthly, pre-paid passes had an unintended disparate impact on low-income persons who were more likely to pay on a per trip basis. As a result, METRO indicated that it changed its fare policy to include a comparable discount on per trip fares to mitigate the disparity.

In the future, it is recommended that METRO reference the following requirements in FTA Circular 4702.1A, V, 4 when developing procedures for conducting equity evaluations for fare changes during the planning phase:

| **ELEMENTS REQUIRED FOR EVALUATION OF SERVICE AND FARE CHANGES (PER FTA C. 4702.1A, V, 4.)** |
| --- |
| 1. ASSESS THE EFFECTS OF THE PROPOSED FARE OR SERVICE CHANGE ON MINORITY AND LOW-INCOME POPULATIONS. |
| *Route changes – Produce maps of service changes overlaid on a demographic map of the service area* |
| *Span of service – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted* |
| *Fare changes – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted* |
| 1. ASSESS THE ALTERNATIVES AVAILABLE FOR PEOPLE AFFECTED BY THE FARE INCREASE OF MAJOR SERVICE CHANGE. |
| *Service changes – Analyze what, if any, modes of transit are available for people affected by the service expansion or reduction. Analysis should compare travel time and costs to the rider of the alternatives.* |
| *Fare changes – Analyze what, if any, alternative transit modes, fare payment types or fare payment media are available for people affected by the fare change. Analysis should compare fares paid under the change with fares that would be paid through available alternatives.* |
| 1. DESCRIBE ACTIONS THE AGENCY PROPOSES TO MINIMIZE, MITIGATE, OR OFFSET ANY ADVERSE EFFECTS OF CHANGES ON MINORITY AND LOW-INCOME POPULATIONS. |
| 1. DETERMINE ANY DISPROPORTIONATELY HIGH AND ADVERSE EFFECTS ON MINORITY AND LOW-INCOME RIDERS. IF ANY, DESCRIBE THAT ALTERNATIVES WOULD HAVE MORE SEVERE ADVERSE EFFECTS THAN THE PREFERRED ALTERNATIVE |

During the site visit, METRO acknowledged the need to specifically consider impacts on minorities and low-income persons when considering and implementing service and fare changes.

1. Monitoring Transit Service

**Requirement:** FTA *recipients shall monitor the transit service provided throughout its service area. Periodic service monitoring activities shall be undertaken to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. Monitoring shall be conducted at minimum once every three years. If recipient monitoring determines that prior decisions have resulted in disparate impacts, it shall take corrective action to remedy the disparities.*

With respect to the program-specific reporting requirements in FTA Circular 4702.1A, METRO is not considered a large-urban operator based on the aggregate population of the four incorporated urbanized areas in METRO’s service area. As such, METRO is not required to report to the FTA its activities related to Monitoring Transit Service. Nevertheless, per FTA Circular 4702.1A, METRO is required to ensure that its programs and services are delivered without regard to race, color, or national origin, and that decisions impacting its services do not have a disparate impact on minorities and low-income persons.

In its *Title VI Civil Rights Compliance Report*, dated December 14, 1999, METRO satisfactorily conducted a Level of Service Title VI monitoring effort. While METRO has not performed this level of Title VI monitoring since (as it has not been required to due to the fact that it is not considered a large-urban operator), it has in its general system performance monitoring efforts, included an analysis of its services provided to communities throughout its service area that are considered minority and/or low-income. METRO indicated that it will begin conducting monitoring as it did in 1999 and per FTA Circular 4702.1A, V, 5 every three years starting with its next Title VI Program Submittal, specifically monitoring the impacts of its service on minorities and low-income persons. The Review team discussed the following Circular requirements with METRO as guidance for conducting Title VI monitoring going forward:

|  |
| --- |
| **Elements Required for Monitoring – Option A: Level of Service Methodology**  **(Per FTA C. 4702.1A, V, 5. a.)** |
| 1. Select a sample of bus routes and fixed guideway routes that provide service to a demographic cross-section of the recipient’s population. A portion of the routes in the sample should be those routes that provide service to a predominantly minority and low-income areas. |
| 1. Assess the performance of each route in the sample for each of the recipient’s service standards and policies. |
| 1. Compare the transit service observed in the assessment to the established service policies and standards. |
| 1. In cases in which observed service does not meet the stated service policy or standard, recipients should determine why the discrepancy exists and take corrective action to correct the discrepancy. |
| **Elements Required for Monitoring – Option B: Quality of Service Methodology**  **(Per FTA C. 4702.1A, V, 5. b.)** |
| 1. Identify an appropriate number of Census tracts or traffic analysis zones that represent a cross-section of the recipient’s population. A portion of this sample should include Census tracts or traffic analysis zones where minority and/or low-income residents predominate. Recipients should keep in mind that the greater the sample size, the more reliable the results. |
| 1. Identify the most frequently traveled destinations for riders using the recipient’s service. |
| 1. For each of the three most frequently traveled destinations, compare the average peak hour travel time to destination, average non-peak hour travel time to destination, number of transfers required to reach the destination, total cost of trip to the destination, and cost per mile of trip to the destination for people beginning the trip in the selected Census tracts or traffic analysis zones. |
| 1. If disparities exist in any of these factors along the trips to any of the destinations analyzed, recipients should determine whether the differences are significant. FTA recommends that recipients employ standard statistical tests for significance to make this determination. |
| 1. If significant disparities in one or more quality of service indicators have been confirmed, recipients should determine why the disparity exists and take corrective action to correct the disparity. |
| **Elements Required for Monitoring – Option C: Title VI Analysis of Customer Surveys (Per FTA C. 4702.1A, V, 5. c.)** |
| 1. For their most recent passenger survey, compare the responses from individuals who identified themselves as members of minority groups and/or in low-income brackets, and the responses of those who identified themselves as white and/or in middle and upper-income brackets. |
| 1. To the extent that survey data is available, recipients should determine whether the different demographic groups report significant differences in the travel time, number of transfers, and overall cost of the trip or if different demographic groups gave significantly different responses when asked to rate the quality of service, such as their satisfaction with the system, willingness to recommend transit to others, and value for fare paid. |
| 1. If the agency concludes that different demographic groups gave significantly different responses, it should take corrective action to address the disparities. |
| **Elements Required for Monitoring – Option D: Locally Developed Alternative**  **(Per FTA C. 4702.1A, V, 5. d.)** |
| Recipients have the option of modifying the above options or developing their own procedures to monitor their transit service to ensure compliance with Title VI. Any locally developed alternative should be designed to ensure that the agency’s service meets the expectations of 49 CFR part 21 as illustrated by the example in Appendix C of the same, which provides that “no person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.” |

1. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS

| **Title VI Requirements For Small Urbanized Areas** | **Findings** | **Description of Deficiencies/**  **Comments** | **Corrective Action(s), if Required** | **Response Days/Date** | **Date Closed** |
| --- | --- | --- | --- | --- | --- |
| **GENERAL REPORTING REQUIREMENTS – FTA C. 4702.1A. IV, 1-9** | | | | | |
| 1. Inclusive Public Participation | ND |  |  |  |  |
| 1. Language Access to LEP Persons | D | No four-factor analysis or Language Assistance Plan (LAP). | METRO must submit to the FTA Equal Opportunity Specialist in FTA’s Headquarters Office of Civil Rights documentation that it has completed a LEP four-factor assessment and developed a Language Assistance Plan, as required by FTA Circular 4702.1A. | 120 Days |  |
| 1. Title VI Complaint Procedures | ND |  |  |  |  |
| 1. Record of Title VI Investigations, Complaints, and Lawsuits | ND |  |  |  |  |
| 1. Notice to Beneficiaries of Protection Under Title VI | ND |  |  |  |  |
| 1. Annual Title VI Certification and Assurance | ND |  |  |  |  |
| 1. Environmental Justice Analysis of Construction Projects | AC | For all future construction projects requiring a Categorical Exclusion (CE), METRO was advised to complete a FTA CE Checklist per FTA Circular 4702.1A, IV, 8.  For all future construction projects requiring an Environmental Assessment (EA), or Environmental Impact Statement/Report (EIS/EIR), METRO was advised to include all six elements required by FTA Circular 4702.1A, IV, 8. |  |  |  |
| 1. Submit Title VI Program | AC | METRO was advised to develop its next Title VI Program Submittal per FTA Circular 4702.1A, IV, 7, which includes providing documentation confirming outreach to minority and low-income communities.  Items required by the old FTA Circular 4702.1 that are not required by the current FTA Circular 4702.1A should be omitted in future METRO Title VI Program submittals. | METRO was advised to create a summary of its public outreach and involvement activities to minority and low-income communities that occurred since its February 2010 Title VI Program Submittal and submit its summary to the FTA Region IX Civil Rights Officer as an update to its February 2010 Title VI Program Submittal. |  |  |

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

NR = Not Reviewed; AC = Advisory Comment

1. ATTENDEES

| **NAME** | **ORGANIZATION/TITLE** | **PHONE NUMBER** | **E-MAIL ADDRESS** |
| --- | --- | --- | --- |
| **GRANTEE – Santa Cruz Metropolitan Transit District (METRO)** | | | |
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1. While METRO’s service area is technically all of Santa Cruz County METRO, primarily operates service in the four urbanized areas (UZAs) of Santa Cruz, Watsonville, Capitola, and Scotts Valley. [↑](#footnote-ref-1)
2. Per the 2000 and 2010 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories. [↑](#footnote-ref-2)