

San Francisco Municipal Transportation Agency

Title VI Compliance Review

Final Report

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Federal Transit Administration



**PRE PA RE D BY**

The DMP Group, LLC

Washington, DC





**Table of Contents**

I. GENERAL INFORMATION 1

II. JURISDICTION AND AUTHORITIES 2

III. PURPOSE AND OBJECTIVES 3

IV. BACKGROUND INFORMATION 5

V. SCOPE AND METHODOLOGY 9

VI. FINDINGS AND RECOMMENDATIONS 13

1. Inclusive Public Participation 13

2. Language Access to LEP Persons 15

3. Title VI Complaint Procedures 18

4. Record of Title VI Investigations, Complaints, and Lawsuits 19

5. Notice to Beneficiaries of Protection Under Title VI 20

6. Annual Title VI Certification and Assurance 20

7. Environmental Justice Analysis of Construction Projects 21

8. Submit Title VI Program. 23

9. Demographic Data 24

10. Systemwide Service Standards and Policies 25

11. Evaluation of Service and Fare Changes 30

12. Monitoring Transit Service 32

VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS 34

VIII. ATTENDEES 35

1. GENERAL INFORMATION

Grant Recipient: San Francisco Municipal Transportation Agency (SFMTA)

City/State: San Francisco, CA

Grantee No: 1697

Executive Official: Edward D. Reiskin

Director of Transportation

San Francisco Municipal Transportation Agency

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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 San Francisco Municipal Transportation Agency (SFMTA) 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, 2011)

1. PURPOSE AND OBJECTIVES

#### 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 San Francisco Municipal Transportation Agency (SFMTA) Title VI Program was necessary.

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

**Objectives**

The objectives of FTA’s Title VI Program, as set forth in FTA Circular 4702.1A, dated May 13, 2007, “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients” are to:

* Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin.
* Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations.
* Promote the full and fair participation of all affected populations in transportation decision making.
* Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
* Ensure meaningful access to programs and activities by persons with limited English proficiency. The objectives of Executive Order 13166 and the “DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries” are for FTA grantees to take reasonable steps to ensure “meaningful” access to transit services and programs for limited English proficient (LEP) persons.

IV. BACKGROUND INFORMATION

The San Francisco Municipal Railway (MUNI) began service in 1912 as one of the first publicly owned and operated transit systems in the United States. In 1944, MUNI absorbed the privately owned Market Street Railway, which more than doubled the size of the system. All of the transit services within San Francisco were brought under public control when the City acquired the California Street Cable Railroad in 1952. From 1932 until 1994, MUNI was governed by the City’s Public Utilities Commission (PUC). In November 1993, Proposition M was passed by the city’s voters, creating the Public Transportation Commission (PTC) and the Public Transportation Department (PTD). MUNI was made part of the PTD and came under control of the PTC in June 1994.

In November 1999, the voters of San Francisco passed a charter amendment, known as Proposition E, which consolidated MUNI and the Department of Parking and Traffic into a new San Francisco Municipal Transportation Agency (SFMTA), led by a Director of Transportation and a seven-member Board of Directors. The SFMTA Board of Directors is appointed by the Mayor and has the authority to appoint the Director of Transportation, approve the budget, and set agency policy.

In addition to the Board of Directors, SFMTA has a number of councils and committees that are authorized to facilitate agency governance regarding a host of critical transportation areas. Some of these entities are internal to the agency, with members who are SFMTA staff. Others are interagency committees staffed by SFMTA and other City departments. There are also a number of citizen councils and committees designed to provide public input and involvement in the governance of the agency.

SFMTA oversees public transit, parking and traffic, and taxis. What has historically been branded and known as MUNI represents and functions to provide SFMTA’s public transit service. With five modes of transit (bus, trolley bus, light rail, historic streetcar, and cable car), SFMTA provides more than 700,000 passenger boardings each day. It is the largest transit system in the San Francisco Bay Area and seventh largest in the nation, serving more than 200 million customers each year. SFMTA’s fleet is unique and includes historic streetcars, biodiesel and electric hybrid buses, electric trolley coaches, light rail vehicles, paratransit cabs and vans, and the world-famous cable cars.

SFMTA’s service area includes the entire city and county of San Francisco, which has a total population of 805,000 individuals, according to the 2010 U.S. Census. SFMTA has 75 routes throughout the city and county of San Francisco, with stops within a quarter mile of most residences in the city. SFMTA provides service 24 hours a day, 7 days a week. Short segments of a few SFMTA routes operate within San Mateo County, and one SFMTA route operates in Marin County on Sundays and holidays. The majority of routes operate between 5:00 am and 12:00 am; however, SFMTA’s service includes 10 evening Owl routes that operate between 12:00 am and 5:00 am. To operate service, SFMTA maintains a fleet of approximately 506 buses, 313 electric vehicle trolley coaches, 151 Breda light rail vehicles (LRV), 40 historic streetcars, and 40 cable car vehicles. SFMTA also maintains a series of amenities located throughout the transit stop network, which includes approximately 3,800 transit stops. Transit stops in the system include passenger amenities such as shelters, real-time bus arrival information systems, stop IDs, and Landor (flag) signs.

SFMTA has more than 4,500 employees in the following 5 major divisions:Administration, Safety and Training; Capital Programs and Construction; Finance and Information Technology; Sustainable Streets; and Transit. In addition to those divisions, there is also the Director of Transportation’s office.

The current full cash fare for all SFMTA services, except the cable cars, is $2.00 (including a free transfer that is good for 90 minutes). Older adults (age 65 and over), youth (5–17), people with disabilities, and Medicare Card holders can show a valid Regional Transit Connection (RTC) Discount card or other valid ID and pay a discounted fare of $0.75. Cable car trips cost $6.00 per single ride. Before 7:00 am and after 9:00 pm, cable car trips for individuals with valid IDscost $3.00 per single ride. Cable cars do not accept or issue transfers.

The Director of Transportation has overall responsibility for carrying out SFMTA’s commitment to the Title VI program. The Office of Agency Oversight has been delegated the responsibility of coordinating program procedures, overseeing implementation, and monitoring and reporting on progress. The Title VI program is an agency-wide initiative, and all managers, supervisors, and employees share the responsibility of identifying and reporting civil rights violations.

The following table represents a demographic profile of SFMTA’s service area using data from the 2000 and the 2010 Census. The table shows the 2000 and 2010 population by racial/ethnic group, the increase (or decrease) in population from 2000 to 2010, and the percentage of the racial/ethnic group population to the total population in both 2000 and 2010. The table also shows the 2000 and 2010 population of individuals below the poverty level (Low-Income) and individuals who speak English less than “very well” (Limited English Proficient).

From 2000 to 2010, the total population of SFMTA’s service area increased 3.7 percent. During this period, the White population increased 1.2 percent, the Black population decreased 19.2 percent, the Hispanic population increased 11.2 percent, the Asian population increased 11.8 percent, the American Indian/Alaskan Native population increased 16.4 percent, and the Hawaiian/Pacific Islander decreased 12.6 percent.

In 2010, 48.5 percent of the total population was White, 6.1 percent was Black, 15.1 percent was Hispanic, 33.3 percent was Asian, 0.5 percent was American Indian/Alaskan Native, and 0.4 percent was Hawaiian/Pacific Islander.

According to the 2000 Census, 86,600 persons (11.1%) of the population had income below the poverty level and 186,400 persons (24%) of the population had limited English proficiency (LEP). The information for low income and LEP for 2010 are estimates (see footnote below).

**Demographics of the City/County of San Francisco**

**Racial/ Ethnic Breakdown**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Racial/ Ethnic Group** | **San Francisco City/County**  **2000** | | **San Francisco City/County**  **2010** | | | **Change in San Francisco City/County** | | | |
| **Number** | **Percent** | **Number** | **Percent** | | **Number** | | **Percent change ethnic group** | **Percent change total population** |
| White | 385,728 | 49.7% | 390,387 | 48.5% | | 4,659 | | 1.2% | (1.2%) |
| Black | 60,515 | 7.8% | 48,870 | 6.1% | | (11,645) | | (19.2%) | (1.7%) |
| American Indian/ Alaska Native | 3,458 | 0.4% | 4,024 | 0.5% | | 566 | | 16.4% | 0.1% |
| Asian | 239,565 | 30.8% | 267,915 | 33.3% | | 28,350 | | 11.8% | 2.4% |
| Hawaiian/ Pacific Islander | 3,844 | 0.5% | 3,359 | 0.4% | | (485) | | (12.6%) | (0.1%) |
| Other Race | 50,368 | 6.5% | 53,021 | 6.6% | | 2,653 | | 5.3% | 0.1% |
| Two or More | 33,255 | 4.3% | 37,659 | 4.7% | | 4,404 | | 13.2% | 0.4% |
| Hispanic Origin[[1]](#footnote-1) | 109,504 | 14.1% | 121,774 | 15.1% | | 12,270 | | 11.2% | 1.0% |
| **Total** | **776,733** | **100%** | **805,235** | **100%** | | **28,502** | |  | **3.7%** |
|  |  |  |  | |  | |
| Low Income | 86,600 | 11.1% | 95,8232 | | 11.9% | |
| Limited English | 186,400 | 24.0% | 179,4042 | | 22.3% | |

Source: 2000 and 2010 U.S. Census V. SCOPE AND METHODOLOGY

#### Scope

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

1. General Reporting Requirements and Guidelines – All applicants, recipients and sub-recipients shall maintain and submit the following:
2. Annual Title VI Certification and Assurance
3. Title VI Complaint Procedures
4. Record of Title VI Investigations, Complaints, and Lawsuits
5. Language Access to LEP Persons
6. Notice to Beneficiaries of Protection under Title VI
7. Submit Title VI Program
8. Environmental Justice Analysis of Construction Projects
9. Inclusive Public Participation
10. Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas – All applicants, recipients and sub-recipients that provide public mass transit service in areas with populations over 200,000 shall also submit the following:
11. Demographic Data
12. Systemwide Service Standards and Policies
13. Evaluation of Service and Fare Changes
14. 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 SFMTA. An agenda letter covering the review was sent to SFMTA advising it of the site visit and indicating additional information that would be needed and issues that would be discussed.

The SFMTA Title VI review team focused on the compliance areas that are contained in FTA Title VI Circular 4702.1A that became effective on May 13, 2007. These compliance areas are General Reporting Requirements and Guidelines, and Program-Specific Requirements for Recipients Serving Large Urbanized Areas. The General Reporting Requirements and Guidelines now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders.

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

* Description of SFMTA’s service area, including general population and other demographic information using the most recent Census data.
* Current description of SFMTA’s public transit service, including system maps, public timetables, transit service brochures, etc.
* Roster of current SFMTA revenue fleet, to include acquisition date, fuel type, seating configurations and other amenities.
* Description of transit amenities maintained by SFMTA for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
* SFMTA Organization Chart.
* Any studies or surveys conducted by SFMTA, 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 SFMTA’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.
* Copy of SFMTA’s four factor analysis of the needs of persons with limited English proficiency, if updated since its December 2010 Language Assistance Plan.
* Copy of SFMTA’s plan for providing language assistance for persons with limited English proficiency that is based on the USDOT LEP Guidance, if updated since its December 2010 Language Assistance Plan.
* SFMTA’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 2010 Title VI Program Update, dated December 2010.
* List of any investigations, lawsuits, or complaints naming SFMTA that alleges discrimination on the basis of race, color, or national origin during the past three years. This list must include:
* the date the investigation, lawsuit, or complaint was filed;
* a summary of the allegation(s);
* the status of the investigation, lawsuit, or complaint; and
* actions taken by SFMTA in response to the investigation, lawsuit, or complaint.
* Documentation of efforts made by SFMTA to notify members of the public of the protections against discrimination afforded to them by Title VI.
* Copies of any environmental justice assessments conducted for construction projects during the past three years and, if needed, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities.
* Copy of SFMTA’s demographic analysis of its urban beneficiaries, if updated since its 2010 Title VI Program Update dated December 2010. 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 SFMTA’s locally developed demographic analysis of its customer’s travel patterns.
* Quantitative system-wide service standards and qualitative system-wide service policies adopted by SFMTA to guard against discriminatory service design or operations decisions, if updated since its 2010 Title VI Program Update dated December 2010.
* Documentation of SFMTA’s methodology for evaluating 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 (Note: per Circular 4702.1A Chapter V part 4, this requirement applies to “major service changes” only and SFMTA should have established guidelines or thresholds for what it considers a “major” service change to be.) If SFMTA has made significant service changes or fare changes in the past three years or is currently planning such changes, provide documentation of SFMTA’s Title VI evaluations of the service or fare changes.
* Documentation of periodic service monitoring activities undertaken by SFMTA, 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 SFMTA’s monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.

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

The site visit occurred June 12–15, 2012. The individuals participating in the SFMTA review are listed in Section VIII of this report. An Entrance Conference was conducted at the beginning of the Compliance Review with SFMTA management staff; the FTA Headquarters Title VI, EEO, and DBE Team Leader and the Equal Opportunity Specialist; the Region IX Regional Civil Rights Officer; and the contractor review team. The review team showed the participants a U.S. Justice Department Title VI film during the Entrance Conference and explained the goals of the review and needed cooperation of staff members. A detailed schedule for conducting the on-site visit was discussed. Following the Entrance Conference, the Compliance Review team conducted a detailed examination of documents submitted in advance of the site visit.

**Site Visits**

With the assistance of SFMTA staff, the review team identified three minority routes (two bus lines and one LRV) and three non-minority routes (two bus lines and one LRV). During the site visit, the review team toured each of these routes in their entirety to observe ridership, vehicle assignment and condition, bus stops, and transit amenities. The review team observed no disparities in the amenities at LRV stops. All LRV stops included the following combination of amenities: maps, two trash cans, a 311 access telephone, security cameras, three benches, real-time arrival signs, lighting, and accessibility for persons with disabilities. The following table identifies the four bus routes toured and their respective transit amenities:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Transit Amenity** | **54 Felton**  **Minority** | **37 Corbett**  **Non-minority** | **49 Van Ness**  **Minority** | **22 Fillmore**  **Non-minority** |
| Shelters | 15 | 14 | 54 | 47 |
| Benches | 16 | 13 | 50 | 48 |

Following the site visit, an Exit Conference was held with SFMTA staff, the FTA Headquarters Civil Rights Equal Opportunity Specialist, the FTA Region IX Civil Rights Officer, and the contractor Review team. At the Exit Conference, the results of the Compliance Review were discussed with SFMTA.

VI. FINDINGS AND RECOMMENDATIONS

The Title VI Compliance Review focused on SFMTA’s compliance with the General Reporting Requirements and Guidelines and the Program-Specific Requirements for Recipients Serving Large Urbanized Areas. This section describes the requirements, guidance and findings at the time of the Compliance Review site visit. In summary, no deficiencies were identified in any of the 12 requirements of the Title VI Circular applicable to recipients serving large urbanized areas.

#### 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 SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA guidance for Inclusive Public Participation. SFMTA provided documentation that it had an inclusive public participation process that provided minority, low-income, and LEP persons with early and continuous opportunities to give input into its transportation planning and decision-making processes, as required by FTA Circular 4702.1A, IV-9.

In its Public Participation Plan, dated June 2012, SFMTA described its approach to public involvement as follows:

The purpose of the San Francisco Municipal Transportation Agency’s (SFMTA) Public Participation Plan (“Plan”) is to provide a framework of options and strategies from which to guide a customized, systematic and strategic public involvement approach that seeks out and considers the viewpoints of the general public and other stakeholders in the course of conducting public outreach and involvement activities. Of particular importance are those methodologies that specifically address linguistic, institutional, cultural, economic, historical or other barriers that may be preventing minority, low-income and limited English proficient (LEP) populations from participating effectively in the SFMTA’s decision-making process.

The Plan also reflects and reinforces the primary goal of the SFMTA’s public involvement activities: to offer early and continuous opportunities for the public to learn about a particular project or initiative while meeting the particular needs of the groups being presented to, such as language or schedule and location accommodations, in order to maximize their involvement in the identification of social, economic and environmental impacts of proposed transportation decisions.

Included in SFMTA’s Plan were methods used by SFMTA to specifically engage and receive input from minority, low-income, and LEP persons in its planning efforts. These methods were as follows:

* Community meetings
* Collecting and disseminating information using the SFMTA website and through popular social media (i.e., Facebook and Twitter)
* Use of ethnic media
* Community events
* Community based organization outreach
* Addressing issues of convenience and accessibility to maximize public involvement
* Translation assistance
* Multi-lingual materials
* Street-level outreach
* Community Advisory Groups
* Email communications
* Citizens Advisory Council meetings
* SFMTA Board meetings

For all projects, SFMTA attempted to maximize public involvement by designing a customized outreach strategy. SFMTA described a process by which stakeholders were identified at the beginning of a project planning effort. Based on the unique characteristics of the project and stakeholder needs and concerns, SFMTA selected the most effective combination of methods.

SFTMA provided numerous examples of its public participation efforts, including activities associated with its Clipper card implementation and its Central Subway construction project. These examples showed how SFMTA customized its outreach strategies according to stakeholder needs.

During the site visit, SFMTA also explained which methods were most effective for reaching different groups of people. For example, Asians and Hispanics were most effectively engaged through community-based organizations, citizen advisory councils, churches, and ethnic media (e.g., *El Mensajero* newspaper, *Sing Tao* newspaper, and *Kstati* newspaper). SFMTA found that, in addition to community meetings, community newspapers (e.g., *Bay View National Black Newspaper*), and outreach through churches, street level outreach was most effective for engaging the African-American community. In its Public Participation Plan dated June 2012, SFMTA described street level outreach in the following way:

Many SFMTA customers and San Francisco residents may have no interest or ability to participate in a meeting or review a website. Street level outreach attempts to capture the opinions and needs of these stakeholders. This includes knowledgeable staff and ambassadors engaging in conversations, recording comments via written notes, or via mobile application that allows transit users to comment while talking with an ambassador out in the field. For corridor-level outreach, project staff engages residents, businesses, and customers that live and conduct business along the route to articulate the potential impact, build support, and address in-person concerns or ideas. Local neighborhood and merchant group meetings are leveraged and, where appropriate, staff goes door-to-door. This outreach corresponds with ongoing public meetings and offers an additional opportunity to extend invitations for attendance.

SFMTA’s inclusive public participation activities satisfied all the requirements of FTA Circular 4702.1A, IV-9.

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 SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Language Access to LEP persons. During the site visit, SFMTA submitted its updated Language Assistance Plan dated June, 2012, which fully complied with FTA Circular 4702.1A, IV, 4.a and DOT Policy Guidance, as illustrated in the following table:

| **Elements Required for LEP Assessment and Language Access Plan**  **(per FTA C. 4702.1A, IV, 4. a. and DOT Policy Guidance)** | | |
| --- | --- | --- |
|  | **Included in SFMTA’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 | SFMTA effectively used a combination of data from 2000 U.S Census data, American Community Survey (ACS) 2006–2010, San Francisco Unified School District 2010–2011, and California Department of Education 2010–2011. SFMTA also used GIS mapping and analysis of current ACS data to further understand how its LEP populations were distributed throughout its service area. Through these data sources and related analyses, SFMTA was able to determine that there were more than 182,000 LEP individuals within its service area. It was also able to confirm the following top five primary languages spoken by LEP persons within its service area:   * Chinese (52% of LEP total) * Spanish (22% of LEP total) * Tagalog (6% of LEP total) * Russian (5% of LEP total) * Vietnamese (4% of LEP total) |
| 1. Frequency of Contact – the frequency with which LEP individuals come in contact with the program and/or activities | Yes | SFMTA used 2006–2010 ACS data to establish that 18.5% of the 182,000 LEP individuals in its service used its bus and/or rail service to get to work. From this data, SFMTA concluded that “LEP customers came in frequent, if not, daily contact with SFMTA’s primary activity.” SFMTA also used the following sources of information to determine how often LEP individuals came into contact with its service:   * Language Line data * Website translation statistics * In-person customer service encounters with LEP individuals * Spring 2012 survey information * Interviews with community based organization (CBO) staff * Focus group feedback   SFMTA did a thorough job of analyzing statistical and subjective information to understand how often, when, and why it encountered its LEP customers. During the site visit, SFMTA explained its use of focus groups and how effective they were at helping SFMTA better understand its LEP ridership. SFMTA’s determined the following from its efforts:   * There was a high level of frequent contact between LEP customers and SFMTA’s primary service. * Chinese and Spanish LEP customers are encountered most frequently, followed by Russian LEP customers. |
| 1. Importance – the nature and importance of the program, activity, or service to people's lives | Yes | Through its moderation of focus groups, SFMTA learned that providing reliable transportation was most important to its LEP customers, many of whom participating in the focus groups were transit dependent. LEP customers identified the following aspects of SFMTA’s service as critical:   * Announcements * Citywide access * Cleanliness * Connections * Frequency * Language assistance * Timeliness * Safety * Security |
| 1. Resources – the resources available and costs | Yes | Based on the needs of its LEP community, SFMTA satisfactorily took inventory of its existing LEP measures and associated costs. SFMTA’s LEP measures primarily consisted of translated documents, pictograms, a language line, and ongoing engagement with community organizations knowledgeable of the LEP communities throughout the SFMTA service area. |
| **Part B - Develop Language Assistance Plan** | | |
| 1. Identification of LEP Persons | Yes | See Factor 1 above. It is recommended that SFMTA use 2010 LEP U.S. Census data when available for future updates to its LAP. |
| 1. Language Assistance Measures | Yes | SFMTA’s language assistance measures included, but were not limited to, the following: multilingual customer alerts, take-ones, car cards, handouts, station signage, and meeting notices; translated content at [www.sfmta.com](http://www.sfmta.com); multilingual 311 customer service; LEP training for public contact employees; language line services; pictograms; multilingual announcements on Muni buses; multilingual print and broadcast media; bilingual and multilingual public contact employees; outreach to CBOs serving LEP populations; and translation assistance at meetings open to the public.  SFMTA identified the following future language assistance tools: enhanced website functionality to increase multilingual content; enhanced radio capability on Muni buses and in Muni Metro stations; new platform displays to hold more multilingual messages; and inclusion of multilingual content in social media communication. |
| 1. Training of Staff | Yes | SFMTA conducted language assistance training for all designated public contact employees either during new hire orientation or annually as part of its State-mandated refresher training, and also during its annual mandated customer service training. |
| 1. Provide Notice to LEP Persons | Yes | SFMTA provided notice to LEP persons in the following ways: signage on its website, vehicles, and at stations; via its “311 free language assistance” tagline; 311 free language assistance customer card distributed via transit operators and customer service staff; disseminating information via CBOs and other community stakeholders; displaying “interpretation services available” signage in areas where language line assistance is available; and through its Interactive Voice Recognition System. In addition to notice placed on buses and on its website, SFMTA disseminated information to LEP communities via partner organizations knowledgeable about the LEP communities in its service area. |
| 1. Monitor and Update the LAP | Yes | In accordance with the San Francisco Language Access Ordinance, SFMTA was required to submit to the City and County of San Francisco’s Office of Civic Engagement and Immigrant Affairs, an annual compliance plan. This plan included annual updates in the following areas: customer demographics, LEP frequency of contact, listing of bilingual public contact employees, group location and training updates, language assistance tools and policies, translated materials, Language Access Ordinance goals, and budget information.  Specifically, with respect to FTA Title VI LAP requirements, SFMTA stated that, at a minimum, it would review and update as needed its entire LAP plan every three years to coincide with its triennial Title VI program submittal. |

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.*

**Finding:** During this Title VI Compliance Review of SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Title VI Complaint Procedures. SFMTA’s procedures for filing Title VI complaints included multiple ways to receive complaints, reasonable and timely procedures for investigating complaints, and procedures for filing appeals.

SFMTA explained that most of its Title VI complaints were filed with the citywide 311 Customer Service Call Center. Once received, these complaints were forwarded to SFMTA’s Customer Service Unit (CSU). The CSU was responsible for entering complaint information into its Trapeze COM tracking system and routed complaints to the appropriate SFMTA department for investigation and follow-up. Complaints were investigated and a resolution code entered into its tracking system within 30 days. Customers could file an appeal with the SFMTA Director of Transportation within 14 days.

In its Title VI complaint procedure, SFMTA also informed customers that complaints and appeals could be filed with the Federal Transit Administration.

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 SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits. Prior to the site visit, SFMTA submitted a list of 285 complaints filed between May 2009 and April 2012. A total of 85 (approximately 30%) of these complaints were determined by SFMTA to be valid Title VI complaints based on race, color, or national origin discrimination. The list included all elements required by FTA Circular 4702.1A, IV, 3 as follows:

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

The review team noted that, while SFMTA’s Title VI complaint report contained all required elements, it also included nearly 20 additional data fields. When preparing its list of Title VI complaints for inclusion in its triennial Title VI program submission, it was recommended that SFMTA create a modified report that included only the required and necessary fields for communicating its Title VI complaints to FTA. During the site visit, SFMTA provided a modified report that it would use for Title VI complaint reporting purposes going forward.

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 website.*

**Finding:** During this Title VI Compliance Review of SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Notice to Beneficiaries of Protection Under Title VI. SFMTA’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 SFMTA’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 |

SFMTA disseminated its Notice on its website, on brochures and system information guides, at SFMTA Metro Stations, and on car cards posted on buses. SFMTA stated that it was also completing the production of Title VI Notice adhesives that were going to be placed on all buses.

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 SFMTA, no deficiencies were found regarding SFMTA’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. SFMTA executed its FY 2012 Annual Certifications and Assurances in TEAM on December 19, 2011. SFMTA 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 SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Environmental Justice Analysis of Construction Projects. Prior to the site visit, SFMTA provided EJ documentation for its Phelan Loop and Van Ness BRT construction projects. SFMTA prepared a CE for the Phelan Loop project and a draft Environmental Impact Statement (EIS) for the Van Ness BRT project. While the Phelan Loop CE was not formatted as a checklist, it did contain a narrative section on “Community Disruption and Environmental Justice.” In this section, SFMTA identified the minority and low-income populations affected by the project and made an affirmative determination that the project would have no disproportionately adverse impacts on minority or low-income persons. The review team noted that the Phelan Loop CE met the requirements for a documented CE (dCE), and discussed the differences between a CE and dCE with SFMTA.

For future construction projects for which a CE is prepared, it was suggested that SFMTA confirm with and obtain from the Region IX Civil Rights Officer the appropriate CE Checklist to be used.

The draft EIS prepared for the Van Ness BRT addressed all elements required by FTA Circular 4702.1A, IV, 8, as follows:

| **Elements Required in Environmental Justice Analysis of Construction Projects**  **(per FTA Circular 4702.1A Chapter IV, 8a-f)** | **Included in SFMTA’s  draft EIS?** |
| --- | --- |
| 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 | Yes |
| 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. | Yes |
| 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. | Yes |
| 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. | Yes |
| 1. A discussion of the remaining effects, if any, and why further mitigation is not proposed. | Yes |
| 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. | Yes |

While SFMTA addressed all six elements in the table above, the review team suggested that SFMTA identify its actual mitigation efforts in minority and low-income segments of the Van Ness BRT alignment, and those in non-minority and non-low-income segments to more clearly document that its mitigation efforts are equitable. SFMTA’s draft EIS included the following statement:

As described in Section 4.16.9, construction phase impacts would be mitigated to control noise and fugitive dust. These mitigation measures would serve to ensure that there would be no disproportionate adverse impacts on minority and low-income residents*.*

While SFMTA made a general statement that it would “… ensure that there would be no disproportionate adverse impacts on minority and low-income residents,” it did not identify what it would actually do along the alignment. SFMTA stated that it would inventory its efforts accordingly when preparing the final EIS for the Van Ness BRT.

During the site visit, SFMTA provided EJ documentation for a third project, the Glen Park Intermodal Facility Improvements, for which it prepared a dCE. The dCE for this project was formatted as a checklist and included a demographic analysis of the affected area, and affirmative statement as to the projects impact on minority and low-income persons.

1. Submit Title VI Program.

**Requirement:** *FTA recipients serving large urbanized areas 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 SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements to Submit Title VI Program. The following table summarizes SFMTA’s 2010 Title VI Program Update with respect to the current Circular:

| **ELEMENTS REQUIRED FOR TITLE VI PROGRAM** | |
| --- | --- |
| **General Reporting Requirements and Guidelines**  **(per FTA C. 4702.1A, IV, 7. a. (1) – (5))** | **In SFMTA 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. | Yes |
| A copy of the agency’s plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency’s alternative framework for providing language assistance. | Yes |
| A copy of the agency procedures for tracking and investigating Title VI complaints. | Yes |
| A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part. | Yes (by reference) |
| 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 (by reference) |
| **Program-Specific Requirements and Guidelines**  **(per FTA C. 4702.1A, V, 6. a. (1) – (4))** | |
| A copy of the agency’s demographic analysis of its beneficiaries. This should include either any demographic maps and charts prepared or a copy of any customer surveys conducted since the last report that contain demographic information on ridership, or the agency’s locally developed demographic analysis of its customer’s travel patterns. | Yes |
| Copies of system-wide service standards and system-wide service policies adopted by the agency since the last submission. | Yes |
| A copy of the equity evaluation of any significant service changes and fare changes implemented since the last report submission. | Yes |
| A copy of the results of either the level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally developed monitoring procedures conducted since the last submission. | Yes |

Regarding its list of Title VI investigations, complaints, and lawsuits and its Notice to Beneficiaries, it was suggested that SFMTA include this documentation in future Title VI Program submittals, rather than provide them by reference. SFMTA stated that it would submit all documentation as a part of all future Title VI updates.

#### FINDINGS OF THE PROGRAM SPECIFIC REQUIREMENTS AND GUIDELINES FOR RECIPIENTS SERVING LARGE URBANIZED AREAS

1. Demographic Data

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

During this Title VI Compliance Review of SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Demographic Data. SFMTA selected the use of demographic and service profile maps and charts as the option to collect and analyze demographic data. This option requires the following items and whether they were included in SFMTA’s Title VI Demographic Data:

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

Prior to the site visit, SFMTA provided the following maps and charts:

* Base Map of Muni Service Area (included rail lines, bus routes, transit stations, operations facilities, and major trip generators.)
* Muni Service Area with 2010 Low-Income Census Tracts
* Muni Service Area with 2010 Minority Census Tracts
* Minority Population by Census Tracts
* Minority Population by 2010 Census Tracts Asian American
* Minority Population by 2010 Census Tract – Black/African American
* Minority Population by 2010 Census Tract Hispanic or Latino

SFMTA also provided its Census Compilation, which included a table of service area demographics by Census tract. SFMTA’s maps and table met the requirements of FTA Circular 4702.1A, V, 1.a.

1. Systemwide Service Standards and Policies

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

**Findings:** During this Title VI Compliance Review of SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Systemwide Service Standards and Policies. FTA Circular 4702.1A describes effective practices to fulfill the service standard requirements. FTA recommends that recipients set standards for the following indicators, giving transit agencies latitude to set standards for different/or additional indicators at their discretion:

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

In a document titled “SFMTA’s System-wide Transit Service Standards,” SFMTA established system-wide service standards and service policies for each of the recommended indicators above, as follows:

**Vehicle Load**

The SFMTA has established vehicle load standards in accordance with Proposition E. Prior to Fiscal Year 2009, the SFMTA’s vehicle load service standard goal was to minimize the number of trips experiencing a load factor of 85% or more. Starting in Fiscal Year 2009, the SFMTA revised its vehicle load service standard goal to have no more than 4% of peak period trips experiencing a load factor of 125%.

**SFMTA’s Planning Load Factors**

|  |  |  |  |
| --- | --- | --- | --- |
| **Route Type** | **Vehicle** | **Maximum Load for Planning Purposes** | **85% Maximum Load for Planning Purposes** |
| Radial Rail | LRV | 119 | 101 |
|  | Historic Streetcar | 70 | 60 |
|  | Cable Car | 63 | 54 |
| Radial Bus | 60 ft Coach | 94 | 80 |
|  | 40 ft Coach | 63 | 54 |
| Crosstown Bus | 40 ft Coach | 63 | 54 |
| Community Bus | 40 ft Coach | 63 | 54 |
|  | 30 ft Coach | 45 | 38 |

**On-time Performance**

The SFMTA has established two on-time performance measures in accordance with Proposition E: schedule adherence and headway adherence.

**Schedule Adherence –** measures actual vehicle arrival times against scheduled vehicle arrival times; vehicles are considered on-time by this measure if they arrive less than 1 minute earlier or 4 minutes later than scheduled. SFMTA currently measures on-time performance biannually per route through manual counts at the maximum load point. As of July 1, 2012, SFMTA has started evaluating on-time performance using automatic vehicle location information..

**Headway Adherence –** measures actual headways against scheduled headways; vehicles are considered on-time by this measure if the difference between actual and scheduled headway is less than 30 percent or 10 minutes (whichever is less). The SFMTA goal for on-time performance by both measures is 85 percent.

**Vehicle Headway**

Through its SRTP, the SFMTA has established policy headways for service based on route classifications, time of day and day of the week, as outlined below. These policy headways are maximum headways (minutes between services) and in actual practice may be reduced to operate more frequently to meet demand and alleviate overcrowding.

**SFMTA’s Policy Headways - Weekday**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Route Type** | **Peak** | **Base** | **Evening** | **Owl** |
| Radial Rail | 10 | 15 | 20 | 30 |
| Radial Bus | 10 | 15 | 20 | 30 |
| Crosstown Bus | 15 | 15 | 20 | 30 |
| Express Bus | 10 | n/a | n/a | n/a |
| Community Bus | 20 | 30 | 30 | n/a |

**SFMTA’s Policy Headways - Weekend**

|  |  |  |  |
| --- | --- | --- | --- |
| **Route Type** | **Base** | **Evening** | **Owl** |
| Radial Rail | 15 | 20 | 30 |
| Radial Bus | 15 | 20 | 30 |
| Crosstown Bus | 20 | 20 | 30 |
| Community Bus | 30 | 30 | n/a |

**Service Availability**

SFMTA has established service availability standards for service coverage, service span, number of transfers, transit stop spacing and transit stop placement to ensure an equitable distribution of resources. These standards also meet the policy goal that most destinations within San Francisco should be reachable without the use of a private automobile. SFMTA’s service design considers bus routes and rail lines part of a single integrated user network. With the exception of cable car, SFMTA has a flat fare system that charges each customer one fare regardless of distance travelled, location of the customer at the time of purchase, final destination of the customer, or mode used on the system.

**Transit Coverage**. Bus routes and rail lines should be spaced approximately one-half mile apart throughout the City, except where constrained by geography or the street grid. Additionally, all residential locations in San Francisco should be within approximately one-quarter mile of a Muni bus route or rail line that operates at least 19 hours per day.

**Span of Service**.SFMTA’s combined network of radial and crosstown bus routes and rail lines should operate at least 19 hours a day from 5 am to midnight. A subset of routes should also be operated 24 hours per day.

**Transfers**. The Muni transit network should ensure that most destinations are accessible with only one transfer.

**Transit Stop Spacing**. SFMTA has three types of transit stops – local, limited-stop and express. The distance between local stops is based on distance, as well as street grades. Criteria for local stops, based on route type are described below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Route Type** | **Grades Below <10%** | **Grades between 10-15%** | **Grades over 15%** |
| Radial Rail | 1000 to 1200 ft | 500 to 600 ft\* | n/a |
| Radial Bus | 800 to 1000 ft | 500 to 600 ft | 300 to 400 ft |
| Crosstown Bus | 800 to 1000 ft | 500 to 600 ft | 300 to 400 ft |
| Express Bus | 800 to 1000 ft | 500 to 600 ft | 300 to 400 ft |
| Community Bus | 800 to 1000 ft | 500 to 600 ft | 300 to 400 ft |

\* The only portion of the rail system that exceeds 10 percent is the cable car.

Limited-stops are based on ridership, major transfer points and land use generators and are typically every 1/3 to 1/2 miles apart. Because of the frequency of SFMTA’s transit grid, limited-stop routes may not have stops at a minor transfer point. There are generally two to four local stops between limited-stops. This spacing allows for limited-stop routes to have a travel time benefit compared to local-stop routes and also allows sufficient opportunities for limited-stop vehicles to pass local-stop vehicles.

Express routes typically make local stops at the beginning and the end of the route with an express portion in between. The express portion of the route is non-stop.

**Distribution of Transit Amenities**

To the extent location and distribution of a particular transit amenity is within the control of the SFMTA, it is agency policy that amenities are distributed throughout the transit system so that all customers have equal access to these amenities, without regard to race, color, national origin or income status. SFMTA applies neutral standards such as boarding activity, geographical limitations, etc. in deciding the location of transit amenities and applies these standards to both rail and bus routes, as described below:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Route Type** | **Stop Markings and Flags\*** | **Stop IDs** | **Shelters and System Maps\*\*** | **Real-Time Arrival Signage** | **Station** |
| Radial Rail | All stops | All stops | > 125 boardings per day | At shelters where electricity is available | Underground rail only |
| Radial Bus | All stops | All stops | > 125 boardings per day | At shelters where electricity is available | n/a |
| Crosstown Bus | All stops | All stops | > 125 boardings per day | At shelters where electricity is available | n/a |
| Express Bus | All stops | All stops | > 125 boardings per day | At shelters where electricity is available | n/a |
| Community Bus | All stops | All stops | > 125 boardings per day | At shelters where electricity is available | n/a |

**Vehicle Assignment**

SFMTA’s fleet consists of 420 diesel-powered motor coaches, 86 diesel-electric hybrid coaches, 313 electric-powered trolley coaches, 151 electric-powered LRVs, 40 cable cars, and 40 historic streetcars (including several streetcars that only go into service occasionally to showcase a vintage vehicle).

The SFMTA regularly operates vehicles that range in age from less than four years to 19 years, excluding cable cars and historic streetcars.

The SFMTA policy is to assign vehicles in a manner that prevents discrimination to minority and low-income communities and considers technical criteria including peak load factors, route type, physical route characteristics such as street widths and grades, required headways, vehicle availability and transit operator availability. Smaller 30-foot motor coaches are typically assigned to community feeder routes that serve neighborhoods with steep grades, tighter turning radii and narrower clearances, as well as lighter passenger loads. The largest buses (60-foot articulated motor and trolley coaches) are typically assigned to routes serving major corridors carrying high passenger loads. SFMTA’s 86 hybrid vehicles, which arrived in 2007 to replace Muni’s 30-foot motor coach diesel fleet and a portion of the 40-foot motor coach diesel fleet are deployed throughout the City from the Woods Division, which has a high concentration of routes that travel through minority and low income census tracts.

The SFMTA has both articulated motor coaches and trolley coaches available for service and has established the following evaluation criteria for determining whether articulated coaches should be assigned to a route:

* Articulated coaches will be deployed on routes if they can meet demand at equal or lower operating costs as compared to standard coaches;
* Articulated coaches will be considered for routes that experience consistent overloading (i.e., the load factor exceeds the standard maximum during several 15-minute periods).

**Transit Security**

Transit security refers to measures taken by the SFMTA to protect its employees and the public against any intentional act or threat of violence of personal harm, either from a criminal or terrorist act. These actions can include deploying surveillance technology and security personnel along routes and at stations and implementing security awareness campaigns for the public. The SFMTA’s transit security initiatives include:

* Contract security
* Protection provided by the San Francisco Police Department (SFPD)
* Security cameras on revenue vehicles and at station platforms
* Security awareness campaigns for the public

It is a policy of the SFMTA to ensure that all passengers benefit from the security initiatives listed above and described below without regard to race, color or national origin and that only neutral criteria are used when determining where and when security measures will be deployed and implemented.

SFMTA’s systemwide service standards and systemwide service policies met the requirements detailed in FTA 4702.1A, V.2-3.

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.*

**Findings:** During this Title VI Compliance Review of SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Evaluation of Service and Fare Changes. During the Review, SFMTA provided documentation of four Title VI evaluations of fare changes:

* Title VI Analysis of FY 2009-2010 Fare Changes (June 2009)
* Title VI Analysis of FY 2012 Fare Changes
* Title VI Analysis of FY 2013 & FY 2014 Proposed Fare Changes
* Title VI Analysis of FY 2013 & 2014 Fare Changes

In addition, SFMTA provided documentation of six Title VI evaluations of service changes:

* San Francisco Municipal Transportation Agency Proposed FY2009-2010 Service Adjustments December 2009
* Title VI Analysis of May 2010 Service Changes Effective May 8, 2010
* Title VI Equity Analysis: NX Judah Express
* Title VI Equity Analysis: F Market/Wharves
* Preliminary Title VI Equity Analysis: 83X Mid-Market Express
* Title VI Equity Analysis: 83X Mid-Market Express

SFMTA also provided the following definition of a “major service change”

* A schedule change resulting in a system wide change in annual revenue hours or miles of five percent or more
* A schedule change on an individual route resulting in a change in annual revenue hours or miles on the individual route of 25 percent or more
* A schedule change on an individual route resulting in a change in the daily span of service on the individual route of four hours or more
* Introduction of a new route
* Elimination of a segment 1/3 mile in length or longer of an individual route where no parallel alternative service exists within 1/3 mile

The table below provides a comparison of FTA requirements and SFMTA submittals.

| **Elements Required for Evaluation of Service and Fare Changes**  **(per FTA C. 4702.1A, V, 4.A.)** | **Included in SFMTA Equity Analysis**? |
| --- | --- |
| 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 | Yes |
| Span of service – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted | Yes |
| Fare changes – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted | Yes |
| 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. | Yes |
| 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. | Yes |
| 1. Describe actions the agency proposes to minimize, mitigate, or offset any adverse effects of changes on minority and low-income populations. | Yes |
| 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. | Yes |

SFMTA included the elements required in its evaluation of service and fare equity evaluations. During the review, it was noted that SFMTA used various methodologies to conduct its fare and service evaluations. As an example, SFMTA used comparisons of “peak maximum average loads” in two of its service equity evaluations and “supplemental demographic surveys and the 2010 Census” in another service equity evaluation. SFMTA is advised to codify its fare and service change evaluation procedures in order to ensure that all its evaluations are conducted in a consistent manner.

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.*

**Findings:** During this Title VI Compliance Review of SFMTA, no deficiencies were found regarding SFMTA’s compliance with FTA requirements for Monitoring Transit Service. In its 2010 Title VI Program Update dated December 2010, SFMTA described its most recent Title VI monitoring effort, which satisfied FTA Circular 4702.1A, V, 5 Option A: Level of Service Monitoring, as described in the table below:

|  |
| --- |
| **Elements Required for Monitoring – Option A: Level of Service Methodology**  **(per FTA C. 4702.1A, V, 5. a.)** |
| 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. |
| Assess the performance of each route in the sample for each of the recipient’s service standards and policies. |
| Compare the transit service observed in the assessment to the established service policies and standards. |
| 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. |

SFMTA selected 10 of each route type (minority, non-minority, low-income, non-low-income) and measured each route’s performance against its systemwide service standards of vehicle load, on-time performance, and vehicle headway. SFMTA then compared whether performance deviations from the standard occurred more frequently for one route type (e.g. minority) than another (e.g. non-minority). SFMTA made the following Title VI monitoring determinations:

* **Vehicle Load** – routes that exceeded vehicle load standards in Fiscal Year 2008 do not appear to be concentrated in low-income or minority communities and therefore did not disproportionately impact low-income or minority communities. Based on the load factor analysis, routes that exceeded vehicle load standards in Fiscal Years 2009-2010 do not appear to be concentrated in low-income or minority communities and therefore there does not appear to be a disproportionate impact to those communities based on this measurement.
* **On-Time Performance** – The SFMTA’s system wide on-time performance was consistently below its goal of 85 percent on-time during the analysis period for both minority and non-minority routes. On-time performance is based on numerous factors, including ridership, congestion, and length of route; there does not appear to be a disparate impact to low-income/minority communities with regards to this measurement.
* **Vehicle Headway** – Adherence to policy headways does not appear to be concentrated in low-income or minority communities and therefore does not appear to disproportionately impact these communities.

While SFMTA did not include an analysis of the distribution of transit amenities in this monitoring effort, the Review team confirmed that SFMTA transit amenities were distributed equitably on the minority, non-minority, low-income, and non-low-income routes it toured during the site visit.

SFMTA’s Title VI monitoring methodology complied with the requirements detailed in FTA 4702.1A, V.4, and its determinations appeared reasonable. The review team noted, however, that SFMTA should consider conducting Title VI monitoring more frequently than it had documented. SFMTA is a large agency that made at least two service and/or fare changes each fiscal year (FY) from FY2008 to FY2012. As such, SFMTA was advised to conduct Title VI monitoring annually to ensure that the end result of its policies and decision-making was equitable service. The Title VI monitoring example submitted as a part of its 2010 Title VI Program Update, dated December 2010, was a one-time effort made in 2010 that monitored system performance from FY2008 to FY2010. SFMTA did not conduct a Title VI monitoring effort after each of those years. Further, SFMTA had not conducted a similar Title VI monitoring effort for FY2011 or FY2012.

During the site visit, SFMTA agreed that it should conduct Title VI monitoring, at a minimum, annually.

VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS

| **Title VI Requirements for Recipients Serving Large Urbanized Areas** | **Site Review Finding** | **Description of Deficiencies** | **Corrective Action(s)** | **Response Days/Date** | **Date Closed** |
| --- | --- | --- | --- | --- | --- |
| **GENERAL REQUIREMENTS** | | | | | |
| 1. Inclusive Public Participation | ND |  |  |  |  |
| 1. LEP Language Assistance Plan | ND |  |  |  |  |
| 1. Title VI Complaint Procedures | ND |  |  |  |  |
| 1. List 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 Analyses of Construction Projects | ND |  |  |  |  |
| 1. Prepare and Submit a Title VI Program | ND |  |  |  |  |
| **PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES FOR LARGE URBANIZED AREAS** | | | | | |
| 1. Demographic Data | ND |  |  |  |  |
| 1. System-wide Service Standards and Policies | ND |  |  |  |  |
| 1. Evaluation of Fare and Service Changes | ND |  |  |  |  |
| 1. Monitoring Transit Service | ND |  |  |  |  |

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

NR = Not Reviewed; AC = Advisory Comment

VIII. A**TTENDEES**

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1. Per the 2000 and the 2010 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories.

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