**TITLE VI COMPLIANCE REVIEW**

**OF THE**

**Triangle Transit Authority**

**(Triangle Transit)**

**Research Triangle Park, NC**

**Final Report**

**October 2010**

**Prepared For**

**U.S. DEPARTMENT OF TRANSPORATION**

**FEDERAL TRANSIT ADMINISTRATION**

**OFFICE OF CIVIL RIGHTS**

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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 19

1. Inclusive Public Participation 20

2. Language Access to LEP Persons 22

3. Title VI Complaint Procedures 28

4. Record of Title VI Investigations, Complaints, and Lawsuits 30

5. Notice to Beneficiaries of Protection Under Title VI 31

6. Annual Title VI Certification and Assurance 33

7. Environmental Justice Analysis of Construction Projects 34

8. Submit Title VI Program. 34

9. Demographic Data 36

10. Systemwide Service Standards and Policies 37

11. Evaluation of Service and Fare Changes 42

12. Monitoring Transit Service 47

VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS 51

VIII. ATTENDEES 54

1. GENERAL INFORMATION

Grant Recipient: Triangle Transit Authority

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Grantee No: 5527

Executive Official: Mr. David King

General Manager

Triangle Transit Authority

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Site Visit Dates: June 29-July 1, 2010

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 Triangle Transit Authority (Triangle Transit) 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, FTA MA 13 (October 1, 2006).

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 the Triangle Transit Authority (Triangle Transit) Title VI Program was necessary.

The Office of Civil Rights authorized the DMP Group to conduct the Title VI Compliance Review of Triangle Transit. The primary purpose of this Compliance Review was to determine the extent to which Triangle Transit 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 Triangle Transit 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 Triangle Transit.

#### 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 Triangle Transit Authority (Triangle Transit) was chartered by the Secretary of State of North Carolina in 1989 as a regional public transportation authority serving Wake, Durham, and Orange Counties. Triangle Transit’s services include regional bus and shuttle service, complementary ADA paratransit, vanpools, rideshare matching, trip planning, and transportation demand management. Triangle Transit directly operates its fixed route and complementary ADA paratransit service. The service area includes the cities of Apex, Cary, Chapel Hill, Durham, Garner, Hillsborough, and Raleigh, the Research Triangle Park (RTP), and Raleigh-Durham International Airport (RDU). Triangle Transit’s service area encompasses 1,525 square miles and a population of approximately 907,000.

Triangle Transit operates a network of 20 fixed routes. The regional express service centers on RTP and connects with local bus service provided by cities and university systems in the area. Service is provided weekdays from 5:30 a.m. to 11:05 p.m. Saturday service is operated from 7:00 a.m. to 6:30 p.m. There is no service on Sundays. The shuttle service operates in and around RTP and RDU. Triangle Transit’s complementary ADA paratransit service operates during the same days and hours of service as the fixed routes. In addition, Triangle Transit administers 65 vanpools.

The basic adult fare for bus service is $2.00. A reduced fare of $1.00 is offered to senior citizens, persons with disabilities, and persons eligible for Medicare during all hours. The fare for ADA paratransit service is $4.00.

Triangle Transit operates a fleet of 65 buses for fixed-route service. Its bus fleet consists of standard 35-foot transit coaches and 17-passenger cutaways. The current peak requirement is for 53 vehicles. Triangle Transit also has a fleet of conversion vans that are operated for ADA paratransit and standard vans used for the vanpool service.

Triangle Transit’s administrative offices are located at 4600 Emperor Boulevard in RTP, and its bus transfer center is at 6 Park Drive in RTP. Triangle Transit’s bus operations and maintenance facility is at 5201 Nelson Road in Morrisville, North Carolina.

Triangle Transit’s National Transit Database Report for FY2008 provided the following financial and operating statistics for its fixed-route and complementary ADA paratransit service:

|  |  |  |
| --- | --- | --- |
|  | **Fixed-Route Service** | **Paratransit Service** |
| Unlinked Passengers | 939,297 | 17,181 |
| Revenue Hours | 92,035 | 7,236 |
| Operating Expenses | $9,573,180 | $948,196 |

Triangle Transit and the region’s two Metropolitan Planning Organizations adopted a Regional Transit Plan in the 1990’s that included the Triangle Rail Transit project, a 28-mile regional rail system linking Durham, RTP, Cary, and Raleigh. In August 2006, Triangle Transit announced that it would withdraw the project from FTA’s New Starts Process and work with local partners to identify replacement funding for the project to move forward.

Other ongoing projects include the expansion of the bus operations and maintenance facility and participation in a Seamless Regional Transit Working Group to explore options for integrating service with the other local and university transit service providers in the region. Over the next three to five years, Triangle Transit hopes to proceed with construction and operation of the Triangle Rail Transit system, construct a new Triangle Transit transfer center, and purchase replacement buses.

A demographic profile of the Triangle Transit service area from the 2000 Census, as presented on the following table, shows that 68.1 percent of the population is White non-Hispanic, 23.5 percent is Black, 5.8 percent is Hispanic and 3.5 percent is Asian.

**Racial/ Ethnic Breakdown of the Triangle Transit Authority**

Source: 2000 U.S. Census

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Racial/ Ethnic Group** | Durham County | | Orange County | | Wake County | | Triangle Transit Service Area | |
| **Number** | **Percent** | **Number** | **Percent** | **Number** | **Percent** | **Number** | **Percent** |
| White | 113,698 | 50.9 | 92,272 | 78.0 | 454,544 | 72.4 | 660,514 | 68.1 |
| Black | 88,109 | 39.5 | 16,298 | 13.8 | 123,820 | 19.7 | 228,227 | 23.5 |
| American Indian and Alaska Native | 660 | 0.3 | 457 | 0.4 | 2,152 | 0.3 | 3,269 | 0.3 |
| Asian | 7,350 | 3.3 | 4,845 | 4.1 | 21,249 | 3.4 | 33,444 | 3.5 |
| Hawaiian/Pacific Islander | 79 | 0.0 | 20 | 0.0 | 212 | 0.0 | 311 | 0.0 |
| Other Race | 9,404 | 4.2 | 2,312 | 2.0 | 15,548 | 2.5 | 27,264 | 2.8 |
| Two or More | 4,014 | 1.8 | 2,023 | 1.7 | 10,321 | 1.6 | 16,358 | 1.7 |
| Hispanic Origin[[1]](#footnote-1) | 17,039 | 7.6 | 5,273 | 4.5 | 33,985 | 5.4 | 56,297 | 5.8 |
| Total Population | **223,314** | **100%** | **118,227** | **100%** | **627,846** | **100%** | **969,387** | **100%** |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Low-Income | 28,557 | 13.4 | 15,318 | 14.1 | 47,685 | 7.8 | 91,560 | 9.4 |
| Limited English Proficiency | 28,821 | 13.9 | 11,409 | 11.9 | 71,002 | 12.2 | 111,232 | 11.5 |

V. SCOPE AND METHODOLOGY

#### Scope

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

1. General Reporting Requirements and Guidelines - All applicants, recipients and subrecipients shall maintain and submit the following:
2. A summary of public outreach and involvement activities undertaken to ensure that minority and low-income people had meaningful access to these activities.
3. 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.
4. A copy of the agency procedures for tracking and investigating Title VI complaints.
5. 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.
6. 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.
7. Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas - all applicants, recipients and subrecipients that provide public mass transit service in areas with populations over 200,000 shall also submit the following:
8. Demographic Data;
9. Systemwide Service Standards and Policies;
10. Evaluation of Service and Fare Changes;
11. Monitoring Transit Service;

#### Methodology

Initial interviews were conducted with the FTA Headquarters Civil Rights staff and the Region IV Regional Civil Rights Officer to discuss specific Title VI issues and concerns regarding Triangle Transit. Following these discussions, an agenda letter was sent to Triangle Transit advising it of the site visit and indicating additional information that would be needed and issues that would be discussed. The 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: (1) General Reporting Requirements and Guidelines, and (2) Program-Specific Requirements and Guidelines 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.

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

* Description of Triangle Transit’s service area, including general population and other demographic information using the most recent Census data.
* Current description of Triangle Transit’s public transit service, including system maps, public timetables, transit service brochures, etc.
* Roster of current Triangle Transit revenue fleet, to include acquisition date, fuel type, seating configurations and other amenities.
* Description of transit amenities maintained by Triangle Transit for its service area. Amenities include stations, shelters, benches, restrooms, telephones, passenger information systems, etc.
* Any studies or surveys conducted by Triangle Transit, 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 during the past three years.
* Summary of Triangle Transit’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 Triangle Transit’s four factor analysis of the needs of persons with Limited English Proficiency.
* A copy of Triangle Transit’s plan for providing language assistance for persons with Limited English Proficiency that is based on the USDOT LEP Guidance.
* Triangle Transit’s procedures for investigating and tracking Title VI complaints.
* Documentation that the procedures for filing complaints are available to members of the public upon request.
* A list of any investigations, lawsuits, or complaints naming Triangle Transit 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 Triangle Transit in response to the investigation, lawsuit, or complaint.
* Copy of Triangle Transit’s Notice to Beneficiaries of Protections Under Title VI.
* Documentation of efforts made by Triangle Transit 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.
* Triangle Transit’s most recent Title VI Update that was submitted to FTA.
* Copy of FTA Approval Letter, if available.
* A copy of Triangle Transit’s demographic analysis of its beneficiaries. This can include either demographic maps and charts prepared or a copy of any customer surveys conducted since the last Title VI submittal that contain demographic information on ridership, or Triangle Transit’s locally developed demographic analysis of its customer’s travel patterns.
* Quantitative systemwide service standards and qualitative systemwide service policies adopted by Triangle Transit to guard against discriminatory service design or operations decisions.
* Documentation of Triangle Transit’s methodology for evaluating significant systemwide 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 Triangle Transit should have established guidelines or thresholds for what it considers a “major” service change to be). If Triangle Transit has made significant service changes or fare changes in the past three years or is currently planning such changes, provide documentation of Triangle Transit’s Title VI evaluations of the service or fare changes.
* Documentation of periodic service monitoring activities undertaken by Triangle Transit, 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 Triangle Transit’s monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.

Triangle Transit 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 three-day site visit was developed.

The site visit to Triangle Transit occurred June 29-July 1, 2010. The individuals participating in the Review are listed in Section VIII of this report. This Title VI Compliance Review was conducted concurrently with an EEO Compliance Review. A joint EEO/Title VI Entrance Conference was conducted at the beginning of the Compliance Reviews with Triangle Transit senior management staff, an Equal Opportunity Specialist from the FTA Headquarters Office of Civil Rights, the FTA Region IV Regional Civil Rights Officer (via teleconference), and the contractor Review team. During the Entrance Conference, the Review team explained the goals of the Reviews and the needed cooperation of staff members. A detailed schedule for conducting the on-site visit was discussed. The Review team also showed the participants a U. S Department of Justice video on Title VI. After the joint Entrance Conference, the Review team separated into two groups. The Title VI Compliance Review team met with Triangle Transit staff, including the Director of EEO/DBE. During this meeting, discussions focused on a detailed examination of documents submitted in advance of the site visit by Triangle Transit and documents provided at the site visit by Triangle Transit staff on behalf of the agency. The Review team then met with various staff members from other Triangle Transit departments to discuss how Triangle Transit incorporated the FTA Title VI requirements into its public transportation system.

Throughout the three-day site visit, interviews were also conducted with representatives of social service agencies and community-based organizations who were not Triangle Transit employees but who may have been familiar with Triangle Transit service and complaints of discrimination. At the end of the site visit, a joint Exit Conference was held with Triangle Transit senior management staff, an Equal Opportunity Specialist from the FTA Headquarters Office of Civil Rights, and the contractor Review teams. At the Exit Conference, initial findings and corrective actions were discussed with Triangle Transit.

**Community Interviews**

Several individuals from the Triangle Transit service area representing minority businesses, community centers, and civil rights agencies were interviewed. All had recently used Triangle Transit. Of those interviewed, most had not seen Triangle Transit’s Title VI Policy and were not aware of who was responsible for Title VI compliance at Triangle Transit. None were aware of any Title VI complaints being filed.

One representative indicated that, while he may not have been aware of Triangle Transit’s designated Title VI representative, he was very familiar with the services Triangle Transit provides to the disabled community and was pleased with the effort and consideration the agency had dedicated to its disabled ridership. He also believed that bus services were equitable “across the board” for all transit riders.

Most of the representatives indicated that Triangle Transit had made its communities aware of fare and services changes and construction projects. Several individuals acknowledged that Triangle Transit had held community meetings regarding the most recent service changes. They also believed Triangle Transit provided notice of fare changes. Notice of service changes can be found on Triangle’s “Ride Guide” page of its web site.

Overall, most riders and several community representatives were most vocal regarding Triangle Transit’s lack of amenities (i.e., benches, shelters, schedule information, and signage.) They did not believe the agency provided enough protection to the riding public from the elements at the bus stops. They were of the opinion that the amenities were poorly maintained and strongly believed that, if there were more well-maintained amenities, ridership in the community would “significantly” improve. Some were of the opinion that the amenities in the non- minority neighborhoods were better than those in the minority neighborhoods, but, overall, most believed that the amenities were completely lacking or in poor condition. A follow up discussion with a former employee with direct knowledge of Triangle Transit’s amenities situation indicated that while the amenities could be improved and, while some improvements have occurred, county jurisdictional issues, as well as legal “rights of way” issues, significantly complicated the placement of shelters along routes.

No one could specifically recall if they had seen translated signs, postings, or announcements. Discussions with employees in Triangle Transit’s call center, however, indicated that there were Spanish-speaking employees who were able to provide scheduling and other information to the Spanish-speaking community.

Several suggestions were offered as opportunities for improving Title VI compliance at Triangle Transit. One individual suggested that Triangle Transit expand its community outreach and be more available to hear from the communities it served. Another individual requested that the amenities issue be specifically addressed and placed on a Triangle Transit community agenda. It was also suggested that adequate and timely public notice be provided so that the public can fully participate in the discussion.

With the assistance of Triangle Transit staff, the Review team identified one minority route, one non-minority route, and one route that served both minority and non-minority areas. 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 following table identifies the routes toured and the characteristics with respect to transit amenities:

**Observations of Triangle Transit Route Tours**

|  |  |  |  |
| --- | --- | --- | --- |
| **Transit Amenity** | **Minority and Non-minority**  **Route 105** | **Non-minority**  **Route 311** | **Minority**  **Route 102** |
| Benches | 7 (5 shared w/other service) | 10 | 0 |
| Shelters | 2 belonged to NCSU | 5 | 0 |
| Trash Cans | 0 | 4 | 0 |
| Info Kiosks | 1 | 0 | 0 |
| Park & Ride | 1 | 0 | 0 |

The Review team noted during the route tours that there were significant differences in the number of amenities along the minority route compared to the number of amenities along the non-minority route. Route 105 served both minority and non-minority areas. While this route did have benches and shelters, nearly all of the amenities appeared to be provided by some other provider (college, municipality, etc.) and were shared by Triangle Transit. The Review team did not see any amenities along minority route 102 compared to 19 total amenities along non-minority route 311.

This disparity is addressed in the next section of this Draft Report, under area 10. Systemwide Service Standards and Policies.

VI. FINDINGS AND RECOMMENDATIONS

The Title VI Compliance Review focused on Triangle Transit's compliance with the General Reporting Requirements and Guidelines and the Program-Specific Requirements and Guidelines 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, deficiencies were identified in four of the 12 requirements of the Title VI Circular applicable to Recipients Serving Large Urbanized Areas:

* *Language Access to LEP Persons*
* *Systemwide Service Standards and Policies*
* *Evaluation of Fare and Service Changes*
* *Monitoring Transit Service*

Following the site visit, Triangle Transit provided documentation that it had taken corrective actions to close three areas:

* *Language Access to LEP Persons*
* *Systemwide Service Standards and Policies*
* *Monitoring Transit Service*

Following the issuance of the Draft Report, Triangle Transit provided documentation that it had developed procedures to close the remaining deficiency in the area of *Evaluation of Fare and Service Changes.*

#### 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.*

**Finding:** During this Title VI Compliance Review of Triangle Transit, no deficiencies were found regarding Triangle Transit’s compliance with FTA guidance for Inclusive Public Participation. Prior to the site visit, Triangle Transit stated that several methods were used to notify and communicate information to the public, including:

* Posting notices on website, vehicles and key stops
* Distributing information in person at the Regional Transit Center and other key stops
* Posting notices at other key stops
* Email alerts
* Media releases
* Communication with local universities

During the site visit, the Review team requested to see documentation confirming the activities listed above. Triangle Transit submitted a copy of an article written in the June 23, 2010 edition of *La Conexion,* a local Latino newspaper. The article was accompanied by a schedule of upcoming public meetings sponsored by Triangle Transit to get feedback from the community on bus and rail projects under consideration. The article encouraged its readers to take advantage of the opportunity to provide early feedback during the consideration and planning stages of upcoming projects.

Triangle Transit also provided a comprehensive list of outreach efforts and copies of translated notices for workshops scheduled by Triangle Transit to get feedback from across the region on proposed rail and expanded busway networks. Workshops were scheduled in minority and low-income areas in Raleigh and Durham, providing those communities with ample opportunity to provide feedback. In addition, Triangle Transit sent fliers and invitations to six Latino organizations and student groups, over 20 Asian community organizations, 12 Census 2010 community partners, and invited over eight alternative language media.

In August 2010, Triangle Transit implemented several service changes affecting over 18 routes. Prior to approving the service changes, Triangle Transit carried out a fairly comprehensive outreach and public involvement campaign that included press releases, fliers, public meetings, online comment forms, email notification and feedback solicitation, and a service planning hotline. While the Review team noted that there were no meetings held in the Hillsborough Street-Downtown Raleigh corridor, where predominantly Black, low-income ridership exists, its outreach efforts did produce substantial feedback resulting in seven changes to Triangle Transit’s original plan.

While Triangle Transit stated that it posted public meeting notices in minority newspapers, they could only provide examples of notices posted in *La Conexion*, a Spanish newspaper. Triangle Transit could not produce examples of notices posted in The Carolinian, a historically Black newspaper. Triangle Transit also stated that it maintained ongoing communications with area colleges and universities, including several of the area’s Historically Black Colleges and Universities (HBCUs). The Review team confirmed continuous outreach to the University of North Carolina at Chapel Hill , Duke University (Durham, NC), and North Carolina State University (Raleigh, NC). Triangle Transit also demonstrated continuous outreach to North Carolina Central University (Durham, NC), a HBCU. However, Triangle Transit did not provide examples of communications with any of the other HBCUs in the area, such as Shaw University and St. Augustine’s College, both located in Raleigh, NC.

Triangle Transit’s overall efforts to provide minority and low-income persons with opportunities to provide early and continuous input per FTA Circular 4702.1A were sufficiently demonstrated.

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).*

**Finding:** During this Title VI Compliance Review of Triangle Transit, deficiencies were found regarding Triangle Transit’s compliance with FTA requirements for Language Access to LEP Persons. Prior to the site visit, Triangle Transit submitted procedures for providing Language Access to LEP Persons, which included conducting a Four Factor Analysis and developing a Language Assistance Plan per FTA Circular 4702.1A, IV, 4.a and DOT Policy Guidance. The Review team credited Triangle Transit for referencing the relevant guidance and attempting to carry out its LEP efforts accordingly. At the time of the site visit, however, the methods used for some elements of Triangle Transit’s four factor analysis could be expanded to more fully comply with FTA Circular 4702.1A, IV, 4.aand *DOT Policy Guidance*. In addition, some of the results of the analysis were misinterpreted to the potential detriment of Triangle Transit’s Asian ridership, 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 Triangle Transit’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,  partial | LEP populations were identified. Triangle Transit used Census 2000 and American Community Survey (ACS) 2008 data to determine the following about LEP populations in their service area:   |  |  |  | | --- | --- | --- | | **County** | **Speak**  **Language Other Than English** | **Speak English Less than “Very Well”** | | Durham | 19.4% | 9% | | Orange | 13.4% | 5.7% | | Wake | 15% | 6.4% |   Spanish speaking persons as a group represented the largest LEP population in the service area, however, as discussed in the following section and according to Triangle Transit’s 2009 Onboard Survey, Spanish speaking persons did not appear to use Triangle Transit as frequently as persons of Asian descent. The Review team found no discussion of the Asian population and their LEP needs in Triangle Transit’s LEP assessment. |
| 1. Frequency of Contact - the frequency with which LEP individuals come in contact with the program and/or activities | No | Triangle Transit examined Census 2000 data to determine how likely it is that LEP persons will come into contact with its service. In addition, it examined phone inquiries, requests for translated documents, and staff feedback. During the site visit, Triangle Transit also indicated that its Call Center main number prompted callers to select the number one for English and the number two for Spanish. Reports of how many callers selected the Spanish option were monitored by Triangle Transit periodically.  These efforts did not produce meaningful information about the frequency with which LEP individuals came into contact with its service. For example, according to Census 2000, Hispanics and Asians represent 5.8 percent and 3.5 percent of the service area population, respectively. However, according to Triangle Transit’s 2009 Onboard Survey, Asians represented ten percent of Triangle Transit ridership (an increase of two percent since the year 2003), while Hispanics represented five percent (no change since the year 2003). Accordingly, Asians rode Triangle Transit disproportionately more than Hispanics. While this did not necessarily mean that the Asian ridership was LEP, it should have triggered further investigation on the part of Triangle Transit. Triangle Transit did not demonstrate that it had taken this into consideration when conducting its analysis.  Triangle Transit did not actively consult with community groups, churches, or local school systems to get a better understanding of the LEP communities and individuals likely to use its service. Often these resources would provide information about LEP ridership trends that Census data and call logs cannot. |
| 1. Importance - the nature and importance of the program, activity, or service to people's lives; | Yes | Using Census 2000 data, Triangle Transit determined that 11 percent of LEP persons used public transit for work compared to four percent of non-LEP persons. This statistic communicated that public transit in general was important to LEP populations. Triangle Transit could do more to get a better understanding of how important its service was to LEP persons in their specific service area. For instance, Triangle Transit could have consulted with community groups that better understood LEP ridership needs and trends. It could also have examined trips other than work trips, such as medical and school trips. |
| 1. Resources - the resources available and costs | Yes | Triangle Transit identified the following resources available to it to carry out its Language Assistance Plan: bilingual staff, “I Speak” cards, translated documents and signage, use of universal symbols rather than text, when possible. The Review team observed examples of these resources throughout the system. |
| Part B - Develop Language Assistance Plan | | |
| 1. Identification of LEP Persons | No | Triangle Transit did not determine how many Asian LEP persons existed in its service area or how frequently they used the service, therefore, Triangle Transit did not know how much, if any, language assistance needed to be provided to this community. |
| 1. Language Assistance Measures | Yes | See number 4 above. |
| 1. Training of Staff | Yes | Customer service staff and bus operators were made aware of LEP/Title VI responsibilities during new hire training and were provided with Triangle Transit’s Language Assistance Plan. The Review team confirmed with customer service staff that, in fact, this training occurred. Bus operators were also provided with a Spanish quick reference guide to carry with them while driving. |
| 1. Provide Notice to LEP Persons | Yes | Notice to LEP persons was translated in Spanish and posted at transit centers, on vehicles, on the website, and at public meetings. |
| 1. Monitor and Update the LAP | Yes | As this was the first implementation of the Triangle Transit Language Assistance Plan (LAP), record of ongoing monitoring had not occurred. The Plan did call for periodic (at least once every three years) monitoring of customer feedback, Census data, surveys, and community outreach. For the near future, Triangle Transit should consider developing a standard, coordinated monitoring procedure that measures the effectiveness of its LAP on a more frequent basis than every three years, and make updates to its plan accordingly. |

After the site visit and prior to issuing the Draft Report, Triangle Transit submitted an updated Triangle Transit Limited English Proficient (LEP) Plan (August 2010). The updated plan included additional steps Triangle Transit would take to more fully understand and respond to the LEP assistance needs throughout its service area. Many of these methods were consistent with those suggested by the Review team and in the FTA’s *Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, a Handbook for Public Transportation Providers*. For example, at the time of the site visit, Triangle Transit had not reached out to area school districts to better understand LEP populations and their needs. The updated Plan included and confirmed outreach to area school districts.

In addition, the updated Plan included an analysis of Asian and Asian LEP ridership levels. Triangle Transit determined that, while Asians used the service disproportionately more than Hispanics, most Asian riders spoke English. Triangle Transit stated that:

*The Triangle Transit Onboard Survey did reveal a higher percentage of Asian riders than Hispanic riders and more calls from the Asian population to Triangle Transit’s Call Center. But, even with the higher percentages, the majority of our Asian ridership speaks English, not requiring LEP assistance.*

The deficiencies in this area are now closed.

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 the site visit of the Title VI Compliance Review of Triangle Transit, no deficiencies were found regarding Triangle Transit’s compliance with FTA requirements for Title VI Complaint Procedures. Triangle Transit demonstrated that procedures are in place to receive, identify, investigate, and respond to Title VI complaints, as required by FTA Circular 4702.1A.

Prior to the site visit, Triangle Transit submitted its Title VI complaint procedures in hard copy and indicated that the same procedures were posted on its website. A review of Triangle Transit’s website ([www.triangletransit.org](http://www.triangletransit.org) ) confirmed that these procedures were there, however, the Review team also discovered a different set of instructions for filing Title VI complaints on a separate web page administered by Triangle Transit on behalf of a consortium of transit systems in the region. This consortium is known as Go-Triangle ([www.gotriangle.org](http://www.gotriangle.org) ) and includes the following transit systems: Triangle Transit, Capital Area Transit, Cary Transit, Chapel Hill Transit, Duke Transit, Durham Area Transit Authority and NCSU Wolfline. The Review team noted discrepancies between the two versions as illustrated in the following table:

|  |  |  |
| --- | --- | --- |
|  | **Triangle Transit Website** | **Go-Triangle Website** |
| **Complaint must be filed within** | 180 days | 90 days |
| **Complaint submission** | Must be in writing and mailed/faxed | Must call to file complaint |
| **Complaint handling** | Complaints are not sent to the Title VI Coordinator | Complaints are sent to the Title VI Coordinator |

During the site visit, the Review team inquired about the two different sets of procedures. Triangle Transit indicated that they were unaware of the second version, and acknowledged that it could be confusing to riders and that it would be removed from the Go-Triangle website. Prior to the issuance of the Draft Report, the Review team confirmed that it was removed.

Once the correct version was determined, the Review team reviewed the procedures for filing a Title VI complaint to confirm that they were being followed and determined that, for the most part, Triangle Transit was following its published procedures, with one exception. The Review team noted that, after speaking with Triangle Transit customer service staff and reviewing one complaint file, in practice, individuals could file a complaint over the phone and did not have to submit the complaint in writing as stated in Triangle Transit’s Title VI Complaint Procedure. Triangle Transit indicated that it would modify its complaint procedures to include the ability to file a complaint over the phone. Prior to the issuance of the Draft Report, the Review team confirmed this modification.

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.*

**Finding:** During this Title VI Compliance Review of Triangle Transit, no deficiencies were found regarding Triangle Transit’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits. Prior to the site visit, Triangle Transit provided a Title VI Complaint Log that included all elements required by FTA Circular 4702.1A.

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.*

**Finding:** During this Title VI Compliance Review of Triangle Transit, no deficiencies were found regarding Triangle Transit’s compliance with FTA requirements for Notice to Beneficiaries of Protection Under Title VI. Prior to the site visit, Triangle Transit submitted its “*Title VI - Notice to the Public*.” After receiving technical assistance from the Review team, minor changes were made to the Notice such that it included all of the three elements required in FTA Circular 4702.1A, as shown on the following table:

|  |  |
| --- | --- |
| **Elements Required in Title VI Notification**  **(Per FTA Circular 4702.1A Chapter IV Section 5.a)** | **Included in Triangle Transit Revised Notice to the Public?** |
| 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 |

The Review team confirmed that Triangle Transit had posted the original notice on its website, on transit vehicles, and at the Regional Transit Center, and noted that the Notice to Beneficiaries was translated in Spanish.

The Review team instructed Triangle Transit to more clearly describe how members of the public can request additional information on Triangle Transit’s nondiscrimination obligations, Specifically, Triangle Transit should modify the statement, “for more information regarding civil rights complaints” to read, “for more information or to file a civil rights complaint.”

Following the site visit, Triangle Transit submitted the following revised Notice to Beneficiaries:

***Triangle Transit***

***Title VI Notice to Public***

*Triangle Transit hereby gives public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964 and all related statutes. Title VI and related statutes prohibiting discrimination in Federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*

*Any person who believes they have been aggrieved by an unlawful discriminatory practice regarding Triangle Transit’s programs has a right to file a formal complaint. All complaints must be submitted to Triangle Transit’s Title VI Coordinator within 180 days following the date of the alleged occurrence.*

*For additional information regarding Triangle Transit’s nondiscrimination obligations or to file a complaint, please contact:*

*Title VI Coordinator*

*Triangle Transit*

*P.O. Box 13787*

*Durham, NC 27709*

*P: (919) 485-7433*

Prior to the issuance of the Draft Report, the Review team confirmed that all suggested changes were made to Triangle Transit’s Notice to Beneficiaries. Triangle Transit stated that, while the revised notice was approved, it was waiting for the Notice to Beneficiaries to be translated into Spanish. Once the document is translated, it will be posted on its website, on vehicles, and at the Regional Transit Center.

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 Triangle Transit, no deficiencies were found regarding Triangle Transit’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. Triangle Transit executed its FY 2010 Annual Certifications and Assurances in TEAM on November 20, 2009. Triangle Transit 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 Triangle Transit, no deficiencies were found regarding Triangle Transit’s compliance with FTA guidance for Environmental Justice (EJ) Analyses of Construction Projects. Triangle Transit construction projects implemented in the last three years and for the foreseeable future did not require an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), with the exception of any major construction associated with future busway and rail projects currently under consideration. The Review team provided technical assistance to Triangle Transit with respect to FTA Circular 4702.1A EJ requirements, emphasizing the importance of including the appropriate Title VI EJ considerations when planning future construction.

1. Submit Title VI Program.

**Requirement:** *FTA recipients serving large urbanized areas are required to document their compliance with the general reporting and program-specific 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 Triangle Transit, no deficiencies were found regarding Triangle Transit’s compliance with FTA requirements to Submit Title VI Program. Triangle Transit submitted its most recent Title VI Program submittal to FTA on August 15, 2008. The Title VI Program submittal, however, was not prepared in accordance with the current guidance, FTA Circular 4702.1A, dated May 13, 2007. The following table summarizes Triangle Transit’s 2008 Title VI Program submittal with respect to the current Circular:

| **ELEMENTS REQUIRED FOR TITLE VI PROGRAM** | |
| --- | --- |
| **GENERAL REQUIREMENTS**  **(Per FTA C. 4702.1A, IV, 7. a. (1) – (5))** | **In Triangle Transit 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. | Yes |
| * A copy of the agency procedures for tracking and investigating Title VI complaints. | Yes |
| * A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part. | Yes |
| * A copy of the agency’s notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint. | Yes |
| **Program-Specific REQUIREMENTS**  **(Per FTA C. 4702.1A, V, 6.a. (1) – (4))** | **In Triangle Transit Title VI Program Submittal?** |
| * 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. | N**o** |
| * Copies of systemwide service standards and systemwide 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. | No |

Since the Title VI Program submittal was based on the old Circular, even though it did include many of the elements required in the new Circular, Triangle Transit was not deficient in this area since the Title VI Report submittal was compiled shortly after the new Circular was adopted. The Review team provided technical assistance on how to prepare the next Title VI Program Submittal in accordance with FTA Circular 4702.1A. Triangle Transit’s next submittal is due on July 15, 2011.

#### FINDINGS OF THE PROGRAM-SPECIFIC REPORTING 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.*

**Findings:** During this Title VI Compliance Review of Triangle Transit, no deficiencies were found regarding Triangle Transit’s compliance with FTA requirements for Demographic Data. Using the options presented in FTA C. 4702.1A, V, 1.a., Triangle Transit selected Option A: Demographic and Service Profile Maps and Charts. This Option requires the following items:

|  |  |
| --- | --- |
| **Elements Required for Demographic Data**  **(Per FTA C. 4702.1A, V, 1. a.)** | **Included in Triangle Transit’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 and during the site visit, Triangle Transit provided demographic data as required by FTA Circular 4702.1A. The Review team instructed Triangle Transit to include the appropriate demographic maps in its next Title VI Submittal.

1. Systemwide Service Standards and Policies

**Requirement:**  *FTA recipients serving large urbanized areas shall adopt quantitative systemwide service standards necessary to guard against discriminatory service design or operations decisions. Recipients serving large urbanized areas shall adopt systemwide 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 Triangle Transit, deficiencies were found regarding Triangle Transit’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 |  |

Prior to the site visit, Triangle Transit submitted quantitative systemwide service standards to include route performance and productivity standards and “system characteristic standards.”

The route performance standards analyzed routes by 1) unlinked passenger trips per vehicle revenue hour, 2) cost recovery ratio, 3) operating cost per unlinked passenger trip, 4) subsidy per passenger trip, and 5) unlinked passenger trips per vehicle revenue mile. Triangle Transit used these standards to measure route productivity. Routes that did not perform at 75 percent of the system average for three of the five indicators were candidates for change or elimination.

During the site visit, the Review team discussed with Triangle Transit its systemwide service standards and policies and how they were applied with respect to the Circular. Triangle Transit’s system characteristic standards were consistent with the quantitative systemwide standards suggested by FTA Circular 4702.1A,V, 3.a (1-5), and systemwide policies suggested by FTA Circular 4702.1A, V, 3.a (1-2). However, Triangle Transit did not have systemwide standards for on-time performance, transit access, or distribution of transit amenities. It also did not have systemwide service policies for vehicle assignment and transit security, as indicated in the table below. After the site visit and prior to issuing the Draft Report, Triangle Transit provided updated service standards and policies that are also reported in the following table:

|  |  |  |
| --- | --- | --- |
| **Standard** | **Quantifiable** | **Comment** |
| Vehicle Load | Yes | Not to exceed seated capacity, or 1.0. |
| Vehicle Assignment  (policy) | NA | Triangle Transit’s policy was to assign vehicles based on ridership demand and type of service. Triangle Transit did not assign particular vehicles to individual routes, but assigned vehicles to drivers as they were available each morning. Triangle Transit initially submitted a fleet roster that included 19 Thomas built buses at least nine years old. The rest of its heavy duty vehicles were newer Gilligs no older than three years. The Review team was concerned that assigning vehicles each day as they became available could have an unintended disparate impact. Triangle Transit could potentially distribute the mix of old and new vehicles inequitably across minority and non-minority routes. During the site visit, Triangle Transit indicated that the initial fleet roster was no longer accurate, as it had received new vehicles and retired nearly all of its old Thomas vehicles.  Since Triangle Transit’s entire fleet was relatively new, there were no immediate concerns over vehicle assignment. The Review team did, however, recommend revising the vehicle assignment policy in such a way that minimizes the potential for disparate impact.  After the site visit and prior to issuing the Draft Report, Triangle Transit provided the following  “*Bus Assignment Procedures”:*   * *Due to higher capacity of riders, the Durham/Raleigh/Chapel Hill run/routes should be assigned 40 ft buses. The Gillig buses should be assigned first, with the Thomas buses being used as spares.* * *The 35 ft Gillig buses should be used on the lower capacity routes which include Apex, North Raleigh, Garner, and Cary.* * *The Goshen shuttle buses should be used on the shuttle runs/routes. These buses should only be used on service routes when no other larger bus is available and on routes where ridership is 16 riders or less per trip.* * *Gillig buses should be used on all Saturday runs/routes.* |
| Vehicle Headway | NA | Triangle Transit did not have policy headways; Instead, it employed demand-based headways ranging from 15-60 minutes (peak/non-peak). While no quantifiable passenger demand threshold was established, the Review team determined this to be acceptable due to the unique, “commuter/feeder” nature of the service. |
| Distribution of Transit Amenities | No | Triangle Transit indicated that, with exception, the decision to install transit amenities such as bus shelters and benches was based on passenger boardings. Triangle Transit did not, however, provide the number of passenger boardings that would make a stop eligible for a particular amenity. The Review team noted that establishing a quantifiable transit amenity standard is important as Triangle Transit was currently using FTA funds to purchase bus shelters. Triangle Transit needed to establish a quantifiable way to determine the placement of those shelters to protect against any disparate impact, as required by FTA Circular 4702.1A.  In addition, when the Review team conducted our route tours, it was observed that there were more amenities on the non-minority routes than on minority routes.  Triangle Transit explained that, historically, private organizations and municipalities provided shelters along the routes. Now that it will begin to install its own shelters, Triangle Transit acknowledged that a transit amenity standard was necessary. The Review team provided technical assistance and advised that it was acceptable to look at the region/service area as a whole and incorporate pre-existing shelters when determining equitable distribution. Grant funds from outside of FTA made available for the purchase of shelters could also be included in Triangle Transit’s analysis and determination.  After the site visit and prior to issuing the Draft Report, Triangle Transit provided the following updated standard for the distribution of transit amenities:   * *Bus stops with more than 25 passenger boardings per day on average are eligible for bus shelter installation* * *Bus stops with more than 10 passenger boardings per day are eligible for amenity improvements (i.e. benches)* |
| Transit Access  (policy) | No | Due to the nature of Triangle Transit’s service, transit access would be more effective as a policy than as a standard. Triangle Transit should document its transit access policy.  After the site visit and prior to issuing the Draft Report, Triangle Transit provided the following:   * *Triangle Transit will design and operate its services in a manner that provides equitable access regardless of race, ethnicity, or income. Equitable access is defined as comparable span of service, frequency of service, mode of access, and travel time given two travel markets with comparable demand for transit service.* |
| Transit Security  (policy) | No | Triangle Transit coordinated security through local law enforcement partnerships. The Review team advised Triangle Transit to include an explanation of how security was provided throughout the system in its next Title VI submittal.  After the site visit and prior to issuing the Draft Report, Triangle Transit provided the following Transit Security Policy and Practices:   * *Installed surveillance cameras at its transfer center and bus depot locations based on threat assessments using historical and national data, trends and engineering designs.* * *Bus operators are trained on the Transportation Safety Institute’s “Emergency Management” training program sponsored by FTA and “System Security Awareness for Transit Employees” sponsored by Rutgers, State University of New Jersey.* * *Road Supervision conducts safety and security training coupled with monthly drills.* * *Road Supervision is dispatched to monitor areas of service where complaints are elevated and where accidents occur frequently*. |
| On-Time Performance | Yes | While not listed as a quantifiable systemwide standard in response to Title VI, the Review team suggested that Triangle Transit use on-time performance (OTP) as another way to determine and ensure service equity. Triangle Transit already tracked OTP and had established OTP goals, and could simply use the goal as the standard.  After the site visit and prior to issuing the Draft Report, Triangle Transit established a on-time performance (OTP) standard to be included as one of their Title VI systemwide service standards. The Triangle Transit OTP standard stated that *at least 90% of the trips provided for each route will be completed no later than 5 minutes after the scheduled time each fiscal quarter*. |

The deficiencies in this area are now closed.

1. Evaluation of Service and Fare Changes

**Requirement:** *FTA recipients shall evaluate significant systemwide 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 Triangle Transit, deficiencies were found regarding Triangle Transit’s compliance with FTA requirements for Evaluation of Service and Fare Changes. Prior to the site visit, Triangle Transit submitted a method used in the development of its Short Range Transit Plan, where:

*“staff used a measure of low-income households and households without automobiles as an element of the evaluation of service demand for new services. This was assumed to be a surrogate for both low-income and minority populations since there is a high correlation between race and income in [the] region.”*

Triangle Transit’s response did not discuss service reductions or fare changes, and did not contain any of the elements for service and fare changes required by the Circular, illustrated in the following table:

| **ELEMENTS REQUIRED FOR EVALUATION OF SERVICE AND FARE CHANGES (PER FTA C. 4702.1A, V, 4.A.)** |
| --- |
| 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, Triangle Transit provided two examples of service changes where the resulting impact on minority and low-income populations were considered. First, changes to routes serving the 15-501 corridor between downtown Durham and Chapel Hill were determined by Triangle Transit to have no impact on minority populations. Triangle Transit based this conclusion on the judgment of the planning staff, not on the evaluation methods required by FTA Circular 4702.1A.

Second, changes to routes serving the NC-147 corridor between the Regional Transit Center and downtown Durham were determined to have no disproportionately negative impacts on minority populations. The Review team noted that the evaluation conducted by Triangle Transit to make this determination did not fully comply with FTA Circular 4702.1A, but did contain some of the required elements, and was more consistent with the spirit of the Title VI Guidance as illustrated below:

|  |  |
| --- | --- |
| **Elements Required for Evaluation of Service and Fare Changes (Per FTA C. 4702.1A, V, 4.a.)** | **Included in:** |
| **NC-147 Corridor** |
| Assess the effects of the proposed fare or service change on minority and low-income populations. | |
| Service changes – produce maps of service changes overlaid on a demographic map of the service area | No |
| Span of service – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted | No |
| Fare changes - Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted | No |
| 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 (partial) |
| 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. | No |
| Describe actions the agency proposes to minimize, mitigate, or offset any adverse effects of changes on minority and low-income populations. | Yes |
| 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 |

Essentially, Triangle Transit compared the demographic make-up along the sections of the route being eliminated (94 percent Black, 3 percent White), with the sections of the route being added (94 percent Black, 3 percent White). Since the profiles were virtually the same and since stops along the new routes were within ½ mile of stops along the eliminated routes, Triangle Transit determined that there was minimal impact to the ridership. Triangle Transit also considered the fact that all stops along the eliminated route would still be served by DATA , the local transit provider in Durham, NC.

During the site visit, the Review team provided technical assistance, informing Triangle Transit what was required by the Title VI Circular with respect to Evaluation of Service and Fare Changes. The Review team recommended that Triangle Transit take the following initial steps:

* Establish a definition for “major service change”
* Establish a standard that triggers further analysis of the potential disparate impacts caused by proposed service and/or fare changes
* Select one of the options from FTA Circular 4702.1A, V, 4 and conduct an analysis of future planned service changes, including the rail feasibility study currently underway
* Consider using the Triangle Transit 2009 On-board Survey as a basis for ridership data for its analysis.

After the site visit and prior to issuing the Draft Report, Triangle Transit selected FTA Circular 4702.1A, V, 4.a(1-2), Option A as its method for evaluating the impacts of proposed service and fare changes on minority and low-income persons. In addition, Triangle Transit submitted the following definitions, as required by the Circular:

*A “major service change” is defined as follows:*

* *The addition or elimination of a route,*
* *A change in at least 25 percent of an existing route’s pattern, measured in route-miles,*
* *The expansion or reduction in the frequency of service on any route by at least 25 percent, or*
* *The expansion or reduction in regular days of service on any route.*

Triangle Transit did not submit any specific procedures for conducting evaluations of fare and service changes as required by the Circular.

Following the issuance of the Draft Report, Triangle Transit submitted to the FTA Headquarters Office of Civil Rights documentation of its procedures for the Evaluation of Fare and Service Changes. The procedures reflect the requirements of FTA Circular 4702.1A. , and were adopted by Triangle Transit’s General Manager on October 25, 2010.

The deficiencies in this area are now closed.

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 the Triangle Transit, deficiencies were found regarding Triangle Transit’s compliance with FTA requirements for Monitoring Transit Service. Prior to the site visit, Triangle Transit stated that it regularly monitored on-time performance, peak loads, and vehicle assignments on a route level. While this monitoring was noted by the Review team, Triangle Transit did not provide additional documentation demonstrating that it was conducting either level of service, quality of service, customer survey, or a locally developed method for monitoring as required by FTA Circular 4702.1A, as illustrated in the following table:

|  |
| --- |
| **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. |
| **Elements Required for Monitoring – Option B: Quality of Service Methodology**  **(Per FTA C. 4702.1A, V, 5. b.)** |
| Recipients should 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. |
| Recipients should identify the most frequently traveled destinations for riders using the recipient’s service. |
| For each of the three most frequently traveled destinations, recipients should 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. |
| 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. |
| 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.)** |
| For their most recent passenger survey, recipients should 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. |
| 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. |
| 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.” |

During the site visit, the Review team provided technical assistance on how to develop an effective Title VI monitoring plan. The Review team recommended Triangle Transit familiarize themselves with monitoring options included in the Circular, and, based on its resources, select the option that would be most effective. The Review team suggested that Triangle Transit consider using the 2009 On-board Survey as a basis for its monitoring efforts. The Survey contained good information about the system’s effectiveness, and if the survey data was cross-tabulated for race, ethnicity, language and income levels, properly, it could be used as an effective monitoring tool that complied with FTA Circular 4702.1A.

After the site visit and prior to issuing the Draft Report, Triangle Transit selected FTA Circular 4702.1A, V, 5c(1-3), Option C: Title VI Analysis of Customer Surveys as its method for conducting Title VI monitoring. With the assistance of the consultant hired to conduct the 2009 On-board Customer Survey, Triangle Transit applied cross-tabs to previously collected survey data, comparing responses from individuals who identified themselves as members of minority groups and/or low-income to those who identified themselves as white and/or higher-income. The results of Triangle Transit’s monitoring effort were as follows:

* *There was little difference between ethnic/racial groups and income groups in terms of quality of service ratings and total travel time, although it should be noted that the travel time to the first Triangle Transit bus stop used is slightly higher for some minority and low-income individuals.*
* *Minority and low-income individuals do make more transfers on average than whites and higher-income individuals who ride Triangle Transit. Triangle Transit recently made service changes that improved the transfer connection between Triangle Transit buses at its transfer center and the transfers between Triangle Transit and the local service provider in Durham at its transportation hub. The intention of these changes was to make transfers more seamless and reduce wait times.*
* *Minority and low-income individuals also purchase more one-way cash fares and Day Passes than white and higher-income individuals, who predominately use employer-provided GoPasses or purchase 30-day passes. This likely reflects the inability for lower-income individuals to provide enough money up front to purchase discount fares or gain employment at large employers in the region such as universities and North Carolina State Government. Triangle Transit will continue to explore other discounted passes that do not requires as large a payment up-front. One example of this, the discounted 10-ride pass, is used in a higher proportion among Hispanic riders than any other racial/ethnic group according to the on-board survey results.*

The deficiencies in this area are now closed.

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 AND GUIDELINES** | | | | | | | | |
| 1. Inclusive Public Participation | | ND |  |  |  | |  | |
| 1. Language Access to LEP Persons | | D | Incomplete four factor analysis. | Triangle Transit must submit to the FTA Headquarters Office of Civil Rights documentation that it has conducted a LEP four factor assessment, including an analysis of Asian LEP riders, and developed a language assistance plan, as required by FTA Circular 4702.1A. | 90 Days | | 9/20/  2010 | |
| 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 RECIPIENTS SERVING LARGE URBANIZED AREAS** | | | | | | | | |
| 1. Demographic Data | ND | |  |  | |  | |  |
| 1. Systemwide Service Standards and Policies | D | | No systemwide standard for distribution of transit amenities.  No systemwide policy for vehicle assignment. | Triangle Transit must submit to the FTA Headquarters Office of Civil Rights documentation that it has developed quantifiable systemwide service standards for the distribution of transit amenities, and systemwide policies for vehicle assignment per FTA Circular 4702.1A. | | 90 Days | | 9/20/  2010 |
| 1. Evaluation of Fare and Service Changes | D | | No Evaluation of Fare and Service Changes per FTA Circular 4702.1A | Triangle Transit must submit to the FTA Headquarters Office of Civil Rights documentation of procedures for the Evaluation of Fare and Service Changes per FTA Circular 4702.1A. | | 90 Days | | 10/25/  2010 |
| 1. Monitoring Transit Service | D | | No Monitoring Transit Service per FTA Circular 4702.1A | Triangle Transit must submit to the FTA Headquarters Office of Civil Rights documentation confirming Triangle Transit’s selection and performance of one of the four monitoring options contained in FTA Circular 4702.1A. | | 90 Days | | 9/20/  2010 |

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

NR = Not Reviewed; AC = Advisory Comment

1. ATTENDEES

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| --- | --- | --- | --- |
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1. Per the 2000 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories. [↑](#footnote-ref-1)