

FTA

F E D E R A L T R A N S I T A D M I N I S T R A T I O N

Foothill Transit
Title VI Compliance Review
Final Report
February 2016
Federal Transit Administration



U.S. Department of Transportation
Federal Transit Administration

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A FTA Notification Letter to Foothill Transit

Executive Summary

Objective and Methodology

This report details the findings of a compliance review of Foothill Transit's Title VI Program implementation. The compliance review examined Title VI Program procedures, management structures, actions, and documents the Federal Transit Administration (FTA) and Foothill Transit collected. The three-day review included interviews, assessments of data collection systems, and a review of program and contract documents.

On behalf of FTA, a review team from the Collaborative, Inc. of Boston, Massachusetts, in association with Steadman Hill Consulting, Inc. of Montpelier, Vermont, conducted the review, which included three stages:

1. Preparation: compilation of information covering policies, procedures and reported data
2. Site visit: a three-person review team's observation of Foothill Transit's Title VI Program implementation
3. Analysis and reporting: identification of deficiencies requiring corrective actions and suggestions of effective practices in Title VI programs

Foothill Transit's Title VI Program includes the following positive program elements:

Positive Program Elements

- Foothill Transit has comprehensive public outreach and language access plans for an ethnically and linguistically diverse community.
- Foothill Transit uses sophisticated database software to track complaints and resolutions.
- Foothill Transit's service equity analysis is proactive and provides high-quality service to areas with high concentrations of minority residents.

Foothill Transit's Title VI Program has the following administrative deficiencies.

Administrative Deficiencies

- Foothill Transit's method of calculating vehicle load figures is incorrect.
- Foothill Transit's passenger survey is missing information regarding fare usage.
- Foothill Transit's method of calculating the impacts of proposed service changes to determine what constitutes a "major" service change is incorrect.

Foothill Transit's Title VI Program has no substantive deficiencies.

Please see Section 6 for a discussion of all three deficiencies. The Summary Table of Compliance Review Findings (following Section 6) lists all findings. Foothill Transit must address all deficiencies within 60 days of receipt of this report.

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1 General Information

This section provides basic information concerning this compliance review of Foothill Transit. Information on the grantee, the review team, and the dates of the review are presented below.

Grant Recipient:	Foothill Transit Authority
City/State:	West Covina, CA
Grantee Number:	5551
Executive Official:	Mr. Doran Barnes
On-site Liaison:	Ms. Vy Phan-Hoang
Report Prepared By:	The Collaborative, Inc., Boston, MA
Dates of Site Visit:	September 30, 2015 to October 2, 2015
Review Team Members:	Stephen Falbel, Z. Wayne Johnson, Ian Kolesinskas

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2 Jurisdiction and Authorities

The FTA Office of Civil Rights is authorized by the Secretary of Transportation to conduct civil rights compliance reviews. Foothill 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”
- FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”
- FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration Recipients”
- DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (December 14, 2005)
- [Executive Order 13166](#): “Improving Access to Services for Persons with Limited English Proficiency”
- Section 13 of FTA’s Master Agreement 21 (October 21, 2014)

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3 Purpose and Objectives

3.1 Purpose

The 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 selected Foothill Transit for a Title VI Program compliance review.

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

3.2 Objectives

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

- Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner.
- Promote full and fair participation in public transportation decision making without regard to race, color, or national origin.
- Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

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4 Introduction to Foothill Transit

Foothill Transit of West Covina, California, is the 72nd largest transit agency in the U.S. in terms of ridership and the 82nd largest in terms of vehicles operated in maximum service. It is the largest municipal transit operator in Los Angeles County with 330 vehicles in service. It provides fixed route local and express bus services in the Los Angeles metropolitan area, which includes the San Gabriel and Pomona Valleys and portions of adjoining San Bernardino and Orange Counties. Approximately 200,000 people live in the Foothill Transit service area, which covers approximately 327 square miles.

4.1 Introduction to Foothill Transit Services and Organizational Structure

Foothill Transit services operate 7 days a week with the first buses leaving at 4 a.m. and the last buses arriving at 12:43 a.m., though most lines operate between 5 a.m. and 9 p.m. Foothill Transit's Silver Streak regional high occupancy bus service (partial bus rapid transit) runs 24 hours a day, 7 days a week. At the time of the site visit, Foothill Transit operated 36 bus routes, all through contracts with Transdev for the Arcadia/Irwindale facility and with First Transit for the Pomona facility. In FY 2012, average weekday boardings were 47,000 with a yearly total of 14 million.

A 22-member Joint Powers Authority governs Foothill Transit, composed of elected representatives from the following cities: Arcadia, Azusa, Baldwin Park, Bradbury, Claremont, Covina, Diamond Bar, Duarte, El Monte, Glendora, Industry, Irwindale, La Puente, La Verne, Monrovia, Pasadena, Pomona, San Dimas, South El Monte, Temple City, Walnut, West Covina, and the County of Los Angeles (representing unincorporated areas). Three appointees from the LA County Board of Supervisors are also part of its leadership.

Foothill Transit began in 1988 after Southern California Rapid Transit District (RTD) implemented service cuts and fare increases. At that time, the Los Angeles County Transportation Commission transferred operation of 15 RTD lines to Foothill Transit. At first, Foothill Transit relied on contracted operations facilities for maintenance and then opened its own operations facility in 1997, followed by a second facility in 2002. The administrative offices moved from its leased property to the current West Covina address in 2007.

That same year, Foothill Transit launched the Silver Streak service covering approximately 40 miles from Montclair to downtown Los Angeles and utilizing freeways and HOV lanes. In addition, Foothill Transit deployed all-electric, zero-emissions Ecoliner vehicles for use on its 291 Line using ARRA funding in 2010 and TIGER II funding in 2011.

Foothill Transit transitioned from contracted senior leadership and technical staff to in-house management in 2013. Contractors continue to provide on-street operations maintenance and manage Foothill Transit's transit store. That year also saw Foothill Transit beginning to provide service to the City of Industry Park & Ride, its first agency-owned parking structure. In 2014, Foothill Transit began its Line 495 express service between the San Gabriel Valley and downtown Los Angeles began.

Access Services acts as the Los Angeles County Consolidated Transportation Services Agency and administers the Los Angeles County Coordinated Paratransit Plan. The plan provides for curb-to-curb complementary paratransit service within 3/4 mile of fixed route bus and rail lines throughout Los Angeles County (including Foothill Transit's service area). It also offers daily complementary paratransit service from 4 a.m. to midnight, with limited overnight service between 12 and 4 a.m. During Fiscal Year (FY) 2012–2013, approximately 3.5 million eligible passengers took approximately 2.7 million complementary paratransit trips.

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5 Scope and Methodology

5.1 Scope

The Title VI compliance review of Foothill Transit examined the following requirements and guidelines as specified in FTA Circular 4702.1B:

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

- Inclusive public participation
- Language access to LEP persons
- Title VI complaint procedures
- Record of Title VI investigations, complaints, and lawsuits
- Notice to beneficiaries of protection under Title VI
- Annual Title VI certification and assurance
- Subrecipient monitoring
- Minority representation on planning or advisory bodies
- Determination of site or facilities location
- Title VI Program submission

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

- Systemwide service standards and policies

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

- Demographic data
- Evaluation of service and fare changes
- Transit service monitoring

5.2 Methodology

FTA sent a notification letter on July 30, 2015 to Mr. Joseph Raquel, Foothill Transit's Director of Planning, confirming the timeframe for the review and asking him to send information to the review team within 21 days of the date of the notification letter. (See Attachment A.)

Before the site visit, the review team examined documents available from FTA's TEAM system, other FTA sources, public websites, and the materials Foothill Transit provided.

An opening conference was conducted at the beginning of the compliance review with FTA representatives, Foothill Transit staff, Foothill Transit's legal representative, and the review team. Participants included:

- Doran J. Barnes, Executive Director, Foothill Transit
- Michelle Caldwell, Director of Finance, Foothill Transit
- Gil Victorio, Finance Manager, Foothill Transit
- LaShawn King Gillespie, Director of Customer Service and Operations, Foothill Transit
- Felicia Friesema, Director of Marketing and Communications, Foothill Transit

- Joseph Raquel, Director of Planning, Foothill Transit
- Josh Landis, Planning Manager, Foothill Transit
- Vy Phan-Hoang, Transit Planner, Foothill Transit
- Henry Lopez, Transit Planner, Foothill Transit
- Anthony Anderson, Thompson Coburn LLP
- Stephen Falbel, Steadman Hill Consulting, Inc., Review Team Leader
- Z. Wayne Johnson, the Collaborative, Inc., Review Team Member
- Ian Kolesinskas, the Collaborative, Inc., Review Team Member
- Anita Heard, Equal Opportunity Specialist, FTA Office of Civil Rights (by telephone)
- Yolanda Mitchell, FTA Office of Civil Rights (by telephone)
- Marisa Appleton, FTA Region 9 (by telephone)

During the opening conference, the review team explained the goals of the compliance review and the needed cooperation of staff members. The team also discussed the site visit schedule.

The review team focused on the general reporting requirements and guidelines contained in FTA Title VI Circular 4702.1B, which became effective on October 12, 2012. The general reporting requirements and guidelines included implementation of the Limited English Proficiency (LEP) executive orders.

Following the opening conference, the review team met with Joseph Raquel, Josh Landis, and Vy Phan-Hoang as well as other staff responsible for Title VI compliance. Foothill Transit's legal representative, Anthony Anderson, attended the staff-level meetings. Discussions focused on documents submitted in advance of the site visit and additional documents provided on site.

The first session focused on public involvement and Foothill Transit's accommodations for LEP individuals. Felicia Friesema, Director of Marketing and Communications, provided most of the detailed information in these subject areas. The afternoon session consisted of a systematic review of Foothill Transit's Title VI Program, referring to other supporting documents as necessary. LaShawn King Gillespie guided the review team through Foothill Transit's process of receiving and addressing Title VI-related complaints. The review team examined a sample of complaints in Foothill Transit's online database, TransTrack.

The review team examined Foothill Transit's application of service standards, calculation of vehicle loads, and process to classify service changes as major or minor. The team also examined Foothill Transit's process for evaluating service and fare changes by reviewing service and fare equity analysis files and verifying that they contained the required elements. The review concluded with analyzing how Foothill Transit chooses sites for its facilities.

At the end of the site visit, an FTA representative, Foothill Transit staff, and the review team convened for the final exit conference to discuss initial findings and corrective actions. Participants included:

- Doran J. Barnes, Executive Director, Foothill Transit
- Michelle Caldwell, Director of Finance, Foothill Transit
- Gil Victorio, Finance Manager, Foothill Transit
- LaShawn King Gillespie, Director of Customer Service and Operations, Foothill Transit
- Joseph Raquel, Director of Planning, Foothill Transit
- Josh Landis, Planning Manager, Foothill Transit
- Vy Phan-Hoang, Transit Planner, Foothill Transit
- Henry Lopez, Transit Planner, Foothill Transit

- Stephen Falbel, Steadman Hill Consulting, Inc., Review Team Leader
- Z. Wayne Johnson, the Collaborative, Inc., Review Team Member
- Ian Kolesinskas, the Collaborative, Inc., Review Team Member
- Bill Schwartz, the Collaborative, Inc., Project Manager (by telephone)
- Jonathan Ocana, Title VI Specialist, FTA Office of Civil Rights (by telephone)

FTA provided Foothill Transit with a draft copy of the report for review and response. Foothill Transit had no comments.

5.3 Stakeholder Interviews

Each month, Foothill Transit distributes 5,000 Free Ride coupons to clients of 65 social service agencies who need transportation. Before the site visit, the review team contacted two recipient agencies to obtain input on their experiences with Foothill Transit.

Angels Who Care

Angels Who Care serves the homeless population in the Pomona area and receives 75 Free Ride coupons per month, regularly using up its allotment. Most of their clients have limited English proficiency, and some are on probation. The Angels Who Care representative is very satisfied with Foothill Transit and reported no Title VI-related complaints. She attended a couple of Foothill Transit's outreach events after receiving telephone and email invitations.

Volunteers of America

The representative from Volunteers of America echoed many of the same sentiments as Angels Who Care. The organization now receives 75 coupons per month after requesting an increase from 50. The clients of Volunteers of America vary and generally do not have limited English proficiency. The representative is not aware of any complaints about Foothill Transit's compliance with Title VI, or with any other matters.

The representative did not know about any outreach events. However, the representative is not a bus rider, and thus is unaware of any notices his clients see.

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6 Findings and Advisory Comments

This section details the findings for each area pertinent to the Title VI requirements (49 U.S.C. 5332) outlined in the Scope and Methodology section above. For each area, an overview of the relevant requirements and a discussion of how they apply to Foothill Transit's Title VI Program are provided, followed by corrective actions and a timetable to correct deficiencies for each of the requirements and sub-requirements are also presented below.

Findings are expressed in terms of "deficiency" or "no deficiency." Findings of deficiency denote policies or practices that are contrary to the Title VI requirements or matters for which FTA requires additional reporting to determine whether Title VI compliance issues exist.

Findings of deficiency shall always require corrective actions and/or additional reporting and will always be expressed as:

- A statement concerning the policy or practice in question at the time of the review
- A statement concerning the Title VI requirements being noncompliant or violated or potentially being noncompliant or violated
- A statement concerning the required corrective action to resolve the issue

Advisory comments are statements detailing recommended changes to existing policies or practices. The recommendations are designed to ensure effective Title VI programmatic practices or otherwise assist the entity in achieving or maintaining compliance.

6.1 Inclusive Public Participation

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

Discussion: During this compliance review, no deficiencies were found with this requirement.

Regular Title VI public participation activities include the following outreach efforts:

- Schools – Foothill Transit trains students in special education classes how to navigate the transit system. Foothill Transit also provides Free Ride coupons to cover the cost of student field trips.
- Senior citizens – Foothill Transit partners with senior centers to train seniors how to use its transit system, while allowing them to try Foothill Transit for free.
- Veterans – Foothill Transit partners with veteran support services to train veterans how to use its transit system, while allowing them to try Foothill Transit for free.
- Social service agencies – Foothill Transit manages a Free Ride coupon program, distributing almost 5,000 coupons per month to over 65 different agencies throughout its service area. (See Section 5.3.)
- Community Sponsorship – Throughout its service area, Foothill Transit sponsors non-profit agencies that offer services open to the public.
- Interior cards – Foothill Transit sponsors low-cost or free advertising space for area nonprofits to promote public events or services.

The review team examined Foothill Transit's list of outreach activities, including specific public meetings related to major service changes:

- 7/7–7/15/15 – Five meetings on Comprehensive Operational Analysis (COA) Service Enhancement (Phase 1) in Pomona, El Monte, La Puente, Azusa, and Baldwin Park
- 8/27/14–3/20/15 – Three meetings on Line 495 continuation (public meeting, presentation to special governing board, and minutes approval) in Walnut and West Covina
- 10/3–10/30/13 – Two meetings on major service change, fare change, disproportionate burden, and disparate impact policies in West Covina

The review team examined public meeting advertisements (made available in English, Spanish, and Chinese).

Foothill Transit provided the meeting agenda and approved minutes for the Line 495 continuation board meeting, including a sample comment card from a member of the public.

Foothill Transit conducted three focus groups when it created its Public Participation Plan and Language Assistance Plan (LAP). The review team examined sign-in sheets for meetings related to service changes and Foothill Transit's LAP. While attendance was limited at these meetings, participants represented multiple community organizations, including churches, veteran's groups, colleges, homeless advocacy groups, mental health groups, and school districts.

After major service changes, Foothill Transit holds "Meet the Planner" sessions in which staff planners visit the highest ridership stops for several hours and speak with riders to gather feedback on the change. This included 13 sessions in downtown Los Angeles, West Covina, Pomona, Montclair, Industry, and El Monte between 1/13/14 and 9/10/15.

Foothill Transit has a presence and involvement in various events within their service area. This includes 90 events held in Claremont, Glendale, West Covina, Glendora, Covina, Pasadena, Irwindale, Duarte, Diamond Bar, Walnut, La Puente, Azusa, Baldwin Park, Monrovia, El Monte and South El Monte, Los Angeles, Industry, Hacienda Heights, Rowland Heights, Pomona, San Dimas, and Arcadia between 10/24/13 and 5/9/15.

Foothill Transit also uses social media and has accounts with Instagram, Twitter, Pinterest, Google +, Flickr, YouTube, and Facebook. People can comment on Foothill Transit's Facebook page in both English and Spanish and will receive replies. Foothill Transit advertises in a local Chinese language newspaper.

Foothill Transit's recurring public meeting opportunities consist of biannual governing board meetings and monthly executive board meetings.

6.2 Language Access to LEP Persons

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

Discussion: During this compliance review, no deficiencies were found with this requirement.

The review team examined Foothill Transit's Four Factor Analysis and LAP and found it consistent with DOT guidance. Foothill Transit included a table in its LAP (page 22), listing which documents and/or document elements are vital. Foothill Transit makes vital elements available in Arabic, Armenian,

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

Chinese, Filipino, Japanese, Khmer, Korean, Persian, Spanish, Thai, and Vietnamese. Foothill Transit identified these 11 languages, in accordance with the Department of Justice (DOJ) Safe Harbor Provision.

The review team inspected Customer Service internal training documents on accommodating LEP individuals in person and on the phone. The team also discussed with the public outreach staff how they use LEP accommodations in public meetings and other outreach efforts.

Table 6-1 provides a detailed analysis of each required element in Foothill Transit's LAP.

Table 6-1 – Foothill Transit Four-Factor Analysis and Language Assistance Plan (LAP)

Required Elements (per FTA Circular)	Included in Plan	Notes/Comments
Part A – Four-Factor Analysis		
Demography – Number or proportion of LEP persons eligible to be served or likely to be encountered	✓	2011 – US Census American Community Survey data on Los Angeles County and Foothill Transit's 22 member cities determined service area LEP population. Additionally, CA Department of Education Data Quest data from 18 school districts serving member cities determined language spoken in the home of English learners. Also, Foothill Transit used rider surveys conducted in spring 2014 to identify language spoken at home.
Frequency of contact – Frequency with which LEP individuals come into contact with program and/or activities	✓	American FactFinder data identified the proportion of LEP persons commuting to work on public transportation in Los Angeles County. Contact frequency determined from specific customer service interactions, including requests for phone translation service (provided by Lazar Associates) broken out by language. Period covered August 2013–July 2014. Foothill Transit produced a 2015 list of translated calls during site visit and discussed Spanish-speaking capabilities of Foothill Transit staff. Rider survey data determined primary means of accessing service information. Also discussed printed materials and public meetings.
Importance – Nature and importance of program, activity, or service to people's lives	✓	Preliminary data from Foothill Transit's 2014 ridership survey determined daily frequency of transit use, off/peak usage, trip purpose, and automobile access.
Resources – Resources available and costs	✓	Foothill Transit provides LEP resources on its website and trilingual Bus Book and documented CSR and staff language capabilities (number of individuals and language spoken). Also tracks expenditures for phone translation, document translation, bus interior cards, Bus Book translation, and advertisement in ethnic newspapers.
Part B – Develop LAP		
Identification of LEP persons	✓	Results of Four Factor Analysis incorporated into description of LEP population (language spoken, geographic location, trip purpose/preference).

Required Elements (per FTA Circular)	Included in Plan	Notes/Comments
Language assistance measures	✓	Foothill Transit provides written translation for vital documents meeting the Safe Harbor Provision. Also offers on-site oral interpretation using bilingual staff and offers telephone translation through contractor (Lazar Associates). Foothill Transit provides oral interpretation upon request for board meetings and assesses the need for translation at community meetings based on location and content.
Training of staff	✓	Foothill Transit CSRs trained to call translation service immediately (Lazar Associates) when necessary.
Identify Vital Documents/Prioritization of Vital Documents	✓	Foothill Transit's methodology for determining vital documents follows the Safe Harbor Provision, yielding 11 languages (Arabic, Armenian, Chinese, Filipino, Japanese, Khmer, Korean, Persian, Spanish, Thai, and Vietnamese). Vital documents include: <ul style="list-style-type: none"> • Consent and complaint forms • Intake and application forms with the potential for important consequences • Written notices of rights • Denials, losses, or decreases in benefits or services • Notices advising LEP individuals of free language assistance services • Information about public hearings and comment opportunities related to fare • Information related to service changes and planning • Information for vulnerable populations (elderly and disabled) • Customer surveys related to any of these items
Provide notice to LEP persons	✓	Foothill Transit has posters (translated into 11 languages) advertising phone translation services at transit stores. Its website can be translated into any of the 11 languages from a link on the top of each page.
Monitor and update LAP	✓	In conjunction with its triennial Title VI Program submission, Foothill Transit revisits LAP. Submissions include a review of demographic data from the Four Factor Analysis. As translation requests for certain languages fluctuate, Foothill Transit will re-evaluate its resources for those languages. Plans to conduct future rider surveys on a five-year schedule. One staff member maintains and updates the Title VI policies (including LAP).

6.3 Title VI Complaint Procedures

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

Discussion: During this compliance review, no deficiencies were found with this requirement. An advisory comment is made regarding using complaint-tracking software to automatically flag recurring complaints against agency employees.

Foothill Transit prominently posts signs describing its complaint procedures on its buses, within its publicly distributed Bus Book, and on its website. Upon request, Foothill Transit provides its complaint procedures in an accessible format.

Foothill Transit's Customer Services department tracks complaint letters, notes, and calls in a robust database program, which records the entire complaint process (including its resolution), noting names of those involved at each step (complainant, identified employee, supervisor, and/or CSR). The system also identifies similar prior complaints or disciplinary actions against a named employee. Customer Service uses the system to analyze trends, identify repeat offenders, and list associated corrective actions, such as training/retraining of operators, revising training materials, etc.

At the time of the site visit, research into prior complaints against a named employee required Foothill Transit to perform queries manually. This approach could result in overlooking employees with multiple complaints or disciplinary actions if staff members failed to do this query for whatever reason. Foothill Transit staff acknowledged this shortcoming during the site visit and discussed modifications with its software vendor. (See advisory comment below.)

Foothill Transit requires its Bus Operations supervisors to immediately advise Customer Service of any Title VI complaints, which are then recorded in its database. Bus Operations, Planning/Scheduling, and Customer Service departments continually discuss complaint trends and status during General Manager staff meetings.

Based upon the review team's interviews with Customer Service and Bus Operations staff, as well as a review of Title VI complaints on file, conflicts between bus operators and LEP riders are the most common complaints. The disciplinary actions and correspondence to complainants appear appropriate. Foothill Transit resolves most complaints within 10 days; many resolve within 5 days.

Advisory Comment: It is an effective practice to use complaint-tracking software to automatically flag any relevant prior complaints and/or disciplinary record of a named operator or other employee.

6.4 Record of Title VI Investigations, Complaints, and Lawsuits

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

Discussion: During this compliance review, no deficiencies were found with this requirement. As discussed in the previous section, the review team examined Title VI complaints that Foothill Transit had included in its Title VI Program submission. The team also examined randomly selected complaints in Foothill Transit's online tracking system to determine whether Foothill Transit handled them properly. Foothill Transit's attorney advised the review team that there were no known lawsuits or open investigations filed with any entity in the prior three years. Based on electronic complaint files, interviews

with external stakeholders, and Internet research, the review team did not observe any evidence to the contrary.

6.5 Notice to Beneficiaries of Protection under Title VI

Requirement: FTA recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients shall disseminate this information to the public through measures that can include but shall not be limited to a posting on its Web site. Furthermore, notices will detail a recipient’s Title VI obligations in languages other than English, as needed and consistent with the DOT LEP guidance and the recipient’s LAP.

Discussion: During this compliance review, no deficiencies were found with this requirement.

Foothill Transit’s Title VI Program includes a statement of protections against discrimination, a telephone number to request more information on Foothill Transit’s Title VI policies, and a list of locations where notices are posted. Locations include Foothill Transit’s five transit stores, the boardroom (during meetings), Foothill Transit’s website, and the Bus Book. Foothill Transit’s Title VI Program includes sample posters with notices translated into the 11 languages Foothill identifies in its LAP (Arabic, Armenian, Chinese, Filipino, Japanese, Khmer, Korean, Persian, Spanish, Thai, and Vietnamese).

Foothill Transit’s has a Title VI [webpage](#) with its Title VI notice, including a statement of protections, telephone number for more information, and a link to complaint procedures. The top of the page includes links that translate the notice into the 11 LAP languages. Visitors can access the page by clicking the ‘your rights’ link under the “Connect” footer on Foothill Transit’s homepage.

The Title VI webpage also provides links to Foothill Transit’s Title VI complaint form in the 11 LAP languages. The webpage also links to the DOJ full text of Title VI, offers the DOJ Civil Rights Division mailing address, and details the Title VI complaint procedure.

The review team found the Title VI notice properly posted in Foothill Transit’s West Covina transit store (all 11 LAP languages), in the Bus Book (translated into Spanish and Chinese), as well as on a Foothill Transit bus (translated into Spanish and Chinese.)

Table 6-2 – Foothill Transit Notice to Beneficiaries of Protection under Title VI

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

6.6 Annual Title VI Certification and Assurance

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

Discussion: During this compliance review, no deficiencies were found with this requirement. Foothill Transit staff provided printed evidence that it submitted via TEAM its annual Title VI certification and assurance, duly signed by the Executive Director. Based on this evidence, the review team concluded that Foothill Transit complied with this requirement.

6.7 Monitoring Subrecipients

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

Discussion: During this compliance review, no deficiencies were found with this requirement. Foothill Transit does not have any subrecipients, so this requirement is not applicable.

6.8 Minority Representation on Planning or Advisory Bodies

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

Discussion: During this compliance review, no deficiencies were found with this requirement. Foothill Transit does not have any non-elected planning or advisory committees, and thus this requirement is not applicable.

Advisory Comment: It is an effective practice to establish an advisory committee representing riders and social service partners. Such a standing committee allows for ongoing input from key stakeholders in the transit system.

6.9 Determination of Site or Location of Facilities

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

Discussion: During this compliance review, no deficiencies were found with this requirement. In the past three years, Foothill Transit built or planned only two facilities, both of which were subject to the NEPA process. These facilities include a park-and-ride lot in the City of Azusa, and an expansion of a parking facility at the City of Industry Metrolink rail station. The environmental analysis for these projects identified no significant impacts, and the City of Azusa project documentation indicated no disparate impacts from an environmental justice perspective. No storage, maintenance, operations, or other similar facilities were planned or constructed that might have triggered a Title VI analysis during this reporting period.

6.10 Title VI Program Submission

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

Discussion: During this compliance review, no deficiencies were found with this requirement. Table 6-3 summarizes the review team's examination of Foothill Transit's Title VI Program document. See Sections 6.11 through 6.14 for a discussion of program-specific requirements and guidelines.

Table 6-3 – Title VI Program Reporting Requirements and Guidelines

General Reporting Requirements/Guidelines (per FTA Circular 4702.1B)	Included?
Summary of public outreach and involvement activities undertaken since last submission and description of steps taken to ensure that minority and low-income people had meaningful access to these activities.	Yes
Copy of agency's plan for providing language assistance for persons with limited English proficiency that was based on DOT LEP Guidance or copy of agency's alternative framework for providing language assistance.	Yes
Copy of agency procedures for tracking and investigating Title VI complaints.	Yes
List of any Title VI investigations, complaints, or lawsuits filed with agency since time of last submission. Should include only those investigations, complaints, or lawsuits that pertain to agency submitting report, not necessarily larger agency or department of which entity is a part.	Yes
List of any subrecipients and when their Title VI Program is due. Also included is how the primary recipient stores the submitted Title VI programs, and a summary of the efforts undertaken to ensure subrecipients comply with their Title VI obligations.	Yes
Copy of agency's notice to public that it complies with Title VI and instructions to public on how to file discrimination complaint.	Yes
Copy of the agency's table depicting the racial breakdown of the planning and advisory bodies and the efforts made to encourage the participation of minorities on such committees.	Yes
Copy of any conducted Title VI equity analyses related to the siting or location of facilities.	Yes
Program-Specific Requirements/Guidelines (per FTA Circular 4702.1B)	Included?
Copy of the agency's demographic analysis of its beneficiaries. Should include either any demographic maps and charts prepared or copy of any customer surveys conducted since last report that contain demographic information on ridership, or agency's locally developed demographic analysis of its customer travel patterns. (See Section 6.11.)	Yes
Copies of system-wide service standards and systemwide service policies adopted by agency since last programmatic submission. (See Section 6.12.)	Yes
Copy of equity evaluation of any fare change and major service change implemented since last programmatic submission. (See Section 6.13.)	Yes
Copy of results of either level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally-developed monitoring procedures conducted since last submission. (See Section 6.14.)	Yes

The following requirements apply to transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population

6.11 Demographic Data

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

Discussion: During this compliance review, a deficiency was found regarding the collection of passenger demographic data.

The Circular requires transit agencies to collect information on "race, color, national origin, English proficiency, language spoken at home, and household income and travel patterns." The Circular also requires "demographic information [to] be collected on fare usage by fare type amongst minority users and low-income users, in order to assist with fare equity analyses."

While Foothill Transit’s passenger survey included questions allowing an analysis of the first seven items listed above, it did not ask about fare usage by fare type. Foothill Transit performed other analyses of its fare structure and conducted a small sample (n=65) online survey about fares, but these did not allow for analysis of fare usage by fare type among minority and low-income users.

The review team examined a series of maps that Foothill Transit supplied in advance and presented on screen during the site visit. While Foothill Transit’s Title VI Program maps include the essential demographic analysis elements, they do not cover every piece of the demographic analysis. Foothill Transit recently improved or plans to improve two facilities in the next five years. (See Section 6.9.) The Title VI Program does not identify these facilities on the base map, nor does it provide a separate map of these facilities as the Circular requires.

The Circular requires that “maps and charts” of demographic data be provided. Foothill Transit included maps of the demographic data but did not supply data tables with numbers and percentages of minorities and low-income individuals by census tract or traffic analysis zone (TAZ).

Foothill Transit’s Title VI Program includes some preliminary tabulations from its May 2014 passenger survey with notes that additional data is forthcoming. Foothill Transit reports only race and income. Its tabulations place anyone who did not answer the race question into the “Other-not-White” category, making that category the largest for almost every bus route in the system. To some extent, this undermines the usefulness of the race data since it is not possible to determine whether some people who would have checked “white” chose not to answer the question.

Finally, the Circular requires “a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders.” A profile as described is more than simple tabulations of the riders in various racial groups. It should include cross-tabulations of minority vs. non-minority riders with respect to other demographic characteristics (income, employment status, age, etc.) and with respect to travel patterns (usage rates, trip purpose, trip rates to major trip generators such as downtown Los Angeles or regional activity centers, transfer rates to other modes of transit, etc.)

Table 6-4 shows the status of each of the Circular 4702.1B requirements related to demographic data.

Table 6-4 – Foothill Transit Demographic Data Practices

Elements Required for Demographic Data (per FTA Circular 4702.1B)	Included?
Base map of agency’s service area that includes each census tract or traffic analysis zone (TAZ), major streets, etc., fixed transit facilities, and major activity centers or transit trip generators, and major streets and highways. This map shall overlay census tract, block or block group data depicting minority populations with fixed transit facilities.	Yes
A map that highlights those transit facilities that were recently replaced, improved, or are scheduled (projects identified in planning documents) for an update in the next five years	No
Demographic map that plots above information and also shades those census tracts or TAZ where percentage of total minority and low-income population residing in these areas exceeds average minority and low-income population for service area as a whole.	Yes
Chart for each census tract or TAZ that shows actual numbers and percentages for each minority group within zone or tract.	No
Information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns, and fare usage by fare types for riders via a survey.	Incomplete

Corrective Actions and Schedule: Within 60 days of issuance of the final report, Foothill Transit must develop a plan to address the deficiencies identified above. Foothill Transit must conduct another passenger survey with all required elements included before its next Title VI Program submission. Foothill Transit must also commit to include all of the required elements in its next Program submission:

- A specific map of transit facilities that were recently replaced, improved, or are scheduled for an update in the next five years

- Chart for each census tract or TAZ that shows actual numbers and percentages for each minority group within zone or tract (each demographic map should be accompanied by a chart showing the actual data)
- A more complete demographic profile comparing minority riders to non-minority riders (as described above)

6.12 Systemwide Service Standards and Policies

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

Discussion: During this compliance review, deficiencies were found with this requirement. As discussed below, Foothill Transit did not develop separate service standards for each of its modes of service, and there were some technical problems with three of the service standards. There were no deficiencies with Foothill Transit's definition and treatment of minority routes, but an advisory comment is provided.

The FTA Circular defines local bus, express bus, commuter bus, and bus rapid transit (BRT) as separate modes of service. Foothill Transit claims its only mode is local bus service. Based on discussions with staff and an examination of Foothill Transit's bus schedules, Foothill Transit operates both local bus and express bus service. The Circular requires that agencies develop separate service standards for each mode of service operated. Foothill Transit has only one set of standards.

Foothill Transit describes its Silver Streak service as "partial bus rapid transit." It is closer to express bus service as it has peak headways of 30 minutes, makes limited local stops, and only part of its route operates on an express highway containing high occupancy vehicle lanes. The remainder of its route is in mixed vehicle traffic.

Foothill Transit incorrectly calculates its vehicle loads based on farebox data, which represent boardings per seat, rather than vehicle loads divided by seats. The data does not appear to accurately represent ridership by direction and time period because of significant imbalances in the "load factor" by direction. In addition, by combining morning and afternoon peak period data by direction, the analysis obscures any crowding associated with peak directionality. Transit agencies need to properly calculate loads based on ridecheck or automatic passenger counter (APC) data, and if the latter, they need to validate the data to ensure that boardings and alightings are balanced by route and direction. They also should calculate load factors separately by direction by peak period (morning and afternoon).

Foothill's presentation of on-time performance data does not include a definition of "on-time" (such as 0–5 minutes late). It also rates individual routes compared to a systemwide average rather than an absolute standard of on-time performance. By definition, using a floating system average results in about half of the routes exceeding the standard and the other half failing to meet the standard.

Foothill Transit's service availability standards loosely indicate if the agency serves minority areas better than non-minority areas, but do not give specific information on service availability by geographic unit. An example of a more appropriate standard would be: "For all census blocks in the service area with a density of at least six households per acre, 95 percent of households are within one quarter mile of a bus stop." Such a standard would then compare the availability for minority census blocks to that of non-minority census blocks.

It is not possible to say whether there is any disparity in service quality among the minority and non-minority routes in the Foothill Transit system. All but three of Foothill Transit's routes are classified as minority routes.

Corrective Actions and Schedule: Within 60 days of issuance of the final report, Foothill Transit must provide FTA with separate board-approved sets of service standards for each of its modes of service. It must also provide board-approved methods for measuring compliance with the following service standards:

- Calculating and presenting vehicle load data. The new method must include either a program of manual ridechecks or a validation method for Foothill Transit's APC data to serve as the basis for future load calculations.
- Comparing on-time performance data with an absolute standard rather than a floating system average. It is also essential to include the definition of "on-time" in the presentation of the results, and to state whether performance is measured only for the route terminals or also for the mid-route timepoints.
- Defining service availability by the percentage of residents in a given census geography within a given distance of a bus stop. Different percentage thresholds may be set for different density levels. Foothill Transit must then compare service availability for minority census blocks (those with a higher concentration of minorities than the total service area) to that of non-minority census blocks.

Advisory Comment: For transit agencies serving areas with a high concentration of minorities and where almost every route qualifies as a "minority route," it is an effective practice to analyze routes in finer detail. One approach is to divide routes into segments to determine whether a sufficient number of minority/non-minority segments permits comparison. Another approach is to analyze routes by national origin (e.g., Chinese, Vietnamese, Mexican, etc.) or race (e.g., Asian, Caucasian, Black, etc.) as opposed to combining all into a single "minority" category. An even more effective practice is to analyze routes both by segment and by minority sub-group (race or national origin).

6.13 Evaluation of Service and Fare Changes

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

Discussion: During this compliance review, a deficiency was found with this requirement. The review team examined how Foothill Transit classifies service changes as "major," which according to Foothill Transit policy means "any change that affects more than 25 percent of revenue service miles travelled, or more than 25 percent of the riders on a route."

Foothill Transit calculates typical weekday revenue miles and typical weekend day revenue miles before and after service changes. Foothill Transit adds the weekday and weekend day miles together to produce before and after mileage totals and compares these to determine if a change of 25 percent or more occurs. This method does not properly account for potential changes in alignment. Combined figures for five weekdays and two weekend days without weighting can misrepresent the results.

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

With properly calculated figures, the current 25 percent threshold for a major service change may require reconsideration based on an analysis of how many proposed service changes exceed that threshold. The chosen threshold figure must be justified by analysis.

Foothill Transit uses a 15 percent threshold for establishing a “statistically significant disparity.” The review team observed that with the overall minority population representing 76 percent of the service area population, a 15 percent buffer above that average excludes all but the most minority-dominated areas. The review team also observed that the origin of the 15 percent threshold was a comparison with nearby agencies rather than a rigorous analysis.

Besides the policy issue, Foothill Transit’s service equity and fare equity analyses comply with the Circular. Because of how Foothill Transit defined major service changes, only two routes qualified: the new Line 495 and the enhanced Line 699. The reviewed documents describe the datasets used in the analyses, as required, and define the impacts of service and fare changes. The review team carefully examined the service change on Line 699, which enhanced service to an area that has a lower concentration of minorities than the service area as a whole; the difference in concentration was less than the board-approved 15 percent threshold, and thus had no disparate impacts. However, Foothill Transit proactively improved service on the Silver Streak, a parallel route that serves a population with a higher concentration of minorities than the service area as a whole, as part of the same service change. When finding disparate impacts in the service equity analysis, such improvements are appropriate. The fare change was a fare reduction that benefited a route with a higher concentration of minorities than the service area as a whole. As a result, there was no adverse impact.

As required, Foothill Transit engaged the public to discuss the proposed service and fare changes. Foothill Transit supplied minutes of board meetings when the board approved service equity and fare equity analyses and documented approval of the 25 percent major service change threshold and the 15 percent statistically significant disparity threshold.

Corrective Actions and Schedule: Within 60 days of the issuance of the final report, Foothill Transit must propose a new method of calculating the percent change in revenue miles resulting from any proposed service change. It must also propose a method to determine whether 25 percent is the appropriate threshold for a major service change, and provide further justification of the choice of 15 percent as the threshold for a statistically significant disparity.

6.14 Monitoring Transit Service

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

Discussion: During this compliance review, no deficiencies were found with this requirement.

The review team examined the transit service monitoring report that was included with the Title VI Program submission. Other than the technical issues identified with Foothill Transit’s systemwide service standards and policies (see Section 6.12), the report conforms to the required Circular elements.

The report lists all Foothill Transit routes and indicates those classified as minority routes. As Foothill Transit’s service area is 76 percent minority, all but three of its current routes are minority routes. As noted in Section 6.12, although Foothill Transit states that it provides only one mode of service (local bus), and includes all of its routes under that mode, based on the Circular, it provides two modes (local bus and express bus).

Foothill Transit evaluated each of its routes according to the three route-level service standards (vehicle load, vehicle headway, and on-time performance) and policies and calculated system statistics for the remaining three standards (service availability, transit amenities, and vehicle assignment). For routes that did not meet the service standards, Foothill Transit provided explanations and plans to improve performance. Almost every route is a minority route. Thus, no service disparities exist for routes that either passed or failed the service standards.

Foothill Transit owns only two passenger facilities (Azusa Intermodal Transportation Center and City of Industry Park and Ride) but distributes locally sourced funds to municipalities to construct or enhance bus stops. The funds do not include any FTA dollars and municipalities retain ownership and maintenance responsibility for any shelters or amenities installed with these funds. Foothill Transit slated ten stops for improvement in the most recent cycle, with eight located in areas with high concentrations of minorities, and two at California State Polytechnic University, Pomona, a regional generator that serves passengers from well beyond the immediate walking distance of the bus stops.

7 Summary Table of Compliance Review Findings

Item	Title VI Requirements	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/*
1.	Inclusive Public Participation	No deficiency		
2.	Language Access to LEP Persons	No deficiency		
3.	Title VI Complaint Procedures	Advisory comment		
4.	Record of Title VI Investigations, Complaints, and Lawsuits	No deficiency		
5.	Notice to Beneficiaries of Protection under Title VI	No deficiency		
6.	Annual Title VI Certification and Assurance	No deficiency		
7.	Subrecipient monitoring	No deficiency (not applicable)		
8.	Minority Representation on Planning or Advisory Bodies	Advisory comment		
9.	Determination of Site or Location of Facilities	No deficiency		
10.	Submit Title VI Program	No deficiency		

Item	Title VI Requirements	Site Visit Finding deficiency/no deficiency or advisory comment	Finding(s) of Deficiency	Response Days/*
11.	Demographic Data	Deficiency	The passenger survey did not ask about fare usage by fare type as is required. Missing from the Program were a map of transit facilities and tables of demographic data. Analysis of demographic data was incomplete.	60/*
12.	Systemwide Service Standards & Policies	Deficiency	Service standards were provided for only one mode of service, when Foothill Transit operates two modes. The vehicle load figures were not currently calculated correctly; based on farebox data rather than ridecheck or validated APC data. The on-time standard was not defined and performance was compared to a floating average rather than an absolute standard. The service availability standard was insufficient.	60/*
13	Evaluation of Service and Fare Changes	Deficiency	The method to calculate the percentage change of route miles associated with service changes does not properly account for potential changes in alignment. The 25 percent threshold for major service changes and the 15 percent threshold for statistically significant disparity were arbitrarily selected and not justified by analysis.	60/*
14	Monitoring Transit Service	No deficiency		

* To be provided in final report

Attachment A
FTA Notification Letter to
Foothill Transit



U.S. Department
Of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor, TCR
1200 New Jersey Ave., SE
Washington, D.C. 20590

July 30, 2015

Mr. Joseph Raquel
Director of Planning
Foothill Transit
100 S. Vincent Ave, Suite 200
West Covina, CA 91790

Dear Mr. Raquel:

The Federal Transit Administration (FTA) Office of Civil Rights is responsible for ensuring compliance with 49 CFR Part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (DOT)—Effectuation of Title VI of the Civil Rights Act of 1964 (Title VI)” by its grant recipients and subrecipients. As part of its ongoing oversight efforts, the FTA Office of Civil Rights conducts a number of on-site Title VI compliance reviews of these grant recipients. For this reason, Foothill Transit has been selected for a review of its overall Title VI program to take place from **September 30–October 2, 2015**.

The purpose of this review will be to determine whether Foothill Transit is honoring its commitment, as represented by certification to FTA, to comply with the all applicable provisions of 49 CFR Part 21 and FTA Title VI Circular 4702.1B.

The review process includes data collection before the on-site visit, an opening conference, an on-site review of Title VI program implementation (including, but not limited to discussions to clarify items and matters previously reviewed and interviews with staff), interviews with external interested parties, and an exit conference. FTA has engaged the services of the Collaborative, Inc. to conduct this compliance review. The Collaborative team and FTA representatives will participate in the opening and exit conferences, with FTA participating by telephone.

We request your attendance at an opening conference scheduled for **9 a.m. Pacific Time on Wednesday September 30, 2015**, to introduce the Collaborative team and FTA representatives to Foothill Transit. Attendees should include you and other key staff. During the opening conference, the review team members will present an overview of the on-site activities.

Because review team members will spend considerable time on site during the week, please provide them with temporary identification and a workspace within or near your offices for the duration of their visit. Please let us know if you will designate a member of your staff to serve as Foothill Transit liaison with the review team and to coordinate the on-site review and address questions that may arise during the visit.

So that we may properly prepare for the site visit, we request that you provide the information described in Enclosure 1, which consists of items that the review team must receive within 21 days of the date of this letter. Please forward these materials, via email, to the following contact person:

Stephen Falbel
Steadman Hill Consulting, subcontractor to the Collaborative
6 First Avenue
Montpelier, VT 05602
(802) 223-0687
smf@steadmanhill.com

We request the exit conference be scheduled for **Noon Pacific Time on Friday October 2, 2015**, to afford an opportunity for the reviewers to discuss their observations with you and your agency. We request that you and other key staff attend the exit conference.

The FTA Office of Civil Rights will make findings and will provide a Draft Report. You will have an opportunity to correct any factual inconsistencies before FTA finalizes the report. The Draft and Final Reports, when issued to Foothill Transit, will be considered public documents subject to release under the Freedom of Information Act, upon request.

Foothill Transit representatives are welcome to accompany the review team during the on-site activities, if you so choose. If you have any questions or concerns before the opening conference, please contact Brian Whitehead, Program Manager for this compliance review, at 202-366-3051 or via e-mail at brian.whitehead@dot.gov.

Thank you in advance for your assistance and cooperation as we undertake this process. We look forward to working with your staff.

Sincerely,



John Day
Program Manager for Policy & Technical Assistance

cc: Leslie Rogers, FTA Region 9 Administrator
Marisa Appleton, Acting FTA Region 9 Civil Rights Officer

Foothill Transit
Title VI Program Compliance Review

Enclosure 1

You must submit the following information to Mr. Stephen Falbel within 21 calendar days from the date of this letter.

1. Current Title VI Program (which should include Foothill Transit organization chart).
2. Description of Foothill Transit's public transit service area, including general population and other demographic information using the most recent Census Data.
3. Current description of Foothill Transit's public transit service, including system maps, public timetables, transit service brochures, etc.
4. Roster of Foothill Transit's current revenue fleet, to include acquisition date, fuel type, seating configurations, vehicle assignment, and other amenities.
5. Description of transit amenities maintained by Foothill Transit for its service area. Amenities include station, shelters, benches, restrooms, telephones, passenger information systems, etc.
6. Copy of Foothill's Notice to Beneficiaries of Protections under Title VI.
7. Documentation of efforts made by Foothill Transit to notify members of the public of the protections against discrimination afforded to them by Title VI.
8. A narrative that describes the individuals and resources dedicated to implementing the Title VI requirements, handling any Title VI inquiries, and educating the agency's staff on Title VI.
9. Any studies or surveys conducted by the Foothill Transit, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding information on the race, color, national origin, English proficiency, language spoken at home, household income, travel patterns, and fare usage by fare type amongst minority users and low-income users, during the past five years.
10. Documentation of Foothill Transit's policies and procedures for evaluating any fare change and major service change (included with the policies and procedures is the related public outreach related to the development of said policies and procedures and a narrative on how the major service change, disparate impact and disproportionate burden thresholds were devised).

Foothill Transit
Title VI Program Compliance Review

11. A list of any service or fare changes in the past three (3) years or planned in the next year.
12. Any conducted service and fare equity analyses over the past three (3) years.
13. A list of any siting, locating, and/or constructing of facilities, and any associated Title VI equity analyses within the last three (3) years.
14. Current Title VI complaint/lawsuit or investigation list.
15. The Foothill Transit's procedures for identifying, investigating, and tracking Title VI complaints and documentation that the procedures for filing complaints are available to members of the public upon request
16. Summary of public outreach efforts/events since the last Title VI program submission, including any language efforts/activities to ensure limited English persons are able to participate and contribute during the held public outreach efforts/events.
17. Copy of the Foothill Transit four factor analysis of the needs of persons with Limited English Proficiency
18. Copy of Foothill Transit' Language Assistance Plan for persons with limited English proficiency
19. List of any monitoring or technical assistance provide to subrecipient(s).
20. Summary of subrecipient(s) and their respective Title VI program status.
21. Quantitative system-wide service standards and qualitative system-wide service policies adopted by the Foothill Transit to guard against discriminatory service design or operations decisions.
22. Documentation of periodic service monitoring activities undertaken by the Foothill Transit, during the past three years, to compare the level and quality of service provided. If the Foothill Transit's monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.
23. Names, titles, telephone numbers, and email addresses of interested parties (external organizations) with which Foothill Transit has interacted on Title VI issues.
24. Other pertinent information determined by Foothill Transit staff to be pertinent and demonstrative of its Title VI compliance efforts.