AGENDA ITEM #5
December 19, 2019

Peninsula Corridor Joint Powers Board
Staff Report

TO: Joint Powers Board WPLP Committee

THROUGH: Jim Hartnett
Executive Director

FROM: Carter Mau
Deputy General Manager/CEO

SUBJECT: Adoption of the 2019 Title VI Program

ACTION
Staff Coordinating Council recommends the Board approve the 2019 Title VI Program, provided to the Board via online link, which demonstrates the Peninsula Corridor Joint Powers Board's (JPB) compliance with Title VI of the Civil Rights Act of 1964, and the Federal Transit Administration's (FTA) implementing guidance.

SIGNIFICANCE
Under Federal guidelines issued in October 2012, the FTA requires the governing body of each Federal funding recipient to adopt a Title VI Program every three years. This will be the JPB's third program under these guidelines and is due to the FTA by February 7, 2020.

The JPB's Title VI Program includes the following documentation of JPB policies, procedures and activities:

- Contents and placement of public notices regarding the public's rights under Title VI of the Civil Rights Act of 1964
- Title VI complaint form and procedures
- List of transit-related Title VI investigations, complaints, and lawsuits pending within the last three years
- Public Participation Plan and summary of public engagement processes undertaken in past three years
- Limited English Proficiency Plan/Language Assistance Plan
- Demographic information on membership of non-elected committees, such as the Citizens Advisory Committee, and discussion of encouragement of minority involvement
- Results of equity analyses for any facilities constructed over the last three years
- Service area description and demographic profile, including ridership survey results
- Service Standards and Policies (adopted by the JPB in 2013), as well as results of service monitoring under these standards and policies
- Results of equity analyses for fare and service changes made in past three years, based upon the JPB's Major Service Change, Disparate Impact and Disproportionate Burden policies, also adopted in 2013
• Record of Board consideration and adoption of the Title VI Program

Staff recommends the Board adopt the 2019 Title VI Program so that it may be submitted to the FTA for review and acceptance by the FTA before the JPB's 2016 Title VI Program expires. The FTA's guidelines require that agencies submit the Title VI program 60 days before the existing Program's expiration date. However, an extension was granted by the FTA Region IX Office to submit the Title VI Program by February 7, 2020.

BUDGET IMPACT
There is no impact on the Fiscal Year 2020 budget.

BACKGROUND
Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Executive Order 12898, issued in 1994, mandates that Federal agencies take steps to address disproportionately high and adverse human health or environmental effects of their programs and activities on minority and low-income populations. Executive Order 13166, issued in 2000, requires recipients of Federal financial assistance to provide meaningful access to persons with limited proficiency in English.

Prepared by: Wendy Lau, Title VI Administrator 650.622.7864
Shayna van Hoften, Legal Counsel 415.995.5880
ADOPTING THE PENINSULA CORRIDOR JOINT POWERS BOARD’S 2019 TITLE VI PROGRAM

WHEREAS, Title VI of the Civil Rights Act of 1964, 42 USC 2000d et seq., (Title VI) prohibits recipients of Federal financial assistance from subjecting any person to discrimination based on, race, color or national origin under any programs and activities receiving federal financial assistance; and

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) receives a variety of grants and other forms of federal financial assistance from the Federal Transit Administration (FTA); and

WHEREAS, the FTA issued Circular FTA C 4702.1B, effective October 1, 2012 (Circular), setting forth requirements and guidelines for Title VI compliance; and

WHEREAS, the Circular details required elements of a Title VI Program, which each recipient of FTA financial assistance must submit to the FTA every three years to evidence compliance with Title VI; and

WHEREAS, the JPB received an extension from the FTA Region IX Title VI Officer to submit the JPB’s 2019 Title VI Program by February 7, 2020; and

WHEREAS, the JPB’s Title VI Program must include numerous elements, including but not limited to:

1. Information on numerous agency policies, procedures and activities undertaken over the last three years;
2. A public participation plan;
3. Information on public outreach undertaken by the JPB over the past three years;
4. A plan for engaging persons with limited English proficiency;
5. Major Service Change, Disparate Impact, and Disproportionate Burden policies, and System-wide service standards and policies, which this Board adopted pursuant to Resolution No. 2013-21;

6. Results of service monitoring analysis; and

7. Results of fare and service change equity analyses conducted over the past three years; and

WHEREAS, staff has developed a proposed Title VI Program (provided to the Board via online link), including the above-referenced items and evidencing the JPB's compliance with Title VI, for Board consideration and approval; and

WHEREAS, Staff Coordinating Council recommends, and the Executive Director concurs, that the Board approve the Title VI Program for submittal to the FTA.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Peninsula Corridor Joint Powers Board hereby adopts the JPB's 2019 Title VI Program; and

BE IT FURTHER RESOLVED the Board of Directors authorizes the Executive Director, or his designee, to:

1. Include evidence of the Board's consideration and approval of the final JPB Title VI Program;

2. Submit the final JPB Title VI Program to the FTA; and

3. Take any other steps necessary to give effect to this Resolution, including responding to any follow-up inquiries from the FTA.

Regularly passed and adopted this 9th day of January, 2020 by the following vote:

AYES:

NOES:

ABSENT:

___________________________________________
Chair, Peninsula Corridor Joint Powers Board
ATTEST:

______________________________
J PB Secretary
Overview

- **Title VI States:**
  - “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

- **Federal Transit Administration (FTA) Requirements**
  - Monitors transit providers for Title VI Compliance as recipients of federal funds

- **Caltrain Title VI Program Update** is due every three years to FTA; next submission is February 7, 2020.
Review Process

1. Each section reviewed by appropriate staff to address updates, changes, or unimplemented goals.
2. Review of other Title VI Programs from Valley Transportation Authority, BART, and SFMTA for key missing components.
3. Feedback and information edited by Title VI Administrator.
4. Reviewed by appropriate staff one more time.

2019 Updates

- Title VI Notices: Will move to translate Notices and Complaints in all Safe Harbor Languages. Notices are at all stations.
- Procedure to request interpreters and translations for public hearings/ public meeting through Title VI Administrator
- Included more online strategies for public participation
- Used updated ACS data to define minority and low income stations
Transit Provider Reporting Requirements

- Service Standards and Policies (headways, amenities, train assignment, route designation, etc.)
- Demographic and Ridership Service Profile
- Public Participation Plan
- Language Access Plan
- Investigation and Complaint Procedure
- Major Service Change Policies
- Fare and Equity Analyses between 2017-2019
- Service Performance Monitoring

Title VI Complaints

- 9 Complaints: Complainants filed a Title VI Complaint Form.
  - Non-discriminatory reasons
  - Proof of Payment Procedures
  - Video does not show incident
  - Not supported by evidence
  - Complainant no longer wishes to pursue complaint
  - Unable to reach Complainant
Table 9: Top 9 Predominant Languages within Caltrain Service Area

<table>
<thead>
<tr>
<th>Safe Harbor Languages</th>
<th>ACS 2017 5 year</th>
<th>English Language Learner</th>
<th>On Board Survey 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Chinese (incl. Mandarin, Cantonese)</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>3</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Tagalog (incl. Filipino)</td>
<td>4</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Korean</td>
<td>5</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Russian</td>
<td>6</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Hindi</td>
<td>7</td>
<td>10</td>
<td>N/A</td>
</tr>
<tr>
<td>Japanese</td>
<td>8</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Persian (incl. Farsi, Dari)</td>
<td>9</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>Khmer</td>
<td>11</td>
<td>13</td>
<td>N/A</td>
</tr>
<tr>
<td>Arabic</td>
<td>12</td>
<td>22</td>
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<tr>
<td>Portuguese</td>
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<td>12</td>
<td>5</td>
</tr>
<tr>
<td>Telugu</td>
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<td>11</td>
</tr>
<tr>
<td>Tamil</td>
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<td>16</td>
<td>5</td>
</tr>
<tr>
<td>Gujarati</td>
<td>16</td>
<td>17</td>
<td>N/A</td>
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<tr>
<td>Italian</td>
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<td>18</td>
<td>N/A</td>
</tr>
<tr>
<td>French (incl. Cajun)</td>
<td>18</td>
<td>19</td>
<td>17</td>
</tr>
<tr>
<td>Urdu</td>
<td>19</td>
<td>20</td>
<td>18</td>
</tr>
</tbody>
</table>

Document | Languages | Examples | Vital Document? |
--- | --- | --- | --- |
Title VI Notices | All Safe Harbor Languages | Fixed Route Bus Ad Card | Yes |
Safety and Security Information | All Safe Harbor Languages/Icons and Symbols to reach as many LEP riders as possible, regardless of language spoken and literacy levels. | Emergency Re Route | Depends on subject matter |
Notice of Free Language Assistance | All Safe Harbor Languages | Yes |
Legal Notices | All Safe Harbor Languages | Yes |
Title VI Complaint Form and Procedures | All Safe Harbor Languages | Yes |
Instructional or informational riderhip brochures | Primary Tier 2 and Tier 3 when requested | Take ones, Traveling Tips, Rider Guides | Yes |
Applications to Participate in Programs, Benefits, and Services | Primary Tier 2 and Tier 3 when requested | Paratransit Services, RTC Applications | Yes |
Fare and Major Service Changes Notices | Primary Tier 2 and Tier 3 when requested | Yes |
Fare and Major Service Change Documentation/Analysis | Primary Tier 2 and Tier 3 as requested | No |
Project Fact Sheets | Primary Tier 2/Tier 3 as determined by location and/or as requested | Translated Fact Sheets/Summaries may be created in lieu of large document translations depending on the subject matter and cost. | Depends on Subject Matter |
Public Hearings | Primary (Meeting Notices) and Tier 2/ Tier 3 as requested | Formal Notices, protocols to submit comments, presentation materials | Yes |
Public Outreach | Primary (Meeting Notices) Tier 2/Tier 3 languages as determined by location and as funding permits | Formal Notices, documents that require public input, fact sheets, informational brochures with key information | Depends on Subject Matter |
General Promotional Materials/ Promotional Events | Primary and Tier 2/Tier 3 languages as determined by location and as funding permits | Fliers, brochures | No |
Construction and Other Courtesy Notices | Primary and Tier 2/Tier 3 languages determined by location and as funding permits | Service Disruptions, Retriffs, Reroutes due to Events | No |
Surveys | Primary as determined by location and as funding permits. Oral interpretation by request. | No |
- Minority Station: Stations located in Census tracts where the minority population exceeds the system wide majority of 51%.
- 21/32 Stations designated as minority

- Low Income* Station: Stations in Census tracts where the low income population exceeds system wide threshold of 13.1%
- Definition used by BART and VTA given region’s high cost of living.
- 23/32 stations are low-income stations

* 200% of the federal poverty guideline (1 person under $24,999 is considered below the poverty line).
### Service Policies

#### Standard Type | Service Standard
--- | ---
**Vehicle Load** | Peak: 1.2 (not to exceed 1 passenger per 5 seats)<br>Off Peak Load Factor: 1.0 (not to exceed 1 passenger per seat)

**On Time Performance** | 95% Goal = reaches final destination w/in 5 min 59 secs (NB and SB). When delays occur, it affects all stations regardless of minority or low-income station status.

**Headways** | **Station Type** | **Peak** | **Reverse-Peak**
--- | --- | --- | ---
Major | 20 | 20
Intermediate | 30 | 30
Minor | 60 | 60
Gilroy | 3 trips per peak period | - - - - - Service provided as needed - - - - -
Special | - - - - - - - -

Midday/Evenings and Weekends: 60 minutes

**Service Coverage** | Service is largely static as service is provided to all stations during peak, reverse peak, evenings, and weekends regardless of minority or low-income station status.

### Service Policies

#### Policy Type | Policy Standard
--- | ---
**Vehicle Assignment:** | 118 passenger cars are rotated on a daily basis to serve scheduled trains. Several trains a day are specified to be equipped with Gallery to utilize the higher bike capacity.

As a fixed Guide Way system, the entire Caltrain fleet services all stations with no distinction between fleet vehicles.

**Amenities** | Core: Elevators, Trash bins, shelters, bike lockers, bike racks, pay phones, smart card validation equipment and ticket vending machines

<table>
<thead>
<tr>
<th>Station Type</th>
<th>Level</th>
<th>Amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major</td>
<td>Level 1</td>
<td>Core amenities</td>
</tr>
<tr>
<td>Intermediate</td>
<td>Level 1</td>
<td>Core amenities</td>
</tr>
<tr>
<td>Minor</td>
<td>Level 1</td>
<td>Core amenities</td>
</tr>
<tr>
<td>Gilroy</td>
<td>Level 2</td>
<td>Core amenities without bike racks, PA &amp; VMS</td>
</tr>
<tr>
<td>Special</td>
<td>Level 3</td>
<td>TVMs only, at stations with scheduled stops</td>
</tr>
</tbody>
</table>
Questions?