



What is Title VI?

- Title VI of the Civil Rights Act of 1964 addressed discrimination in most areas of public life in the U.S.
- 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."*



Why is Title VI Important?

Title VI...

- Ensures that public services, including transportation, are provided in a nondiscriminatory manner
- Requires opportunities for public participation in decision-making without regard to race, color, or national origin, including populations with *Limited English Proficiency (LEP)*
- Provides access to public services by LEP populations
- Is the subject of renewed focus at the federal level



Does Title VI Apply to Caltrain?

- **Yes: JPB is eligible for and receives federal assistance for its transit and other programs**
 - Section 5307 urbanized area formula grants
 - Section 5309 fixed guideway program
 - Map 21 – Section 5337 state of good repair
 - Map 21 – Section 5339 facilities
- **Federal Transit Administration (FTA) monitors transit providers for Title VI compliance**
- **Non-compliance with Title VI can cause federal funding to be conditioned or withheld**



FTA Title VI Monitoring

- **Review of Title VI Programs submitted by transit agencies every three years**
 - Includes documentation showing compliance, development and implementation of required policies and plans
- **Investigation of Title VI complaints**
- **Performance of Title VI audits**




FTA Title VI Circular: New Primary Requirements

- **Conduct updated survey of passengers**
 - Collect customer demographic and travel pattern data through passenger surveys at least every five years
- **Develop formal Public Participation Plan**
- **Report racial breakdown of membership of District-appointed membership advisory committees; encourage and solicit minority participation**
- **Adopt policy on major service changes**
- **Adopt policies on disparate impact and disproportionate burden for specific populations**




FTA Title VI Circular: Service Standards and Policies

- **Adopt system-wide service standards and policies**
 - Quantitative standards, qualitative policies
 - Requires Board approval and submission to FTA by March 31, 2013
- **Monitor compliance with standards and policies**
 - Present service monitoring results to Board at least every three years
 - Board is required to approve results and provide input on mitigations for potential negative findings



FTA Title VI Circular: New Policies

- **Requires public process to create and adopt new policies**
 - **Major Service Change Policy**
 - Determine threshold when equity analysis for service changes is needed
 - **Disparate Impact, Disproportionate Burden Policies**
 - Determine threshold when fare or service changes would have a disparate impact on race, color, national origin (including LEP), or disproportionate burden on low-income populations



FTA Title VI Circular: New Policies

- **Requires equity analyses of major service changes and all fare changes to determine whether adverse impact is present prior to Board adoption**
 - Use demographic data from passenger survey
 - Agency may *not* adopt fare or service change with disparate impact if there is no “substantial legitimate justification”
 - If no alternative with lesser effects, must mitigate
 - Board must also approve any mitigations before or at time fare or service changes are adopted



Proposed Title VI Schedule

- **January 2013: Inform Board of new Title VI requirements**
- **February 2013: Review proposed Title VI policies with Board**
- **February - March 2013: Conduct public outreach on proposed Title VI policies**
- **March 2013: Board approves Title VI policies**
- **March 31, 2013: Submit board approved Service Standards and Service Policies to FTA**