

**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  
Shayna van Hoften, Legal Counsel

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RESOLUTION NO. 2020 –

BOARD OF DIRECTORS, PENINSULA CORRIDOR JOINT POWERS BOARD  
STATE OF CALIFORNIA

\* \* \*

**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 9<sup>th</sup> day of January, 2020 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, Peninsula Corridor Joint Powers Board

ATTEST:

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JPB Secretary



## Overview

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- 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

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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.



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## 2019 Updates

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- 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



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## Transit Provider Reporting Requirements

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- 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



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## Title VI Complaints

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- 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



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**Table 9: Top 9 Predominant Languages within Caltrain Service Area**

Safe Harbor Languages	ACS 2017 5 year	English Language Learner	On Board Survey 2016
Spanish	1	1	1
Chinese (incl. Mandarin, Cantonese)	2	3	2
Vietnamese	3	2	5
Tagalog (incl. Filipino)	4	4	3
Korean	5	9	5
Russian	6	8	4
Hindi	7	10	N/A
Japanese	8	6	5
Persian (incl. Farsi, Dari)	9	16	5
Punjabi	11	13	N/A
Khmer	12	22	N/A
Arabic	13	7	5
Portuguese	14	12	5
Telugu	15	11	N/A
Tamil	16	15	N/A
Gujarati	17	25	N/A
Italian	18	35	5
French (incl. Cajun)	19	17	4
Urdu	20	18	N/A

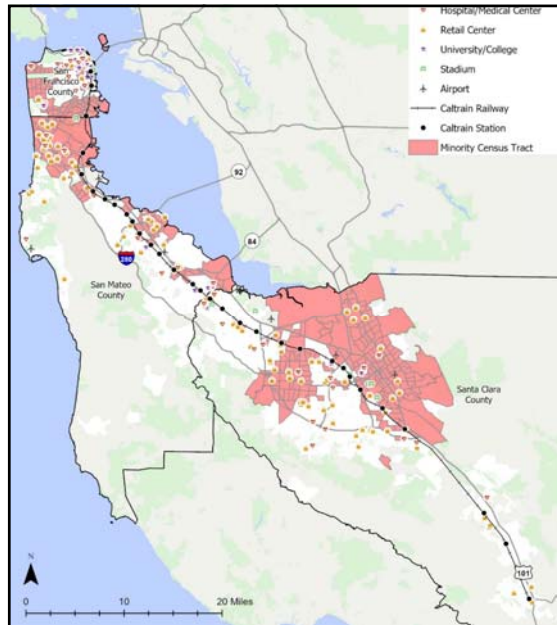


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Document	Languages	Examples	Vital Document?
Title VI Notices	All Safe Harbor Languages	Fixed Route Bus Ad Card	Yes
Safety and Security Information	All Safe Harbor Languages/ Icons and Symbols to reach as many LEP riders as possible, regardless of language spoken and literary 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 ridership 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 and Tier 2/Tier3 as requested		No
Project Fact Sheets	Primary and Tier 2/Tier3 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 Tier2/Tier3 languages as determined by location and as funding permits	Fliers, brochures	No
Construction and Other Courtesy Notices	Primary and Tier2/Tier3 languages determined by location and as funding permits.	Service Disruptions, Retrofits, Reroutes due to Events	No
Surveys	Primary as determined by location and as funding permits. Oral interpretation by request.		No



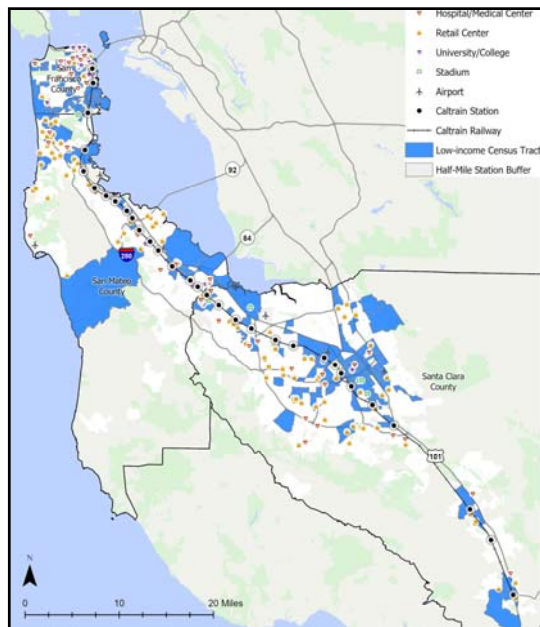
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Caltrain

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- **Minority Station:** Stations located in Census tracts where the minority population exceeds the system wide majority of 51%.
- 21/32 Stations designated as minority



Caltrain

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- **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) 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	<table border="1"> <thead> <tr> <th>Station Type</th> <th>Peak</th> <th>Reverse-Peak</th> </tr> </thead> <tbody> <tr> <td>Major</td> <td>20</td> <td>20</td> </tr> <tr> <td>Intermediate</td> <td>30</td> <td>30</td> </tr> <tr> <td>Minor</td> <td>60</td> <td>60</td> </tr> <tr> <td>Gilroy</td> <td colspan="2">3 trips per peak period</td> </tr> <tr> <td>Special</td> <td colspan="2">-----Service provided as needed-----</td> </tr> </tbody> </table> <p>Midday/Evenings and Weekends: 60 minutes</p>	Station Type	Peak	Reverse-Peak	Major	20	20	Intermediate	30	30	Minor	60	60	Gilroy	3 trips per peak period		Special	-----Service provided as needed-----	
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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.																		



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## Service Policies

Policy Type	Policy Standard																		
Vehicle Assignment:	<p>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.</p> <p>As a fixed Guide Way system, the entire Caltrain fleet services all stations with no distinction between fleet vehicles.</p>																		
Amenities	<p>Core: Elevators, Trash bins, shelters, bike lockers, bike racks, pay phones, smart card validation equipment and ticket vending machines</p> <table border="1"> <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>	Station Type	Level	Amenities	Major	Level 1	Core amenities	Intermediate	Level 1	Core amenities	Minor	Level 1	Core amenities	Gilroy	Level 2	Core amenities without bike racks, PA & VMS	Special	Level 3	TVMs only, at stations with scheduled stops
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Questions?

