

TITLE VI PROGRAM UPDATE



RTD

May 2016

Equitable distribution of transit service is a core principle of the Regional Transportation District. This document describes the measures taken to promote equitable transit service as stipulated by Title VI of the Civil Rights Act of 1964 and Executive Order 12898 (Environmental Justice).

By The Transit-Oriented Communities Division

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Title VI Program Update

MAY 2016

EXECUTIVE SUMMARY

Title VI and Environmental Justice

Equity is a core principle of the Regional Transportation District's (RTD) mission to provide mass transit service in the Denver Metro Area. An equitable mass transit system fairly distributes the benefits and adverse effects of transit service without regard for race, color, national origin, or low-income status. This principle is detailed and reinforced by Title VI of the Civil Rights Act of 1964 and Executive Order 12898 pertaining to environmental justice.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance. Specifically, 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."

In 1994, President Clinton issued Executive Order 12898, which states that each federal agency "shall make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."



The Federal Transit Administration's (FTA) Circular 4702.1B provides its recipients of FTA financial assistance with instructions for achieving compliance with Title VI and Environmental Justice. In this circular, the FTA requires that RTD document measures taken to comply 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.

In this Title VI program update, the Transit Oriented Communities Division has compiled a documentation of compliance efforts made from June of 2013 – June of 2016. Below is an overview of the collection of documents and information that comprise the 2016 Title VI Program Update.

Demographic Profile

RTD’s 2,340 square mile service area (primarily consisting of the Denver Metro area) is inhabited by 2.7 million people, living in diverse communities, with geographically dispersed high-concentrations of minorities (above 29% representation in a Census tract/block group) and low-income populations (above 21% representation in a Census tract/block group).

The following tables depict the demographic profile of the District.

TABLE 1 – RTD SERVICE AREA DEMOGRAPHIC BREAKDOWN

Total Population of Service Area*	Minority Population*	Percent Minority	Total Households**	Households Low-Income**	Percent Households Low-income
2,680,920	765,388	29%	1,166,375	250,144	21%

* U.S. Census Bureau – 2010 Census ** U.S. Census Bureau – American Community Survey (2013)

Total system ridership is disproportionately minority (41%) and low-income (48%).

TABLE 2 – RTD RIDERSHIP DEMORGRAPHIC BREAKDOWN***

Demographic	Total System	Bus	Light Rail	Call-n-Ride	SkyRide
Non-Minority	59%	57%	65%	70%	60%
Minority	41%	43%	35%	30%	40%
Low-Income	48%	51%	42%	36%	28%
Non-Low-Income	52%	49%	58%	64%	72%

***RTD – Customer Satisfaction Survey 2014

An analysis of the Census data, Customer Satisfaction Surveys and Demographic Profile maps reveals minority and low-income ridership are predominately located within the densely populated urban communities of the District. Customer Satisfaction Survey data shows Denver Local and Limited Bus service is primarily utilized by minority and low-income populations.

For detailed information pertaining to the District’s minority and low-income populations please observe the Demographic Profile Maps and Customer Satisfaction Survey data included as appendices to this document.

Complaints

Federal recipients are also required to directly accept, log and investigate complaints of discrimination. Further, recipients are required to notify the public of their right to complain and the procedures for processing their complaint. In the appendix is a copy of the Title VI public notice placed on all RTD vehicles, and a table summarizing complaints received and their status (open, closed, etc...).

Subrecipient

RTD's sub-recipients of federal financial assistance must also comply with Title VI of the Civil Rights Act of 1964. To meet its enforcement responsibilities under Title VI, RTD has implemented a sub-recipient monitoring process.

The RTD Title VI Manager will ensure the following actions are taken affirming that RTD and its sub-recipients comply with Title VI of the Civil Rights Act of 1964 and FTA Circular 4702.1B:

1. Each year sub-recipients must provide RTD with an FTA Civil Rights Assurance/Signed Assurance that all records and other information required under FTA Circular 4702.1B have been or will be compiled, as appropriate, and maintained;
2. Each sub-recipient must implement a Title VI complaint process and provide RTD with a list of active lawsuits and Civil Rights Complaint summary alleging discrimination on the basis of race, color or national origin;
3. Each sub-recipient must post its Title VI Policy Statement in prominent, conspicuous and accessible locations throughout its facilities;
4. Sub-recipients must take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).

In general, sub-recipients should have a public participation process that offers early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. Efforts to involve minority and low-income people in public involvement activities can include both comprehensive measures, such as placing public notices at all stations and in all vehicles, and measures targeted to overcome linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and low-income populations from effectively participating in a recipient's decision-making. Sub-recipients must file with RTD documentation of its public participation plan.

Each sub-recipient further agrees to comply with, and assure compliance by its third party subcontractors at any tier under the Project, with all requirements of the FTA Title VI Program pursuant to FTA Circular 4702.1B and 49 CFR 21.5(b)(2) and 49 CFR 21.5(b)(7), Appendix C to 49 CFR Part 21.

Public Participation and Language Assistance

Included in this Title VI Program Update are a revised Public Participation Plan and Language Assistance Plan. These plans detail how RTD engages minority populations, low-income populations, and populations that are LEP. The Public Participation Plan also describes RTD's approach to achieving diversity on its non-elected advisory committee(s). Examples of these plans in their entirety are included in the appendix.



Service Standards and Transit Monitoring

FTA Circular 4702.1b Chapter VI requires fixed-route service providers of Urbanized Areas with a population of 200,000 or more to establish service standards and monitor their service to ensure service is provided accordingly. Service standards guide fixed-route service providers toward objective decision-making in the provision of service. The FTA further expects transit agencies to monitor their services to ensure service is provided in a non-discriminatory manner. Service is monitored by comparing a sampling of non-minority routes and minority routes, defined as 1/3 of revenue mileage borders census blocks with a minority population greater than the service area average. No disparities were found during the transit monitoring of this reporting period. The RTD service standards and transit monitoring results can be found in the appendix.

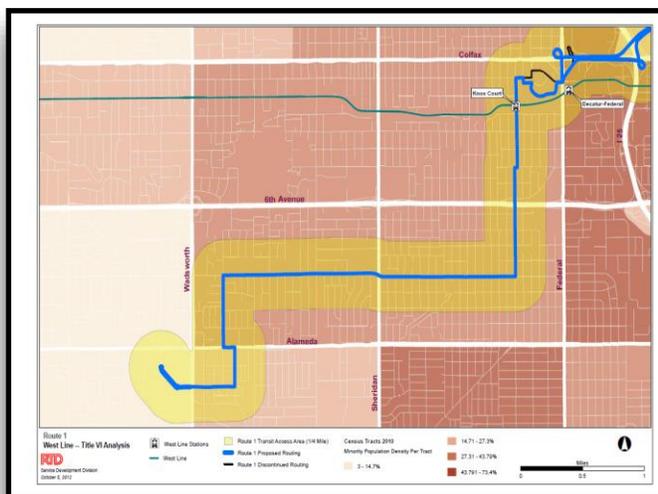
Fare and Service Change Equity Analyses

The FTA requires RTD to establish policies that will guide the analysis to determine whether major service changes will have a disproportionately negative impact on minority or low-income populations. Accordingly, RTD established equity analysis policies and a service evaluation process to meet this requirement.

Equity Analysis Policies

Per FTA Circular 4702.1B Chapter IV.7, RTD must establish a Major Service Change Policy, a Disparate Impact Policy, and a Disproportionate Burden Policy. Collectively, these policies provide foundational requirements for evaluating service change proposals for equity. These policies and their applicable thresholds are listed below:

1. **Major Service Change Policy:** A major service change is defined as a 25 percent addition or reduction in the service hours of any route that would remain in effect for twelve (12) or more months. All major service changes will be subject to an equity analysis that includes an analysis of adverse effects.
 - a. Adverse Effect is defined as a geographical or temporal reduction in service that includes, but is not limited to: eliminating a route, shortening a route by eliminating segments, rerouting an existing route, and increasing headways. RTD shall consider the degree of adverse effects and analyze those effects when planning major service changes.
2. **Disparate Impact Policy:** A major service change should not adversely affect a minority population 10 percent more than non-minority populations; this level of impact is considered a disparate impact.
3. **Disproportionate Burden Policy:** A major service change should not adversely affect a low-income population 10 percent more than non-low-income populations; this level of impact is considered a disproportionate burden. A low-income population is a group of households who are at or below 150 percent of the Department of Health and Human Services Poverty Guidelines.



A major service change should not adversely affect a low-income population 10 percent more than non-low-income populations; this level of impact is considered a disproportionate burden. A low-income population is a group of households who are at or below 150 percent of the Department of Health and Human Services Poverty Guidelines.

If a proposed major service change results in a disparate impact or a disproportionate burden, RTD will consider modifying the proposed service change. RTD will then analyze the modification and make sure it removed the potential disparate impact or disproportionate burden. If a less discriminatory option cannot be identified and RTD can demonstrate a substantial legitimate justification for the proposed service change, the

FTA may allow RTD to proceed with the proposed change.

The board approved policies can be found in the appendix.

Equity Analyses Completed

This program update includes the results of both fare and service change equity analyses completed between February 2013 and April 2016. Included with the results of each equity analysis are the proposed changes and Board of Directors Meeting Minutes associated with the proposed change. Below is a list of each proposed change that required an equity analysis during this reporting period:

1. January Service Change (2015)
2. May Service Change (2015)
3. Fare Study (2015)
4. August Service Change (2015)
5. US 36 (Flatiron Flyer) Service Plan (2015)
6. East and I-225 Corridor Service Plan (2015)
7. Gold and Northwest Corridor Service Plan (2016)

Each proposed change and corresponding equity analysis can be found in the appendix.

CONCLUSION

During this reporting period, RTD performed extensive public engagement, completed several equity analyses for major fare and service changes and found no probable cause in any official Title VI complaints. The comprehensive analysis and monitoring efforts described in this document succeeded in promoting the equitable provision of transit service in the Denver Metro Area. This snapshot summarizes RTD's effort to not only comply with the requirements of FTA Circular 4702.1B, but to advance social equity through policy and public engagement.