

FTA TITLE VI CIRCULAR INPUT REQUEST

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Regional Public Transportation Subcommittee
November 23, 2021



FTA Title VI Circular Overview

- The Federal Transit Administration (FTA) is considering amending Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients (E.g. Title VI Circular) to incorporate lessons learned since its issuance on Oct 1, 2012
- The FTA is seeking suggestion from all transit stakeholders (i.e. transit agencies, planners, riders, community members, public and private sector) on enhancements to provide clarity, ensure requirements are met and advance equity.



FTA Title VI Circular Overview

- Inputs is being requested particular in these areas:
 - Public Participation
 - Service & Fare Equity
 - Facility Equity Analyses
 - Implementation of Rider Conduct Policies
 - Technical Resources for Determining & Documenting Disparate Impact
- Comments should be submitted on or before December 3, 2021
- Ways to comment:
 - Federal eRulemaking portal
 - Mail
 - Hand Delivery
 - Fax



Public Participation

1. Title VI Circular currently requires submission / implementation of a public participation plan and summary of previous outreach efforts.
2. In June 2021, U.S. DOT provided 10 effective practices to ensure proactive public engagement:
 1. establishment of goals and objectives
 2. identification of affected communities
 3. focused outreach
 4. meaningful education
 5. diverse communications
 6. comprehensive engagement
 7. meaningful participation
 8. Accessibility
 9. reported outcomes
 10. Recordkeeping



Public Participation Questions

1. Which practices outlined in the Order should FTA incorporate in its guidance on promoting inclusive public participation?
2. What effective public participation practices are transit agencies currently using?
 1. establishment of goals and objectives
 2. identification of affected communities
 3. focused outreach
 4. meaningful education
 5. diverse communications
 6. comprehensive engagement
 7. meaningful participation
 8. Accessibility
 9. reported outcomes
 10. Recordkeeping



Service and Fare Equity Analyses

3. Service and Fare Equity (SAFE) analyses are currently required to be conducted prior to implementing service or fare changes but are only submitted once every three years.
4. Limits / values are not currently set for major service change, disparate impact, and disproportionate burden thresholds.
5. Existing public participation requirements are only established for the development of major service change, disparate impact, and disproportionate burden policies.
6. Population and ridership data are the only factors used for conducting service equity analyses.
7. Service equity is measured based on access to public transit service
8. The timeframes for requiring service and fare equity analyses for temporary service and fare changes are set as >12 and >6 months (respectively).



Service and Fare Equity Analyses Qs

3. Should FTA require a SAFE analysis be posted on a recipient's website or submitted to FTA prior to the service or fare change being enacted, in addition to submission with the Title VI program?
4. Should FTA set a value or limit on major service change, disparate impact, or disproportionate burden thresholds?
5. Should FTA address public participation where a transit provider finds a potential disparate impact or disproportionate burden?
6. Should FTA provide additional options for conducting a service or fare equity analysis?
7. Is this measure sufficient to ensure equity, or should it be measured by destinations, or another measure?
8. Should FTA reconsider these timeframes?



Facility Equity Analyses

9. FTA provides limited guidance on how to conduct equity analyses when determining a site or location for facilities.
10. While facility equity analyses are conducted prior to site selection, they are submitted to FTA once every three years.



Facility Equity Analyses Questions

9. Should FTA provide additional guidance on facility equity analyses, including public participation, disparate impact thresholds, cumulative effects, or timeframes?
10. Should FTA require a facility equity analysis be posted on a recipient's website or submitted to FTA prior to site selection, in addition to submission with the recipient's Title VI program? If so, how soon?



Implementation of Rider Conduct Policies

11. The Title VI Circular currently makes no mention of equitable implementation of rider conduct policies, such as prohibitions on smoking, littering, loitering, eating on vehicles, evading fares, or playing music loudly.



Implementation of Rider Conduct Policies Questions

The Title VI Circular currently makes no mention of equitable implementation of rider conduct policies, such as prohibitions on smoking, littering, loitering, eating on vehicles, evading fares, or playing music loudly.

11. To ensure compliance with Title VI, how should FTA address the equitable implementation of rider conduct policies?



Technical Resources for Analyzing Disparate Impact

12. FTA Regional Civil Rights Officers and Headquarters staff field many technical assistance requests from transit providers asking how to determine disparate impact and how to evaluate service and fare changes for equity. These include transit providers who do not yet meet the Chapter IV thresholds that require SAFE analyses or demographic data collection and reporting



Technical Resources for Analyzing Disparate Impact Questions

FTA Regional Civil Rights Officers and Headquarters staff field many technical assistance requests from transit providers asking how to determine disparate impact and how to evaluate service and fare changes for equity. These include transit providers who do not yet meet the Chapter IV thresholds that require SAFE analyses or demographic data collection and reporting

12. What commendable practices are transit providers, and in particular smaller providers not subject to the Chapter IV requirements, using to review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color, or national origin?



Additional Title VI Circular Feedback Qs

13. Should FTA consider incorporating guidance and instructions into the Title VI Circular on topics or policy matters not discussed in the questions above or not currently covered in the Circular?
 1. If so, what are those topics or policy matters?
 2. What commendable practices should FTA consider including?

FTA welcomes any additional feedback on the Title VI Circular, including topics not listed in the questions above.



Questions and Contacts

- Further information contacts:
 - For program questions: Richie Nguyen, Office of Civil Rights
 - (202) 366-2689 or richie.nguyen@dot.gov
 - *For legal questions:* Bonnie Graves, Office of Chief Counsel
 - (202) 366-0944 or bonnie.graves@dot.gov.



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List of FTA Questions

1. Which practices outlined in the Order should FTA incorporate in its guidance on promoting inclusive public participation?
 1. Are there additional effective practices FTA should consider?
2. What effective public participation practices are transit agencies currently using?
 1. How is meaningful access to public participation activities provided to traditionally underserved communities?
 2. How is effectiveness defined and measured?
3. Should FTA require a SAFE analysis be posted on a recipient's website or submitted to FTA prior to the service or fare change being enacted, in addition to submission with the recipient's Title VI program?
 1. If so, how soon after an analysis is conducted or before a change is approved or implemented should FTA require posting or submission?
4. Should FTA set a value or limit on major service change, disparate impact, or disproportionate burden thresholds?
 1. If so, what should that value or limit be—or what factors should be evaluated?
5. Should FTA address public participation where a transit provider finds a potential disparate impact or disproportionate burden, specifically with regard to analysis of modifications to avoid, minimize, or mitigate potential disparate impacts?
6. Should FTA provide additional options for conducting a service or fare equity analysis?
 1. If so, what alternatives should FTA consider?
7. Is this measure sufficient to ensure equity, or should it be measured by destinations, such as:
 1. how many jobs riders can access from a particular stop within a specified time
 2. how long it takes to get to grocery stores, medical facilities, and other critical destinations
 3. or by some other measure?
8. Should FTA reconsider these timeframes?
 1. Should FTA require some analysis during temporary changes to consider the equity impacts of the temporary changes?



List of FTA Questions con.

9. Should FTA provide additional guidance on facility equity analyses, including public participation, disparate impact thresholds, cumulative effects, or timeframes?
 1. Would stakeholders find it helpful if FTA published a sample facility equity analysis, similar to the sample SAFE analyses, in the Appendix to the Circular?
10. Should FTA require a facility equity analysis be posted on a recipient's website or submitted to FTA prior to site selection, in addition to submission with the recipient's Title VI program?
 1. If so, how soon after an analysis is conducted or before a change is approved or implemented should FTA require posting or submission?
11. To ensure compliance with Title VI, how should FTA address the equitable implementation of rider conduct policies?
12. What commendable practices are transit providers, and in particular smaller providers not subject to the Chapter IV requirements, using to review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color, or national origin?
13. Should FTA consider incorporating guidance and instructions into the Title VI Circular on topics or policy matters not discussed in the questions above or not currently covered in the Circular? If so, what are those topics or policy matters? What commendable practices should FTA consider including? FTA welcomes any additional feedback on the Title VI Circular, including topics not listed in the questions above.

