



APPENDIX A

**FTA CONCURRENCE
LETTER**



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION 9
Arizona, California,
Hawaii, Nevada, Guam,
American Samoa, and the
Northern Mariana Islands

90 7th Street, Suite 15-300
San Francisco, CA 94103

March 2, 2023

Angela Swanson
Stanislaus Regional Transit Authority
912 11th Street Suite 100
Modesto, CA 95354

Re: New Recipient Title VI Program, Recipient ID: 7399

Dear Angela Swanson,

The Federal Transit Administration (FTA) has received and reviewed Stanislaus Regional Transit Authority's initial Title VI program submitted on 8/1/2022. This Title VI program will be effective December 1, 2022 - November 30, 2025. The Department of Transportation (DOT) requires recipients of DOT funds to demonstrate compliance with Title VI of the Civil Rights Act of 1964 through regular compliance reports. The Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" sets forth the information that should be included in these updates, and requires they be submitted as Title VI programs every three years.

FTA's review of your Title VI program considered all elements required by the Department of Transportation regulations found at 49 CFR Part 21, as outlined in Circular 4702.1B. The Review Assessment attached to this letter identifies the specific areas reviewed, any concerns, and relevant reviewer comments. To assure you are implementing Title VI program requirements in accordance with the regulations, you must promptly address and correct any concerns identified with a "no" in the Review Assessment. Your program status is now *Concur – with Comments*. Your next triennial Title VI program submission is due to FTA on October 1, 2025. Please retain documentation as needed to demonstrate the corrections noted have been addressed. FTA typically verifies corrections have been made and implemented at the next oversight opportunity, but can request this information at any time.

Your Title VI program demonstrates your agency has the procedures and resources to ensure public transportation services are provided in a nondiscriminatory manner, as required by Title VI of the Civil Rights Act of 1964. FTA's review and concurrence on a Title VI program does not relieve recipients from the requirements and responsibilities outlined in Circular 4702.1B or of the DOT Title VI regulation at 49 CFR Part 21. You must properly implement your program to ensure nondiscriminatory service, including full and fair participation in public transportation decision-making, and meaningful access to transit-related programs and activities by persons with limited English proficiency. If you use contractors or have subrecipients, you must monitor their compliance with Title VI. You can find these monitoring responsibilities in Chapter 2,

Section 6 (Contractors) and Chapter 3, Section 12 (Subrecipients) in the FTA Title VI Circular. As a basic requirement for Title VI compliance, you must develop a language assistance plan (LAP). Your LAP must include a Four Factor Analysis—you can find information on this analysis in Chapter 3, Section 6 of the FTA Title VI Circular. If you believe that your agency only serves an English-speaking population, you still must complete a Four Factor Analysis to demonstrate this.

Prior to implementing any major service changes or any fare change, transit agencies operating more than 50 vehicles in large urbanized areas must complete an equity analysis, and submit it for board review and approval. You can find more information on Service and Fare Equity (SAFE) Analyses in Chapter 4, Section 7 of the FTA Title VI Circular. Large transit agencies must also collect and report demographic data, including data gathered through rider surveys, and monitor transit service relative to system-wide service standards and service policies. If you need technical assistance with your SAFE Analysis, please contact your Regional Civil Rights Officer.

FTA is committed to providing technical assistance to help correct your Title VI program and to implement your program consistent with the regulations and guidance. In order to preserve paper, we are issuing this letter electronically via email and it is attached to your profile in TrAMS. Please do not hesitate to contact me directly at 415-734-9475 or at karin.vosgueritchian@dot.gov if you have any questions.

Sincerely,

Karin Vosgueritchian/s/
Civil Rights Officer, Region 9

cc: Ray Tellis, FTA Region 9, Regional Administrator
Monica McCallum, FTA Civil Rights, Director of Regional Operations

Title VI Program Review Assessment:

Items below identified as “YES” are included in the Title VI program review, and no changes are needed. Items identified as “NO” were not included or were insufficient and must be corrected. Carefully address all insufficient items, as indicated in this review letter, to ensure you are implementing your Title VI program in accordance with the regulations.

Chapter 3: GENERAL REQUIREMENTS AND GUIDELINES

Does the program submission include appropriate documentation demonstrating that the transit board of directors has approved the Title VI program? *Yes*

Public Notice

Does the submission include a copy of the public notice informing the public of the protections against discrimination afforded to them under Title VI? *Yes*

Is there a list of public locations where the notice is posted? *Yes*

Did you verify the notice is posted on the agency’s website and in public areas of the agency’s offices? *Yes*

Does the public notice include how to request additional information on your Title VI obligations? *Yes*

Does the public notice include how to file a complaint? *Yes*

Complaint Procedures

Did you include the (internal to the agency) procedures for investigating and tracking Title VI complaints filed against them? *Yes*

Did you include the instructions it gives to members of the public about how to file a Title VI discrimination complaint? *Yes*

Are the procedures for filing a Title VI discrimination complaint available on the agency website? *Yes*

Complaint Form

Does the program include a copy of the complaint form that specifies the three classes protected by Title VI (race, color, and national origin)? *Yes*

Is the complaint form available on the agency’s website? *Yes*

Did you include a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and/or complaints naming the recipient? *N/A - no complaints received*

Public Participation Plan

Did you include a Public Participation Plan that describes the proactive strategies, procedures, and desired outcomes of public participation activities? *Yes*

Does the Public Participation Plan include information on how the grantee considers the needs of, and engages minority and LEP populations in public participation activities? *Yes*

Did you summarize the public outreach and involvement activities undertaken in the last 3 years? *Yes*

Board Selections

Did you select members to transit-related, non-elected planning boards, advisory councils or committees? *Yes*

If you select members, did you provide a table with a racial breakdown of the membership of those boards, councils, or committees? *Yes*

Did you describe how they encourage minorities to participate on these boards, councils, and committees? *No*

Subrecipient

Does the program indicate if you have subrecipients? *No - No subrecipients*

If you have subrecipients, did you provide the monitoring procedures and/or efforts you use to ensure subrecipients comply with Title VI? *Not Included*

Did you describe the process used to provide assistance to subrecipients, when needed? *Not Included*

LEP Four-Factor Analysis & Plan

Did you include a Language Assistance Plan? *Yes*

Does the Language Assistance Plan include a Four-Factor Analysis that determines the appropriate level of LEP assistance and outreach efforts needed? *Yes*

Did your Language Assistance Plan NOT include something? *A description of how you monitor evaluate and update the language access plan., A description of how you train employees to provide timely and reasonable language assistance to LEP populations.*

Facility Site Equity Analysis

Did you identify a site or location for a new facility (excluding bus shelters) or construct a facility during the period covered by your program? *No*

Did you complete and submit an equity analysis conducted during the planning stage for all projects requiring land acquisition and the displacement of persons from their residences and businesses? *Not Included*

Did the site analysis include outreach to persons potentially impacted by the siting of facilities? *Not Included*

Did the site analysis compare the equity impacts of alternative locations prior to selecting the preferred site? *Not Included*

Did you give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result? *Not Included*

Did you determine that the location of the project will result in a disparate impact on the basis of race, color, or national origin? *Not Included*

Did you provide a substantial legitimate justification for the project location? To do so, you must demonstrate that either 1) no alternative locations are available, or 2) any alternative locations, if identified, would result in the same or more disparate impact on the basis of race, color, or national origin. *Not Included*

Chapter 4: FIXED ROUTE TRANSIT PROVIDER REQUIREMENTS

Service Standards

Did you include your service standards and policies for each specific fixed route mode of service you provide? *Yes*

Which service standards, if any, are NOT included? *No service standards were missing from the submission*

Service Policies

Are the current service policies included? *Yes*

Is there a description of how service policies are adopted to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin? *Yes*

Which service policies, if any, are NOT included? *None - All service policies are included*

Large Urbanized Fixed Route Requirements

Demographic Data

Are demographic and service profile maps and charts (demographic data) included? *Yes*

Is the demographic data current as of the most recent decennial census or American Community Survey? *Yes*

Does the program include a description of how demographic data is prepared prior to proposed service reductions or eliminations? *Yes*

Does the demographic data include a base map of the transit service area? *Yes*

Does the base map include overlays of the required data? *Yes*

Do the demographic maps appropriately identify areas where the minority population exceeds that of the service area as a whole? *Yes*

Do the demographic maps appropriately identify areas where the low-income population exceeds that of the service area as a whole? *Yes*

Ridership Surveys

Do you collect demographic ridership and travel patterns using customer surveys? *Yes*

Which requirements of the ridership and travel pattern surveys are NOT met, if any? *Not Included*

Monitoring

Do you include the results of monitoring service standards and policies? *No*

Which required transit monitoring methods are NOT included, if any? *Not Included*

SAFE Analysis

Did you include the written policies and procedures for your service and fare equity analyses process? *Yes*

What required service and fare equity analysis policies or procedures are missing, if any? *A description of the public engagement process used for setting the Major Service Change policy Disparate Impact policy and Disproportionate Burden policy*

Did you identify any service and/or fare equity analyses from the last 3 years? *No*

Did you include the results of the service and/or fare equity analyses conducted in the last 3 years? *Not Included*

If there were service and/or fare equity analyses conducted in the last 3 years, what required documentation is NOT included, if any? *Not Included*

FTA Reviewer Comments:

Thank you for your submission. New services are being considered which is why there is no transit. monitoring in this report. Transit monitoring to be included in the next report.

Please address the following in your next Title VI Program submission:

- Public Notice can also let transit customer know that they can do more than file a complaint if needed. They can also request additional information.
- In the complaint form and procedures, please also state that there is an option for complaints to be made in alternative formats and have a procedure to handle complaints made in alternative formats.
- Looked like page two of the complaint form is missing in the report (page 25 of PDF) but was able to locate it on the website.
- Next time, please describe how minorities are encouraged to participate on board and committees.
- Next time, please include a description of how language access plan is monitored, evaluated, and updated.
- In the description regarding employee training to provide timely and reasonable language assistance to LEP populations, it sounds like only bilingual staff receive this training. Please note that Title VI training should extend to all staff and drivers, not just those that are bilingual.
- On page 11, it states, "COVID service changes were deemed exempt from the requirements of a Title VI review by the FTA." This is not true. Please see: Question CR2 at <https://www.transit.dot.gov/frequently-asked-questions-fta-grantees-regarding-coronavirus-disease-2019-covid-19#COVID-19Civil>.
- Please include Major Service Change policy, Disproportionate Burden policy, and Disparate Impact policy in each Title VI Program submission. This time, they were turned in separately.
- Include a description of the public engagement process used for setting Major Service Change Policy, Disproportionate Burden policy, and Disparate Impact policy.

Also, please visit the FTA Civil Rights webpage for more information:

<https://www.transit.dot.gov/title6>