

UTAH TRANSIT AUTHORITY POLICY

No. UTA.01.06

TITLE VI COMPLIANCE

1) Purpose.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or National Origin in any program or activity that receives Federal funds or other Federal financial assistance. Utah Transit Authority, as a public transit provider and recipient of federal financial assistance, is subject to Title VI requirements as outlined in FTA's Circular FTA C 4702.1B and future amendments.

In accordance with the Circular, UTA has developed this policy for measuring Disparate Impacts on minority populations and Disproportionate Burdens on Low-income Populations. UTA remains committed to avoiding unfair treatment and Discrimination in the provision of public transit services.

2) Definitions.

"25 Percent or Greater Change in Route Alignment" means a change to a route's alignment, whether an addition of mileage or a removal of mileage, that exceeds 25 percent of the original route's mileage. Where changes may include a removal and an addition of mileage in different areas of the route, the changes will be considered cumulatively. e.g., if 10 percent of the route is removed and an additional 15 percent is added in another area, this would equal a 25 percent route alignment change.

"Addition of Service" means the creation of a new bus route or the opening of a new rail line.

"Discrimination" refers to any action or inaction, whether intentional or unintentional, in any program or activity of a federal aid recipient that results in disparate treatment, Disparate Impact, or perpetuating the effects of prior Discrimination based on race, color, or National Origin.

"Disparate Impact" refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or National Origin, where the recipient's policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or National Origin.

"Disproportionate Burden" refers to a neutral policy or practice that disproportionately affects Low-income Populations more than non-Low-income Populations.

"Eligible Low-income Individual" means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines. UTA will use the definition found in 49 U.S.C. 5302 as amended by Fixing America's Surface Transportation Act (FAST): "an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section) for a family of the size involved".

“Fare Change” means any change to fares which may include modifications to the base fare, the addition of new fare products or media as well as their removal. Further clarification for this definition is provided in 3)D of this policy.

“Low-income Population” refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed UTA program, policy or activity.

“Major Change” means a service or Fare Change which meets UTA’s definition in section 3B of this policy and requires an equity analysis be performed in compliance with this policy and FTA’s Title VI Circular.

“Minority Persons” conforms with the definition contained at FTA C 4702. 1B and includes the following:

- American Indian or Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
- Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

“Minority Population” means any readily identifiable group of Minority Persons who live in geographic proximity.

“National Origin” means the particular nation in which a person was born, or where the person’s parents or ancestors were born.

“Public Involvement Process” refers to the process outlined by the Public Involvement Process SOP which includes providing notice to the public, facilitating public comment, record retention for public comment, and consideration of public comment. The Community Engagement department is responsible for this process.

“Title VI Equity Analysis or Equity Analysis” means a document produced by the Civil Rights Department that examines proposed changes for inequity using the guidelines outlined in FTA Circular 4702.1B. This analysis will include all of the items required in an equity analysis as outlined in FTA C 4702.1B Chap. IV-12. This analysis is presented to the UTA Board of Trustees for approval.

“Title VI Equity Briefing or Equity Briefing” means a document produced the Civil Rights Department that examines proposed changes for inequity using an abbreviated process to document Title VI considerations. This briefing is presented to the UTA Board of Trustees for approval but does not carry the same in-depth components of a Title VI Equity Analysis. Some items not present may include a title page, Title VI objectives and introduction, definitions page, etc.

“Title VI Circular” refers to FTA’s Title VI Circular 4702.1B

“UTA” means Utah Transit Authority.

3) Policy.

- A. UTA prohibits Discrimination on the basis of race, color, or National Origin in the provision of public transit services, programs, and activities.
- B. Major Change Policy
 1. UTA will seek public input on the following types of changes. These changes will be considered “Major Changes” which require an Equity Analysis or Equity Briefing in compliance with FTA’s Title VI Circular.
 - a. The Addition of Service;
 - b. A proposed service level reduction in miles, hours, or trips of thirty-three percent (33 percent) or more of any route;
 - c. The elimination of all service during a time period (peak, midday, evening, Saturday, or Sunday);
 - d. A proposed twenty-five (25 percent) or greater change in Route Alignment;
 - e. A proposed Fare Change.
 2. The type of public input opportunities used for service or Fare Changes described in Paragraph B(1) will be based on UTA policy requirements regarding public input opportunities as referenced below, and a demographic analysis of the population(s) effected, the type of plan, program and/or service under consideration, and the resources available, and may include any combination of the following:
 - a. Public hearings;
 - b. Public meetings;
 - c. Posted notices on UTA’s website;
 - d. Outreach to minority groups and the non-English speaking community within UTA’s service area;
 - e. Coordination with community and faith-based organizations, educational institutions, and other organizations that reach out specifically to members of affected minority and/or LEP (Limited English Proficient) communities;
 - f. Notices in radio, television, or newspapers including those that serve non-English speaking and/or minority populations;
 - g. Posting notices at bus stops, rail stations and on transit vehicles;
 - h. Use of social media, including those targeted at minority groups and the non-English speaking community.
- C. Evaluation and Equity Analysis of Service and Fare Changes

1. UTA will analyze proposed Major Changes to service and any proposed Fare Change in accordance with FTA's Circular 4702.1B as amended.
2. UTA Fares and Service Planning will involve Civil Rights compliance staff during early planning phases of any proposed major change. Civil Rights compliance staff will review proposals and determine what level of analysis is appropriate for the type of change proposed. This review will be conducted with the assistance of the departments proposing the change, but Civil Rights compliance staff will make the final determination on what level of analysis is required.
3. UTA will evaluate the impacts of major service changes individually and cumulatively when there is more than one route being affected for a service change period. Dependent on the size and type of proposed changes, UTA may evaluate groups of similar changes together and in such a way as to evaluate the actual positive and negative impacts.
4. UTA will primarily utilize the most recent American Community Survey (ACS) or Census Data available, block group data and/or ridership data to evaluate and analyze any proposed major service and fare changes. This data will be analyzed with Geographic Information System (GIS) software.
5. UTA will rely on population data and use the smallest geographic area that reasonably has access to the stop or station effected by the proposed major service change. This will be translated into a one-quarter mile radius to a bus stop, one-half mile to a light rail and/or Bus Rapid Transit station and three miles to a commuter rail station.
6. UTA will include in each equity analysis or equity briefing an explanation of what datasets were used.

D. Disparate Impact and Disproportionate Burden Policy

1. UTA will measure the burdens of service and Fare Changes on minority riders to determine when minority riders are bearing a Disparate Impact from the change between the existing service or fare and the proposed service or fare.
2. UTA will measure the burdens of service and Fare Changes on low-income riders to determine when low-income riders are bearing a Disproportionate Burden of the change between the existing service or fare and the proposed service or fare.
3. A threshold of five percent will be used to determine Disparate Impact on minority populations and Disproportionate Burden on Low-income Populations. This five percent is based on the margin of error from the US Census data that UTA uses to determine the populations in the service area. This means that if the burden of the service or Fare Change negatively impacts minority or Low-income Populations more than five percent than non-protected populations, then the change will be considered either a Disparate Impact or a Disproportionate Burden.

E. Finding a Disparate Impact

1. At the conclusion of UTA's Analysis, if UTA finds a Disparate Impact on the Basis of Race, Color, or National Origin, UTA shall seek to modify the proposed changes in a way that will mitigate the adverse effects that are disproportionately borne by minorities. Modifications made to the proposed changes must be reanalyzed in order to determine whether the modifications actually removed the potential Disparate Impacts.

If UTA chooses not to alter the proposed services changes despite the potential Disparate Impact on minority populations, or if UTA finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service or Fare Change, UTA may implement the change only if:

- a. UTA has substantial legitimate justification for the proposed change; and
- b. UTA can show that there are no alternatives that would have a less Disparate Impact on the minority riders but would still accomplish the transit provider's legitimate program goals.

In order to show this, UTA must consider and analyze alternatives to determine whether those alternatives would have less of a Disparate Impact on the basis of race, color, or National Origin, and then implement the least discriminatory alternative.

F. Finding a Disproportionate Burden

1. If at the conclusion of the analysis, UTA finds that Low-income Populations will bear a Disproportionate Burden of the proposed major service change, UTA will take steps to avoid, minimize, or mitigate impacts where practicable. The provider should also describe alternatives available to low-income passengers affected by the service changes.

G. Title VI Complaint Process

1. Any person who makes a complaint through the Civil Rights Complaint Form relating to Discrimination in receiving service from UTA based on race, color, or National Origin can fill out the complaint form and it will be investigated and responded to in a timely manner by the Civil Rights Office.
2. UTA has a Civil Rights Complaint Form which can be obtained from the Title VI Compliance Officer and on UTA's website. It can be downloaded in English or Spanish or be filled out utilizing an online form that will send an email to Civil Rights compliance staff.
3. Complaints that come to UTA through the Customer Service department will be received, recorded and responded to according to UTA Customer Communications policy and relevant SOPs.

4) Cross-References.

- Corporate Policy No. 1.1.6 Public Input Opportunities.
- Corporate Policy No. 5.1.1 Customer Communications,
- UTA Standard Operating Procedure No 5.1.1-1, Customer Communication Process,
- Corporate Policy 6.1.8. Equal Employment Opportunity, Anti-Discrimination Harassment, and Retaliation Policies
- Title VI of the Civil Rights Act of 1964
- FTA Circular 4702.1B

This UTA Policy was reviewed by UTA's Chief Officers on 04/06/2022, approved by the Board of Trustees on _____ and approved by the Executive Director on _____. This policy takes effect on the latter date.

DocuSigned by:

Kim Shanklin

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Kim Shanklin, Chief People Officer
Accountable Executive

Jay Fox
Executive Director

Approved as to form and content:

DocuSigned by:

Mike Bell

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Counsel for the Authority

History

Date	Action	Owner
05/22/2013	Adopted – Corporate Policy 1.1.28 – Title VI Compliance	Chief People Officer
05/17/2016	Revised – Corporate Policy 1.1.28 – Title VI Compliance	Chief People Officer
11/15/2016	Revised – Corporate Policy 1.1.28 – Title VI Compliance	Chief People Officer
	Rescinded – Corporate Policy 1.1.28 – Title VI Compliance	Chief People Officer
	Board Approved – UTA.01.06 – Title VI Compliance	Chief People Officer
	Adopted – UTA.01.06 – Title VI Compliance	Chief People Officer