



Agenda Item No. 6

METROPOLITAN
TRANSPORTATION
COMMISSION

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL 510.817.5700
TDD/TTY 510.817.5769
FAX 510.817.5848
E-MAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

Memorandum

TO: Policy Advisory Council

DATE: January 5, 2011

FR: Denise Rodrigues

W.I. 1114

RE: Title VI Activities Overview

In October 2010, the Policy Advisory Council was presented with the Draft Title VI Compliance Report, prepared in response to Federal Transit Administration (FTA) Circular 4702.1A. The Commission adopted the final report on October 27, 2010. A copy of the final Title VI Compliance Report is attached. The report refers to a number of appendices that are not being distributed in this packet due to the size of the full report. The final report and all of the appendices are available to view in the MTC-ABAG library.

Recent and future Title VI activities include:

- Submission of Title VI report to FTA on November 9, 2010.
- The Commission revised the Program Management Plan (PMP) to update requirements related to Title VI reporting, complaint procedures and investigation, Limited English Proficiency (LEP), and MTC's monitoring of subrecipients' Title VI activities. The revised PMP clarifies that direct recipients of FTA grant funds (including most transit operators) will be responsible for compliance with FTA's Title VI Circular through the FTA Supplemental Agreement.
- Staff has taken the lead on establishing a Title VI working group, comprising transportation agency staff from around the country – the first meeting is scheduled for January 14, 2011.
- Administrative, Programming and Allocations, and Public Information staff will hold a Title VI and LEP workshop for subrecipients of JARC and New Freedom funds on February 22, 2011.

Staff is seeking the Policy Advisory Council's feedback on MTC's Title VI activities, as well as your assistance with increasing the participation of Title VI-protected communities in the transportation decision making process.



METROPOLITAN TRANSPORTATION COMMISSION

Response to the Federal Transit Administration Circular 4702.1A Regarding

Title VI of the Civil Rights Act of 1964

MTC 2010 Compliance Report

October 27, 2010



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Metropolitan Transportation Commission

Joseph P. Bort MetroCenter
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Tel 510.817.5700
TTY/TDD 510.817.5769
Fax 510.817.5848
e-mail info@mtc.ca.gov
www.mtc.ca.gov

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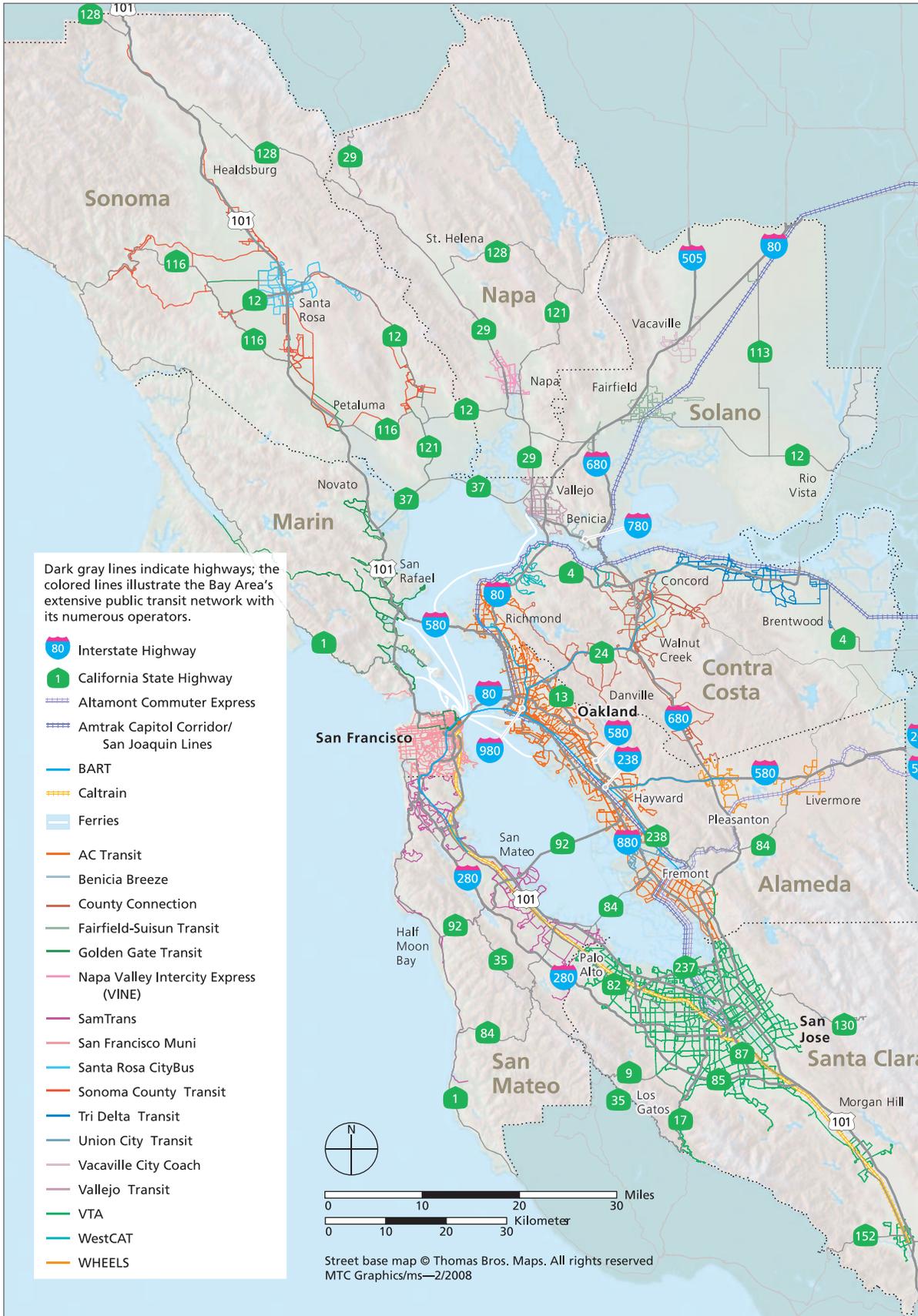
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I. INTRODUCTION

II. METROPOLITAN TRANSPORTATION COMMISSION AND ITS REGION

SAN FRANCISCO BAY AREA'S TRANSPORTATION SYSTEM



I. INTRODUCTION

This report provides information and analyses bearing upon the Metropolitan Transportation Commission's (MTC) compliance with Title VI of the 1964 Civil Rights Act regarding nondiscriminatory delivery of services and benefits under federally-funded programs or activities. This document has been prepared in response to Federal Transit Administration (FTA) Circular 4702.1A, dated May 13, 2007 (the Circular).

The report begins with a profile of MTC as well as a description of the region, then responds to the general and program-specific reporting requirements. Several appendices provide additional information.

II. METROPOLITAN TRANSPORTATION COMMISSION AND ITS REGION

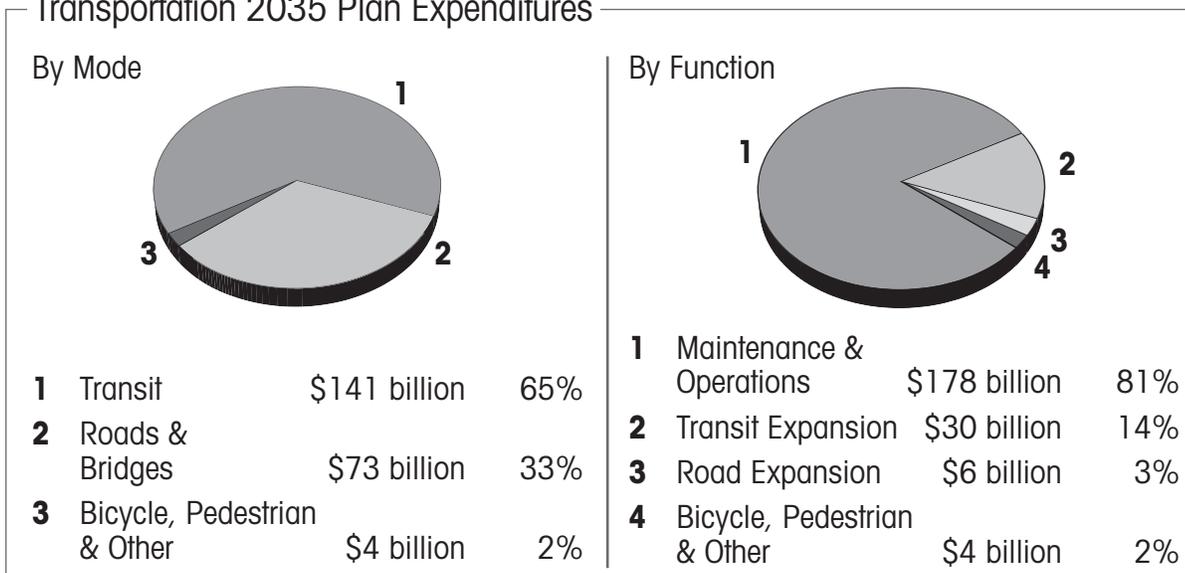
A. Description/Profile of the Metropolitan Transportation Commission

Created by the state Legislature in 1970 (California Government Code § 66500 et seq.), MTC is the transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area. The Commission's work is guided by a 19-member policy board. Fourteen commissioners are appointed directly by local elected officials (each of the five most populous counties has two representatives, with the board of supervisors selecting one representative, and the mayors of the cities within that county appointing another; the four remaining counties appoint one commissioner to represent both the cities and the board of supervisors). In addition, two members represent regional agencies — the Association of Bay Area Governments (ABAG) and the Bay Conservation and Development Commission (BCDC). Finally, three non-voting members have been appointed to represent federal and state transportation agencies and the federal housing department. Carrying out the Commission's directives is a staff of 166 persons headquartered at the Joseph P. Bort MetroCenter in Oakland, California.

1. Planning for the Next Generation

MTC functions as both the regional transportation planning agency — a state designation — and, for federal purposes, as the region’s metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan (RTP), a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle and pedestrian facilities. The Commission also screens requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. Adopted in April 2009, the most recent edition of the RTP, known as Transportation 2035 (T2035), charts a new course for the agency, particularly with regard to reducing greenhouse gas emissions and financing future transportation improvements. The vast majority of funds in this plan are dedicated (by mode) to public transit and (by function) to operation and maintenance of existing facilities (see pie charts below).

Transportation 2035 Plan Expenditures



MTC also has played a major role in building regional consensus on where and when to expand the Bay Area transit network. A historic agreement forged by MTC with local officials as well as state and federal legislators in the late 1980s set forth a \$4.1 billion program to extend a total of six rail lines in the Bay Area, adding 40 miles to the region’s rail transit network and linking BART to San Francisco International Airport. In 2001, MTC laid out the next phase of major regional public transit investments in Resolution 3434. This agreement, which was most recently reaffirmed and refined in 2008, features additional rail investment as well as a significant expansion of bus rapid transit and ferry service. The current estimated cost is nearly \$18 billion.

2. Financing and Monitoring Roles Expand

Over the years, state and federal laws have given MTC an increasingly important role in financing Bay Area transportation improvements. At the federal level, the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) and its successors, the Transportation Equity Act for the 21st Century and the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA), empowered MPOs like MTC to determine the mix of transportation projects best suited to meet their regions' needs.

Using these federal dollars, MTC has established several innovative grant programs that are changing the Bay Area landscape, one project at a time. MTC's Transportation for Livable Communities (TLC) Program provides planning and capital grants for small-scale transportation projects that enhance community vitality and promote walking, bicycling and public transit use. The Commission's Lifeline Program funds new or expanded services for getting low-income residents to and from work, school and other essential destinations. A Climate Initiatives Program focuses on reducing greenhouse gas emissions and will fund several innovative strategies including electric vehicles, parking pricing, transportation demand management, and Safe Routes to Schools, among others.

MTC also administers state moneys, including those provided by the Transportation Development Act (TDA). Legislation passed in 1997 gives MTC and other regional transportation planning agencies increased decision-making authority over the selection of state highway projects and allocation of transit expansion funds for the State Transportation Improvement Program (STIP). Also in 1997, the state Legislature transferred to MTC responsibility for administering the base \$1 toll from the Bay Area's seven state-owned toll bridges. A new entity, the Bay Area Toll Authority (BATA) was created for this purpose. BATA also oversees the Regional Measure 2 Traffic Relief Plan, which is funded by a voter-approved \$1 toll hike that went into effect on the region's state-owned toll bridges on July 1, 2004. With the passage of Assembly Bill 144 in 2005, BATA assumed responsibility for administering all toll revenue from the region's state-owned toll bridges. AB 144 also established a Toll Bridge Project Oversight Committee — consisting of BATA's executive director, the director of the state Department of Transportation, and the executive director of the California Transportation Commission — to manage the state Toll Bridge Seismic Retrofit Program, which includes construction of a new east span for the San Francisco-Oakland Bay Bridge and seismic strengthening of other bridge facilities.

3. Asset Management and State of Good Repair

Over the next 25 years, MTC estimates that the cost to rehabilitate and maintain the region's transportation capital assets will approach \$100 billion. Even with the bulk of the region's funding dedicated to maintaining and operating the existing system, a sizeable capital shortfall of roughly \$40 billion remains. MTC has dedicated significant resources and efforts, in concert with our partner agencies, to identify the capital asset needs and to prioritize the investments that will be most cost-effective in maintaining the capital infrastructure.

For streets and roads, MTC has developed and maintains a pavement asset management program that is used by nearly all of the Bay Area jurisdictions. The MTC Pavement Management Program (PMP) StreetSaver® is a computer-assisted decision-making tool designed to help cities and counties prevent pavement problems through judicious maintenance, and to diagnose and repair existing problems in a timely, cost-effective manner. MTC also dedicates a significant portion of its federal dollars to pavement rehabilitation projects.

For transit, MTC is using FTA funds to develop a regional transit capital inventory that details the transit capital assets for the region's twenty-plus transit operators. The transit capital inventory work has been developed closely with the transit operators and is currently used to calculate current and future replacement and rehabilitation needs and costs. Future enhancements will add asset condition information to allow better prioritization of asset replacement and rehabilitation projects in a constrained funding environment. Additionally, MTC is working with transit operators to develop the current system into a tool that the transit operators can use for asset management on an ongoing basis. MTC has been active in FTA roundtables on State of Good Repair, state-level work on transit asset management and capital planning, and is eager to continue partnering to advance the region's data and analytical framework for asset management. Through long-standing policy, MTC dedicates nearly all of its FTA formula funds to rehabilitation and replacement capital projects.

4. Taming Traffic and Smoothing Regional Travel

As the Service Authority for Freeways and Expressways (SAFE), MTC SAFE — in partnership with the California Highway Patrol (CHP) and California Department of Transportation (Caltrans) — oversees the maintenance and operation of call boxes along Bay Area freeways. MTC/SAFE also teams up with these two sister agencies to administer the Freeway Service Patrol (FSP), a roving tow truck service designed to quickly clear incidents from the region's most congested roadways.

MTC sponsors a number of transportation technology programs to address the region's transportation challenges. The 511 Traveler Information System provides real-time traffic conditions via the phone and a companion website located at 511.org, relying on an elaborate data-gathering network that MTC and Caltrans installed along area freeways. The 511 Traveler Information System also serves transit riders, linking callers with the phone centers at every Bay Area transit agency and offering personalized transit trip planning via the Web. MTC also oversees ClipperSM — a universal smart card that already can be used to pay fares on the Bay Area's largest transit systems (including San Francisco Municipal Transportation Agency (SFMTA), San Francisco Bay Area Rapid Transit District (BART), Alameda Contra Costa Transit District (AC Transit), Peninsula Corridor Joint Powers Board (Caltrain) and the Golden Gate Bridge Highway and Transportation District (GGBHTD)). Acting in its role as BATA, MTC oversees the FasTrak[®] electronic toll collection system, which speeds motorists' passage across all seven state-owned bridges in the region, as well as the independently-owned Golden Gate Bridge.

B. Description of the San Francisco Bay Area

The region MTC serves is unique in that there are eight primary public transit systems as well as numerous other local transit operators, which together carry nearly 500 million passengers per year. The region's varied geography has given rise to a diverse range of public transit modes: antique cable cars and historic streetcars; high-speed ferries; diesel commuter rail and electric-powered rapid transit rail; diesel and natural gas buses; and electric trolley buses. The combined annual operating budget of the transit agencies is over \$2 billion, placing this region among the top transit centers in the nation. In addition, there are numerous specialized services for elderly and disabled travelers (referred to as paratransit service), nearly 20,000 miles of local streets and roads, 1,400 miles of highway, six public ports and three major commercial airports.

The Bay Region embraces the nine counties that touch San Francisco Bay (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma) and includes 101 municipalities. More than 7 million people reside within its 7,000 square miles. The region's population is diverse, with no single ethnic group holding a majority of the population, and the total combined minority ethnic groups representing 55 percent of the Bay Area's population.

C. MTC Policy Advisory Council

MTC values citizen advisors to support an ongoing dialogue with individuals representing a range of interests and viewpoints, and MTC has a long history of citizen advisory committees as ongoing mechanisms to ensure public participation in its planning process

In April 2010, MTC consolidated its three citizen advisory committees into one, multi-interest Policy Advisory Council. This change was prompted by an evaluation of MTC's public participation activities associated with T2035. Throughout its development, the three advisory committees (the Advisory Committee, the Elderly and Disabled Advisory Committee (EDAC) and the Minority Citizens Advisory Committee (MCAC)) met jointly twelve times in 2008 and early 2009 on key Plan issues. MTC's outreach consultant (PMC, Inc.) surveyed advisors and MTC Commissioners via telephone as part of this evaluation; the evaluation was presented to the Legislation Committee in June 2009. The survey for feedback from advisors and Commissioners alike showed widespread support for the value of joint meetings. The resulting cross-pollination of ideas and issue areas helped to broaden the understanding of each participant's concerns and interests. Moreover, MTC Commissioners noted that while they did not expect a consensus from advisors on every issue, it was useful to have recommendations come through a joint process where advisors could consider the opinions among interest groups rather than forwarding three separate sets of recommendations. See Appendix A, *Advisory Committee Structure Review*, for detailed information of the review.

Based on these findings, PMC conducted a five-month process to consider ways to strengthen MTC's advisory committees. In October 2009, PMC recommended a consolidation of the three advisory bodies into a new policy advisory group, with stronger ties to the Commission coming as a result. The report was made available to the public in September 2009.

The report was fully discussed before the Legislation Committee in October 2009, and MTC Resolution No. 3931, which details the new committee and discusses key items, was approved by the MTC Commission on November 2009. Resolution No. 3931 (Appendix B) creates the new 27-member Policy Advisory Council (PAC), with a minimum of one-third of the membership slots reserved expressly to represent the perspective of low-income communities and communities of color (with another nine slots representing

the elderly and disabled and nine others representing the environmental and business communities). After an extensive recruitment that began in December 2009 and wrapped up in March 2010, the PAC reflects the diversity of residents in the Bay Area. Over half (14) of the incoming PAC members indicated their racial/ethnic background was from a community of color, and more than one-half (15 members) were women.

D. Financial Assistance from the Federal Transit Administration

As the MPO, MTC has a varying level of administrative oversight and programming responsibilities for FTA funds that flow to the Bay Area. For the majority of funds, MTC serves as the designated recipient of the FTA funds and selects projects, in cooperation with the region’s transit operators, and consistent with the planning priorities set forth in the region’s long-range plan. Table 1 summarizes oversight responsibilities. The chart does not include FTA earmark funds. The funding amounts are shown for FY 2008–09; however, MTC’s website includes the FTA program of projects for each of the years covered for this compliance report (FY 2006–07 through FY 2009–10): http://www.mtc.ca.gov/funding/FTA/FTA_audit.htm

Funding Source	Grant Recipient	Supplemental Agreement	MTC Subrecipients FY 2008-09	FY 2008–09 Amount (\$ In millions)	Percentage FY 2008–09 FTA Funds
MTC Designated Recipient					
ARRA Transit Capital Assistance	Transit Operators	√	None	\$289	37%
Urbanized Area Formula (5307)	Transit Operators	√	None	\$219	28%
Fixed Guideway Formula (5309)	Transit Operators	N/A; Grant goes directly to operator	None	\$132	17%
Surface Transportation Program/Congestion Mitigation and Air Quality	Transit Operators	√	None	\$68	9%
ARRA Fixed Guideway	Transit Operators	N/A; Grant goes directly to operator	None	\$52	7%
ARRA Surface Transportation Program	Transit Operators	√	None	\$15	2%

continued on next page

Table 1. MTC Oversight Responsibilities (continued)

Funding Source	Grant Recipient	Supplemental Agreement	MTC Subrecipients FY 2008-09	FY 2008-09 Amount (\$ In millions)	Percentage FY 2008-09 FTA Funds
MTC Direct Recipient					
Job Access and Reverse Commute	MTC	None for FY 2008-09	7 Transit Operators; 4 Nonprofits; 1 City (City of East Palo Alto); 1 County (Marin County Public Works) ¹	\$2.7	0.30%
New Freedom (5317)	MTC	None for FY 2008-09	6 Transit Operators; 6 nonprofits; 1 City (City of Lafayette); 2 County Sales Tax Agencies ²	\$2	0.30%
Other Funds — State Is Designated or Direct Recipient					
Elderly Disabled Specialized Transit Program (5310)	Caltrans	None	None	\$3	0.40%
Metropolitan Planning (5303)	Caltrans	None	20 Transit Operators ³ and the Association of Bay Area Governments	\$2.5	0.30%
Non-Urbanized Area Formula (5311)	Caltrans	None	None	\$1.3	0.20%
Total				\$786.5	

1 Transit operators are: Livermore-Amador Valley Transit Authority (LAVTA), Eastern Contra Costa Transit Authority (Tri-Delta Transit), Central Contra Costa Transit Authority (County Connection), Western Contra Costa Transit Authority (WestCat), AC Transit, San Francisco Municipal Transportation Agency (SFMTA) and Santa Rosa City Bus (SRCB). Nonprofits are: San Leandro Transportation Management Organization, East Bay Bicycle Coalition, Shelter Network and Outreach & Escort.

2 Transit operators are: San Mateo County Transit District (SamTrans), Marin Transit, SFMTA, AC Transit, LAVTA and SRCB. Nonprofits are: Lighthouse for the Blind and Visually Impaired, Outreach & Escort, Peninsula Jewish Community Center, Rehabilitation Services of Northern California, Center for Independent Living and Senior Helpline Services. County tax agencies are Alameda County Transportation Improvement Authority; Contra Costa Transportation Authority.

3 Altamont Commuter Express, BART, Benicia Breeze, Peninsula Corridor Joint Powers Board, County Connection, Tri-Delta Transit, Fairfield and Suisun Transit, Golden Gate Bridge, Highway and Transportation District, LAVTA, Marin Transit, Napa County Transportation Planning Agency, Petaluma Transit, SamTrans, Santa Rosa City Bus, San Francisco Municipal Transportation Agency, Sonoma County Transit, Union City Transit, Vallejo Transit, Santa Clara Valley Transportation Authority (VTA) and WestCat.

1. Designated Recipient: Supplemental Agreements with Grant Recipients and Direct Grants to Transit Operators

As shown in Table 1, MTC's role is generally limited to program and project selection, for roughly 99% of the funding, including: FTA Urbanized Area Formula (Section 5307); Fixed Guideway Formula (Section 5309); and Flex funds (Surface Transportation Program (STP) / Congestion Mitigation and Air Quality Improvement (CMAQ)). For these funds, MTC generally relies on MTC Resolution No. 3908 (and its predecessor resolutions), the San Francisco Bay Area Transit Capital Priorities Process and Criteria, to select projects that replace and rehabilitate the region's transit capital assets. MTC programs the funds, and amends the funding into the Transportation Improvement Program (TIP). Once a grant is approved for these funds, the responsibility for administration and oversight is transferred to FTA either via a direct grant relationship or through the execution of a supplemental agreement. According to the FTA supplemental agreement entered into by MTC, FTA and each grant recipient for 5307 funds, ARRA Transit Capital Assistance (one-time funds as a result of the American Recovery and Reinvestment Act of 2009 (ARRA)), ARRA Surface Transportation Program, and CMAQ funds that are transferred to FTA, MTC as designated recipient is relieved of the responsibility of ensuring compliance with FTA grant requirements, which are fully assumed by the grant recipient. A list of all transit operators that receive FTA grants as direct recipients within MTC's geographical area and the various categories of FTA grants received by each is provided in Appendix C.

2. Job Access Reverse Commute (JARC) and New Freedom Programs

For the Job Access and Reverse Commute (FTA Section 5316) and New Freedom (FTA Section 5317) programs, MTC oversees a competitive selection process and serves as a direct recipient of the FTA funds. However, MTC proposes to change this practice to require transit operators who are already direct recipients for other purposes to also do the same for JARC/New Freedom, commencing in FY 2010–11 (see Appendix D). A more detailed discussion of MTC's administrative role for the JARC and New Freedom programs is included in Chapter IV.

3. Other Funds (Section 5303, Section 5311, Section 5310, Federal Earmarks)

For federal earmark and other FTA discretionary funds such as New Starts, Small Starts, and Bus and Bus Facilities, MTC's role is to ensure consistency with the region's long-range plan and, after completing that consistency review, to amend the funds into the TIP. Once that role is satisfied, the transit operators work directly with FTA as direct recipients.

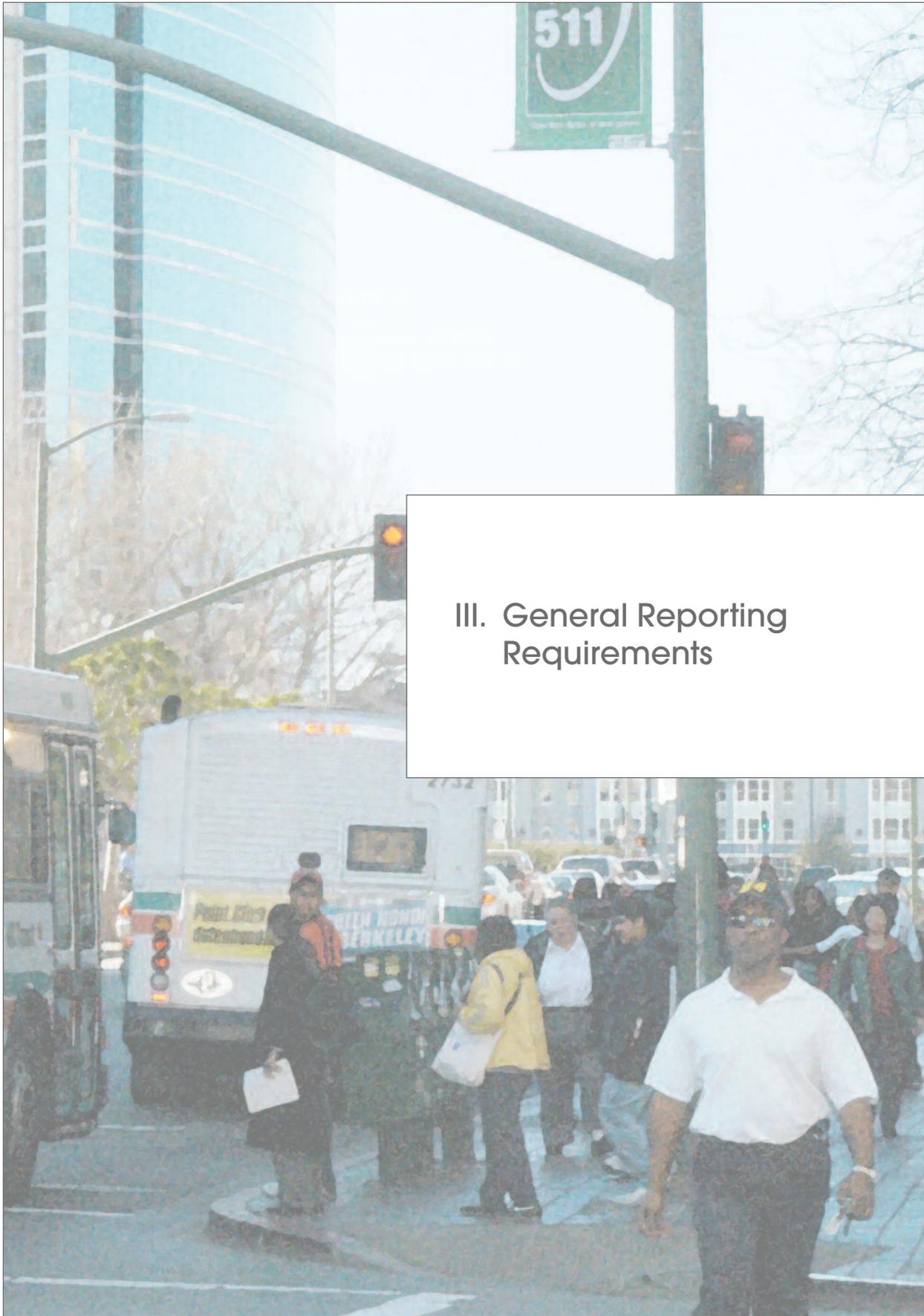
For three FTA programs, Caltrans serves as the grant recipient of the funds. For the Elderly and Disabled Program (FTA Section 5310) and the Non-Urbanized Area program (FTA Section 5311), MTC assists with project selection under a cooperative relationship with Caltrans; however MTC is not a grant recipient or subrecipient for either of these programs. MTC is a subrecipient to Caltrans for Metropolitan Planning funding (Section 5303). MTC has in the past entered into agreements with subrecipient transit operators to prepare Short-Range Transit Plans under the Section 5303 program. For the current fiscal year, the Section 5303 funds are supporting the region's Transit Sustainability Project effort and the staff work at ABAG.

E. Construction Projects

MTC engaged in one construction project funded by FEMA since the last Title VI Report was submitted in 2006: a seismic retrofit of its office building. All relevant environmental requirements were followed, and the project was classified as categorically exempt under NEPA and CEQA.

BATA is in the process of constructing the Bay Bridge toll plaza building and other toll plaza sign structures. The projects are categorically exempt from detailed environmental review and not federally-funded.

The MTC SAFE hired contractors to upgrade its call boxes to improve their accessibility to persons with physical disabilities. Federal Highway Administration (FHWA) funds were used for this project, which was also categorically exempt.



III. General Reporting Requirements

III. General Reporting Requirements (Chapters II and IV of FTA C 4702.1A)

A. Subrecipients' Title VI Reports and Assurances

Chapter II (4)(b) of the Circular requires subrecipients to submit compliance reports to the recipient consistent with reporting timelines established by the recipient. MTC is the grant recipient for Job Access and Reverse Commute (JARC) and New Freedom funding programs. As required by Chapter IV (1), MTC collects Title VI assurances from these subrecipients prior to passing through FTA funds. In addition, during the years covered by this Report, MTC passed through FTA 5303 planning funds it received from the State of California to various transit operators, as subrecipients. On October 1, 2010, the MTC Executive Director wrote to MTC's subrecipients who are also direct grantees in connection with other programs requesting a copy of their latest triennial Title VI Report.

B. Title VI Complaint Procedures

As required by Chapter IV (2) of the Circular, MTC has in place a Title VI complaint procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in the Circular. The complaint procedures can be found on MTC's website in English, Spanish and Chinese: http://www.mtc.ca.gov/get_involved/rights/title_VI.htm.

The complaint procedure has five steps, outlined below:

1. Submission of Complaint

Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through MTC may file a written complaint with the Deputy Director, Policy. Such complaint must be filed within 60 calendar days after the date the person believes the discrimination occurred.

2. Referral to Review Officer

Upon receipt of the Complaint, the Deputy Executive Director, Policy, shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the Complaint, in consultation with the Office of General Counsel. The staff review officer(s) shall complete their review no later than 45 calendar days after the date MTC received the Complaint. If more time is required, the Deputy Executive Director, Policy shall notify the Complainant of the

estimated time-frame for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the Complaint and whether MTC should take remedial actions, as necessary to provide redress. Additionally, the staff review officer(s) may recommend improvements to MTC's processes relative to Title VI and environmental justice, as appropriate based on their review of the complaint. The staff review officer(s) shall forward their recommendations to the Deputy Executive Director, Policy, for concurrence. If s/he concurs, s/he shall issue MTC's written response to the Complainant.

3. Request for Reconsideration

If the Complainant disagrees with the response, he or she may request reconsideration by submitting the request, in writing, to the Executive Director within 10 calendar days after its receipt. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Deputy Executive Director, Policy. The Executive Director will notify the Complainant of his decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Executive Director agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2, above.

4. Appeal

If the request for reconsideration is denied, the Complainant may appeal the Executive Director's response to the Complaint by submitting a written appeal to MTC's Administration Committee no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration.

5. Submission of Complaint to the Federal Transit Administration

If the Complainant is dissatisfied with MTC's resolution of the Complaint, he or she may also submit a complaint to the Federal Transit Administration for investigation. In accordance with Chapter IX, Complaints, of FTA Circular 4702.1A, such a complaint must be submitted within 180 calendar days after the date of the alleged discrimination. Chapter IX of the FTA Circular 4702.1A, which outlines the complaint process to the Federal Transit Administration, may be obtained by requesting a copy from MTC's Public Information Office (510) 817-5787.

C. Record of Investigations, Complaints and Lawsuits

1. Lawsuits

U.S. District Court, Northern District, Case No. C-05-01597 (EDL)
Sylvia Darenburg, Virginia Martinez, Vivian Hain, Amalgamated Transit Union Local 192, and Communities for a Better Environment v. Metropolitan Transportation Commission

The subject lawsuit, filed in federal district court in April 2005, alleged that MTC engaged in (1) purposeful discrimination in violation of federal statutory provisions as set forth in Title VI of the federal Civil Rights Act of 1964 and 42 United States Code Section 1983; (2) purposeful and disparate impact discrimination in violation of state law as set forth at California Government Code Section 11135; and (3) violation of the equal protection provision of the 14th Amendment of the United States Constitution. Specifically, the lawsuit claimed that MTC, using its funding decisions, intentionally favored predominantly white riders using BART and Caltrain to the detriment of predominantly “riders of color” using AC Transit. Plaintiffs also sought attorneys’ fees and costs.

On March 27, 2009, the District Court ruled in favor of MTC. Plaintiffs/Appellants have appealed the District Court’s decision to the Ninth Circuit Court of Appeals. Their opening brief was filed in November 2009, and MTC’s reply brief was filed in February 2010. Plaintiffs/Appellants rebuttal brief was filed in March 2010. The Ninth Circuit set November 2, 2010 for oral argument, but granted a continuance to a date not yet established.

2. Record of Investigations and Complaints

On July 8, 2009, Urban Habitat wrote the MTC Programming and Allocations Committee alleging that proposed ARRA funding for the Oakland Airport Connector (OAC) should be withheld because BART had failed to complete the required Title VI analysis. MTC’s response to that letter is described in a letter from Steve Heminger, MTC Executive Director, to Cheryl Hershey, FTA Civil Rights Director, dated September 13, 2010.

On February 3, 2010, FTA initiated a Title VI review of MTC in connection with a complaint filed with FTA by Public Advocates on behalf of Urban Habitat, alleging violations of Title VI related to the OAC project. MTC responded to FTA in a letter from Steve Heminger dated March 5, 2010. FTA responded to MTC’s letter on August 12, 2010, requesting additional information. MTC responded to that letter on September 13, 2010.

The correspondence referred to above can be found in Appendix D.

On October 13, 2010, at a meeting of MTC’s Policy Advisory Council to discuss this Report, a representative of Urban Habitat referred to another Title VI complaint filed with FTA. As of the date of submitting this Report, MTC has not received a copy of the complaint from FTA.

D. Meaningful Access to Limited English Proficient (LEP) Persons

Presidential Executive Order 13166 requires federal agencies to implement measures to ensure that people who speak limited English have meaningful access to federally conducted and federally funded programs and activities, consistent with Title VI of the Civil Rights Act of 1964. Both the US DOT and FTA have implemented guidance or directives in furtherance of Executive Order 13166. In compliance with these directives, MTC is committed to taking reasonable steps to ensure that all persons have meaningful access to its programs, services, and information, at no additional cost to individuals making the requests. In September 2010, the Commission adopted its Plan for Special Language Services to Limited English Proficient (LEP) Populations. It documents the various services and procedures that MTC has in place to assist persons with limited proficiency in the English language.

In preparing its LEP Plan, MTC undertook the U.S. Department of Transportation's four-factor LEP analysis, which considers the following:

1. The number and proportion of LEP persons served or encountered in the eligible service population;
2. The frequency with which LEP persons come in contact with MTC programs, activities or services;
3. The importance to LEP Persons of MTC's program, activities and services; and
4. The resources available to MTC and overall cost to provide LEP assistance.

Based on the "Determination of Need" outlined in the Plan, MTC identified two languages — Spanish and Chinese — into which it will translate vital documents, including certain news releases, brochures, fact sheets and portions of the long-range regional transportation plan. MTC also will tailor county-based public participation activities to reflect the unique LEP population in each county. For major planning efforts, MTC seeks to partner with community groups who can assist us in tailoring presentations and meeting materials to meet the language needs of local participants.

MTC's *Plan for Special Language Services to Limited English Proficient (LEP) Populations* is attached as Appendix E.

In addition to a commitment to work with agencies and community based organizations that support LEP persons and with local community media, MTC's LEP Plan identifies a number of techniques or practices MTC uses to provide meaningful, early and continuous opportunities for all interested Bay Area residents to participate in

the dialogue that informs key decisions, regardless of language barriers. The “General Measures or Practices” listed in the LEP Plan include:

- Use “visualization” techniques, including maps, charts and photographs to illustrate trends, choices being debated, etc.
- Avoid overly complex or technical terms and write in clear, compelling language in a style appropriate to the intended audience.
- Translate vital documents — including certain news releases, brochures, fact sheets and portions of the long-range regional transportation plan — into Spanish and Chinese.
- Tailor county-based public participation activities to reflect the unique LEP population in each county.
- Translate select printed materials for the various traveler services provided by MTC (ClipperSM, FasTrak[®], Freeway Service Patrol, Call Boxes) into Spanish and Chinese as a matter of routine; other languages as requested.
- Review prior experiences with LEP populations to determine the types of language services that are needed.
- Consult with MTC’s PAC, which includes appointed representatives from communities of color and low-income communities (populations that frequently include LEP persons).
- Use personal interviews or audio recording devices to obtain oral comments at key public workshops/meetings.
- Contract with a language translation firm for on-call assistance (for example, interpreters for public meetings or translating documents). Establish competency of translators; have translators available at meetings as requested.

Prior to adoption of the LEP Plan, MTC released a draft (“Draft Plan”) for public review and comment. The Draft Plan — which was available in Spanish and Chinese, as well as English — was circulated throughout the region. Two community-based organizations who serve LEP clients (San Francisco’s Chinatown Community Development Corporation and Oakland’s Spanish Speaking Citizens Foundation) assisted staff in conducting focus groups with residents with limited English proficiency. Display ads were published in one Chinese and two Spanish language newspapers alerting residents about the availability of the Draft Plan, and staff publicized the opportunity to comment via the web, e-mail alerts and through a presentation to MTC’s PAC and the Planning Committee.

MTC received the following comments:

1. When seeking to involve LEP populations throughout the nine Bay Area counties, MTC should tailor translations as appropriate by county — for example, translating materials or presentations into Vietnamese when seeking comments in Santa Clara County.
2. Clear, visible signage to the region's transit network is a basic need for LEP persons.
3. MTC should utilize social media networks to reach younger family members who are often their families' informal translators.
4. MTC should avoid overly complex or technical terms and write in a style tailored to the intended audience.
5. Comments confirmed limited access to Internet by LEP persons; high dependence on television and radio for news; and the importance of working with community partners.

MTC modified the Draft Plan to clarify that MTC does tailor county-based public participation activities to reflect the unique LEP population in each county. For major planning efforts, MTC seeks to partner with community groups who can assist us in tailoring presentations and meeting materials to meet the language needs of local participants. Additionally, MTC modified the Draft Plan to clarify the importance of writing in clear, compelling language in a style appropriate to the audience. The two focus group sessions told us that LEP persons are more likely to get their news from television rather than newspapers; MTC modified the general measures/practices in the plan to reflect this point.

MTC will monitor requests for translations and adjust practices to meet demand while maintaining access by LEP populations to key programs and documents. MTC's LEP Plan will be updated periodically as needed to reflect significant changes.

E. Beneficiary Notifications

Consistent with the Circular, Chapter IV (5), MTC informs members of the public of their rights under Title VI in a number of ways, including notification on MTC's website and in MTC's Library, which is open to the public. MTC incorporates notice of the availability of language assistance into its existing outreach materials. This includes routine use of language on printed or electronic announcements for public workshops on key planning efforts that alert interested individuals on how to request translation services. A similar notice is posted at the reception desk, in the MTC Library and at MTC meetings and workshops. For special projects, such as the region's long-range transportation plan, MTC works with community-based organizations and other stakeholders to inform LEP individuals of available services, including the availability of language assistance services. MTC also uses notices in local newspapers in languages other than English as well as providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.

See Appendix F, *Beneficiary Notifications*, for a sampling of MTC's written notices and website information.

F. Inclusive Public Participation

Consistent with the Circular, MTC seeks out and considers the viewpoints of minority, low-income and LEP populations in the course of conducting public outreach and involvement activities. This section describes methods used by MTC to inform minority communities of planning efforts, and how minority persons are afforded an opportunity to participate in decision-making processes.

1. Public Participation Plan

In September 2007, MTC adopted a public participation plan (PPP) for involving the people of the nine-county Bay Region in its key transportation policy and financial decisions. (See Appendix G.) The process started in January 2007 with a series of meetings, focus groups (including with members of MTC's MCAC⁴ and with LIFETIME, a support group for low-income single parents) and a Web survey to hear from a wide range of interests on their ideas for best practices for public participation. In May 2007, the Commission issued a draft PPP for public comment. A news release requesting public comment on the draft PPP was distributed to mainstream and community media outlets; it was translated into Spanish and Chinese and distributed to non-English media outlets as well. In response to more than 70 comments received on the draft, MTC issued a revised draft PPP for further review before final adoption in July 2007.

4 MTC consolidated MCAC and PAC in November 2009 (Resolution No. 3931). See discussion in Section II C of this report.

The PPP is posted in English, Spanish and Chinese on MTC's website at this link: http://www.mtc.ca.gov/get_involved/participation_plan.htm.

The US DOT commended MTC in its 2007 Planning Certification Report for this effort, which:

- Provides specifics on when, how and where interested parties may stay informed of and get involved in MTC's key decisions;
- Calls for use of plain language and more visual materials (such as charts, icons or other graphic elements);
- Lists specific techniques that are used to involve the public, including low-income communities and communities of color;
- Commits to developing a customized public involvement program for all major updates to the Bay Area's Regional Transportation Plan (RTP) that includes frequent and varied opportunities for the public to weigh in on key decisions; and
- Clarifies how MTC conducts its interagency and Tribal government consultations.

MTC is in the process of updating its PPP. On July 9, 2010, MTC released for public review a Draft 2010 PPP. (See Appendix G.)

The proposed 2010 revisions reflect the addition of a PPP for the Sustainable Communities Strategy (SCS), as required by California Senate Bill 375; the restructuring of MTC's advisory committee into the PAC; clarification of the principles that guide MTC's public involvement efforts; and changes to the steps involved in updating and revising the RTP and the TIP.

Appendix A to the Draft 2010 Plan is the "Public Participation Plan for the Bay Area Sustainable Communities Strategy and Regional Transportation Plan." California Senate Bill 375 calls upon MPOs in 18 regions in California to develop regional transportation plans that incorporate a Sustainable Communities Strategy (SCS) — an integrated transportation, land-use and housing plan, with the ultimate goal of reducing greenhouse gas emissions for cars and light-duty trucks. In the Bay Area, the SCS and RTP will be a joint effort between the Bay Area's regional agencies (MTC, ABAG, BCDC, and the Bay Area Air Quality Management District (BAAQMD)). An extensive outreach effort is anticipated as part of the process of developing the SCS. In addition to a partnership among local governments (cities, counties, congestion management agencies and transit agencies), a number of public stakeholders will be consulted. As part of the advisory structure for the SCS, staff will utilize existing advisory groups, including MTC's PAC, ABAG's Regional Planning Committee, as well as the recently created SCS Regional Advisory Working Group.

Within the limits of available funding, public engagement efforts for the SCS and the RTP will include:

- Public workshops in all nine Bay Area counties;
- Grants to community non-profit organizations in communities of concern for assistance in engaging their residents;
- Use of more visuals (such as charts, icons or other graphic elements) as well as computer simulation at public workshops to depict alternatives under consideration;
- Specialized focus groups;
- A statistically relevant public opinion poll (also available in languages other than English);
- A single website for current updates on the SCS (also accessible from the websites of the regional agencies);
- Interactive Web polls, kiosks, surveys, etc.;
- Maintenance of a database to keep participants notified (via e-mail or U.S. mail) of activities throughout the multi-year process; and
- Use of techniques to involve the public, including low-income communities and communities of color.

As a result of comments received, MTC revised the Draft 2010 PPP and issued a Revised Draft 2010 PPP on October 15, 2010. (See Appendix G.) Adoption of an updated plan is slated for December 2010.

2. RTP (T2035) Public Participation

Every update of MTC's long-range RTP includes an extensive public outreach and involvement program. In conjunction with T2035, public involvement was conducted in three phases and spanned some 24 months. Throughout 2007 and 2008, MTC reached out to its regional constituents by means of numerous public workshops and focus groups, two statistically valid telephone polls (conducted in English, Spanish and Chinese), interactive Web surveys, "person on the street" interviews, and via in-depth discussions with members of MTC's three advisory committees. All meeting notices offered language translation if requested.

As part of its RTP outreach, MTC uses a number of ways to inform communities of color, low-income communities and persons of limited English proficiency of planning efforts, and to provide residents in these historically underserved communities with opportunities

to participate in the decision-making processes. Described later in Section 3 are MTC's partnerships with community-based organizations.

The T2035 public involvement program, which concluded with the adoption of the Plan in April 2009, spanned more than two years and included unprecedented outreach and involvement with a diverse mix of residents from every county in the region. Following is a list of the program's major elements: a "Bay Area on the Move" Regional Forum (700 participants); 12 MTC advisory committee workshops; two roundtable discussions with key "Three E" leaders; 13 workshops around the region (650 participants); two public hearings (80 participants); two statistically valid telephone surveys, offered in three languages (5,400 respondents); two Web surveys (over 3,000 completed surveys); 130 person-on-the-street, multilingual interviews; nine focus groups, one per county (some 100 residents); and 10 multilingual focus groups with non-profits in low-income communities and communities of color (150 residents).

The program included a set of performance measures, reviewed with the Commission in October 2007, to track progress in meeting goals for diversity, reach, access, impact and participant satisfaction. Performance was evaluated based upon surveys taken of participants at the end of public meetings, as well as from a telephone survey conducted by MTC's outreach consultants, PMC Inc., of select members of MTC's three advisory committees.

MTC met performance goals in the areas of diversity, reach, access and impact. Highlights include some 10,000 individuals actively participating in T2035 development, excluding repeat attendance at meetings (versus a goal of 2,500), robust participation via MTC's website (some 50,000 "hits" were logged along with more than 3,000 completed Web surveys). MTC also met goals for accessibility, with transit-accessible meetings in all nine Bay Area counties and the option of language translation upon request.

MTC easily met our goal of 60 percent of participants strongly agreeing or agreeing that we did a good job with providing access to meetings, sufficient opportunities to comment, educational value, clearer understanding of other perspectives and quality discussions.

The Evaluation Report prepared on the Public Outreach and Involvement Program for T2035 is attached as Appendix H.

Also it should be noted that the Public Outreach and Involvement Program associated with MTC's Transportation 2030 Plan received a 2004 Transportation Planning Excellence Award from FHWA and FTA. (See <http://www.flbwa.dot.gov/planning/tpea/pubinvolv.htm> for more information.)

3. Partnerships with Community-Based Organizations

As part of the development of T2035, MTC continued its practice of developing partnerships with community-based organizations (CBOs) to assist with public involvement in communities of concern (identified as communities with thresholds of at least 70 percent minority or 30 percent low-income residents as of the 2000 Census).

In February 2008, MTC released a request for proposals that was sent to approximately 4500 CBOs, not-for-profit, and faith-based organizations throughout the region, inviting them to assist MTC in developing a focus group in their geographic area. As a result, MTC contracted with 10 geographically and ethnically diverse CBOs for assistance in conducting community focus groups. Nine of the CBOs were in areas previously identified by MTC as communities of concern.

The primary objective of the community-based focus groups was to ensure that a range of Bay Area low-income communities and communities of color had an opportunity to comment on T2035 at a key point in the decision-making process. Approximately 150 residents recruited by the community organizations participated in 10 focus groups. As recommended by the CBOs, translations in Spanish, Cantonese or Vietnamese were pro-

Community-Based Organization	Date and Time	Venue/City/County	Number of Attendees
Southeast Asian Community Center	Saturday, May 17 1 p.m. to 3:30 p.m.	Vietnamese Voluntary Foundation San Jose, Santa Clara County	15
West Berkeley Neighborhood Development Corp.	Monday, May 19 6:30 p.m. to 8:30 p.m.	WBND Community Room Berkeley, Alameda County	16
Bayview-Hunters Point YMCA	Thursday, May 22 11:30 a.m. to 1:30 p.m.	Bayview-Hunters Point YMCA San Francisco (City and County)	15
Dixon Family Services	Tuesday, May 27 11 a.m. to 1 p.m.	Dixon Family Services Dixon, Solano County	15
Monument Community Partnership	Thursday, May 29 6 p.m. to 8:30 p.m.	Monument First Five Center Concord, Contra Costa County	18
Samaritan Neighborhood Center (Youth Focus Group)	Friday, May 30 4 p.m. to 5:30 p.m.	Samaritan Neighborhood Center Oakland, Alameda County	15
Chinatown Community Development Corp.	Saturday, May 31 11 a.m. to 1 p.m.	Manilatown I-Hotel San Francisco (City and County)	14
Spanish Speaking Citizens Foundation	Monday, June 2 5 p.m. to 7:30 p.m.	Urban Promise Academy Oakland, Alameda County	15
Community Development Institute	Wednesday, June 4 6:30 p.m. to 8:30 p.m.	Ravenswood Family Health Center East Palo Alto, San Mateo County	13
Neighborhood House of North Richmond	Saturday, June 7 11:30 a.m. to 1:45 p.m.	Neighborhood House Admin. Bldg. Richmond, Contra Costa County	17

vided, and child care was provided at some of the meetings. One meeting — in West Oakland — focused on youth ranging from 15 to 21 years in age.

The specific CBOs are listed in Table 2 (above). The organization selected the time and venue for each meeting. Each location was convenient and accessible to the community being consulted.

4. Participation Through Alternative Means

In developing T2035, MTC utilized two methods to obtain public input through means other than written communication. They are described below.

a. Statistically Valid Telephone Polls

MTC conducted two statistically valid telephone polls in conjunction with its public involvement efforts for T2035. (See Table 3.)

The first telephone poll of 1,807 randomly selected adult residents of the nine-county Bay Area (in fall 2007) — was offered in English, Spanish and Cantonese. The polling methodology was structured according to zip code and county of residence. The sample size from each county mirrored that county's percentage of the total Bay Area population with only a slight deviation of one percent amongst three counties. This poll has a margin of error of +/- 2.3 percent. The objectives of this survey were to:

- Explore attitudes related to transportation, land use and global warming.
- Identify residents' willingness to pay to reduce or limit greenhouse gas emissions.
- Assess residents' opinions as they relate to current and future transportation investments and local/regional governance.

A second statistically valid telephone survey of 3,602 likely voters (400 in each of the nine Bay Area counties) was conducted in spring 2008. The primary objective of this telephone survey was to identify voters' priorities for future transportation investments and improvements, to measure public opinion on investment trade-offs, and to assess voters' support for establishing high-occupancy toll (HOT) lanes on Bay Area freeways. The survey was offered in English, Spanish and Cantonese, and yielded a margin of error of +/- 1.6 percent overall, and a margin of error of +/- 4.9 percent within each county.

b. Field or Intercept Interviews

In the first phase of developing T2035, MTC conducted a series of field or intercept interviews involving 131 Bay Area residents at public gathering places.

Several of the intercept interviews were held in areas with a large minority population, such as the Downtown Oakland Bus Transfer Center, the Parchester Community Center

Table 3. T2035 Telephone Polls: Breakdown of Respondents by Ethnicity

October 2007 Poll of Residents n = 1,807		May 2008 Poll of Likely Voters n = 3,602	
13%	Latino or Hispanic	8%	Latino or Hispanic
13%	Asian	10%	Asian
5%	African American or Black	4%	African American or Black
1%	Pacific Islander	1%	Pacific Islander
59%	White	68%	White
5%	Other	1%	Other
		1%	Mixed
4%	Refused	6%	Refused
88	Number Administered in Spanish	20	Number Administered in Spanish
40	Number Administered in Cantonese	25	Number Administered in Cantonese

in Richmond, the Pickleweed Community Center in San Rafael, the Bayview-Hunters Point YMCA in San Francisco, East Palo Alto City Hall and the Southwest Community Health Center in Santa Rosa. Interview respondents were asked a series of four questions about their primary mode of transportation and views on various measures to improve mobility around the Bay Area. Bilingual staff members allowed for the participation from Spanish- and Chinese-speaking residents.

Intercept interviews are a means of bringing an issue to target audiences who may not respond to the idea of attending a traditional community meeting or workshop. Participants were interviewed at 31 locations throughout the nine-county Bay Area region and included community centers, college and university campuses, farmers markets, senior centers, shopping centers and transit stations. Interviews averaged in length from one minute to five minutes. An information card also was handed out that gave a brief summary of the survey's purpose. The card contained information printed in four languages: English, Spanish, Chinese and Vietnamese.

5. Tailoring Communications to Particular Populations

MTC utilizes a number of communication techniques to engage the diverse residents of the Bay Area. T2035's extensive public involvement campaign included various formats to engage the public, ranging from large, regional transportation summits, to county workshops and small, targeted focus group meetings. Additionally, since not everyone can attend workshops during the day, MTC holds a number of meetings in the evenings. All meeting notices also offer language translation if requested.

MTC's partnerships with CBOs provide one avenue for tailoring communications to particular populations. If the CBO hosts a meeting, it prepares or reviews materials for its community. MTC also maintains a database of minority media that receive all of MTC's news releases. Any releases translated into another language are sent via e-mail to media outlets — both radio and television — that work in those translated languages. MTC staff also handle many interviews by English and non-English media outlets.

6. Participation by Limited English Proficient Persons

One effective practice for fulfilling the inclusive public participation requirement is ensuring that all interested Bay Area residents can participate in the dialogue that informs key decisions, regardless of language barriers. MTC is committed to taking reasonable steps to ensure that all persons have meaningful access to its programs, services and information, at no additional cost to individuals making the requests. See Section III (General Reporting Requirements), Part D of this report for information on these efforts.



**IV. PROGRAM-SPECIFIC
REQUIREMENTS FOR DESIGNATED
RECIPIENTS OF JOB ACCESS AND
REVERSE COMMUTE (JARC)
AND NEW FREEDOM PROGRAMS
(Chapter VI of FTA C 4702.1A)**



IV. PROGRAM-SPECIFIC REQUIREMENTS FOR DESIGNATED RECIPIENTS OF JOB ACCESS AND REVERSE COMMUTE (JARC) AND NEW FREEDOM PROGRAMS (Chapter VI of FTA C 4702.1A)

As noted in Section II above, MTC directly administers JARC and New Freedom grants. As required by FTA program guidance (FTA Circulars 9050.1 and 9045.1, respectively), MTC administers JARC and New Freedom grants according to a Program Management Plan (PMP) submitted to FTA in draft in September 2008. FTA acknowledged receipt of the draft PMP with no comments, noting that grant approval would constitute approval of the PMP and reserving the right to make future comments. Two years of JARC and New Freedom grants have since been approved.

MTC's PMP specifically states "MTC complies with all provisions prohibiting discrimination on the basis of race, color, or national origin on Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d et seq., and with U.S. D.O.T. regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation — Effectuation of Title VI of the Civil Rights Act", 49 C.F.R. Part 21. Except to the extent FTA determines otherwise in writing, MTC will comply with any applicable implementing federal directives that may be issued. MTC specifically requires in all third party contracts and grant agreements that the subrecipient/contractor at any tier complies with all requirements of Title VI. Failure to do so is considered to be a breach of contract."

The entire PMP for FTA 5316 JARC and 5317 New Freedom Programs can be viewed at http://www.mtc.ca.gov/funding/FTA/downloads/PMP_5316-JARC_and_5317-New_Freedom.pdf.

As noted in the Table 1 on pages 9 - 10 of this Report, subrecipients of JARC and New Freedom grants include transit operators, cities, counties, private non-profits, and taxing authorities. MTC originally inquired of FTA Region IX staff whether direct recipients could submit grants directly through Transportation Electronic Award Management (TEAM), similar to the Section 5307 process. FTA Region IX staff indicated that MTC must submit the grants. Based on that advice, MTC has been submitting the grants for JARC and New Freedom funds. Based on US DOT Questions & Answers last updated October 16, 2008, and the procedures followed in the San Diego Metropolitan region, it appears that transit operators selected through a competitive process can be direct recipients of JARC/New Freedom grants. Beginning with FY 2010–11 funds, MTC will require Bay Area transit operators selected for JARC and New Freedom grants to apply for the grants directly on TEAM.

Program-specific activities are described below.

A. Program Administration

The competitive selection process, description of assistance provided to potential subrecipients, and a record of requests and awards for the JARC and New Freedom Programs, are provided in Appendix I.

1. JARC: MTC's Lifeline Transportation Program

MTC's policy is to use JARC funds to support implementation of MTC's Lifeline Program, which includes projects that address mobility and accessibility needs in low income communities throughout the region.

MTC has delegated many aspects of the Lifeline Program administration to county congestion management agencies (CMAs) or other designated county-wide agencies as follows:

County	Lifeline Program Administrator
Alameda	Alameda County Congestion Management Agency
Contra Costa	Contra Costa Transportation Authority
Marin	Transportation Authority of Marin
Napa	Napa County Transportation Planning Agency
San Francisco	San Francisco County Transportation Authority
San Mateo	City/County Association of Governments
Santa Clara	Santa Clara Valley Transportation Authority and Santa Clara County
Solano	Solano Transportation Authority
Sonoma	Sonoma County Transportation Authority

Lifeline Program administrators are responsible for soliciting projects for the Lifeline Program, using a broad, inclusive public involvement process, as described in MTC's PPP. For the selection of projects involving federal funds, Lifeline Program administrators must also consider fair and equitable solicitation and selection of project candidates in accordance with federal Title VI requirements, i.e. funds must be distributed without regard to race, color and national origin.

Since the last Title VI compliance report, MTC, through the Lifeline Program administrators, has conducted two calls for projects for the Lifeline Program using JARC funds, in 2006 and 2009. Both cycles used JARC funds from Large Urbanized areas to support eligible projects. Note that the Lifeline Program has also used other non-JARC funds to support projects.

The general process for the programming cycles included the following steps:

- MTC approves and distributes program guidelines;
- Lifeline Program administrators conduct a competitive project selection process and forward to MTC a list of approved projects for the program in each County;
- MTC approves the overall regional Lifeline Program using the information provided by each county and adds the funds and projects to the TIP;
- MTC or project sponsors apply for funds following the process appropriate to each funding source; and
- For JARC funds in large urbanized areas, following approval of the TIP, MTC will enter projects into MTC's FTA grant. Following FTA approval of the grant, MTC enters into funding agreements with project sponsors. For JARC funds in small or non-urbanized areas, Caltrans administers the JARC program and the MTC role is limited to the local agency certification requested by Caltrans and programming funds in the TIP.

The MTC program guidelines require that transportation projects be developed through a collaborative and inclusive process. Projects need to address transportation gaps or barriers identified in locally based needs assessments, including local Community Based Transportation Plans (CBTPs) where applicable. All JARC projects are derived from MTC's Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan) which was adopted by MTC in 2006 (low income component) and 2007 (elderly and disabled component). The guidelines include requirements for project selection as well as for general program administration (local match requirements, project delivery policy, Board approval, etc.).

Each county appoints a local review team that includes CMA staff, a local representative from MTC's MCAC⁵, as well as representatives of local stakeholders, such as transit operators or other transportation providers, community-based organizations, social service agencies, and local jurisdictions, to score and select projects. Each county assigns local priorities for project selection. The CMAs are responsible for holding workshops to assist potential applications within their counties.

The Lifeline Program administrators are responsible for oversight of projects funded under the county programs and ensuring projects meet MTC obligation deadlines and project delivery requirements. In addition, Lifeline Program administrators are to ensure, at a minimum, that projects substantially carry out the scope described in the grant applications.

5 MTC consolidated MCAC and PAC in November 2009 (Resolution No. 3931). See discussion in Section II C of this report.

2. New Freedom Program

MTC has conducted three cycles of New Freedom fund programming, incorporating funds from FY 2005–06 through FY 2008–09 for large urbanized areas in the MTC region. Caltrans administers the New Freedom funds for the small urbanized and non-urbanized areas of the region.

The general process for the programming cycles included the following steps:

- MTC approves and distributes program guidelines;
- MTC staff conduct a competitive project selection process, resulting in an approved program of projects;
- MTC adds the funds and projects to the TIP; and
- MTC enters projects into MTC's FTA New Freedom grant. Following FTA approval of the grant, MTC enters into funding agreements with project sponsors.
- For New Freedom funds in small or non-urbanized areas, Caltrans administers the New Freedom program and the MTC role is limited to the local agency certification requested by Caltrans and programming funds in the TIP.

The MTC guidelines were established with the goal of funding eligible transportation projects to overcome existing barriers facing persons with disabilities seeking integration into the work force and full participation in society. MTC seeks projects that have been developed through a collaborative and inclusive process. Projects need to address transportation gaps or barriers identified in the Coordinated Plan (discussed in more detail on page 47). The guidelines include requirements for project and subrecipient eligibility, coordinated planning, and project evaluation/selection as well as for general program administration (local match requirements, project delivery policy, governing board approval, etc.).

Because of the need to obligate funds in an expedited timeline, for the First Cycle (FY 2005–06) Call for Projects, eligible recipients were limited to local government authorities and public transportation agencies. Interested private non-profit agencies and private operators of public transportation services were encouraged to partner as appropriate with a public agency sponsor. For the subsequent funding cycles, eligible recipients included private non-profit organizations; state or local governmental authorities; and operators of public transportation services, including private operators of public transportation services.

Workshops to assist prospective applicants were held with each Call for Projects.

MTC staff performs an initial screening to determine eligibility. A panel consisting of Bay Area representatives of disabled population interests and MTC staff then evaluates and scores the applications based on MTC-adopted criteria including: demonstration of need and expected benefits; evidence of coordination, partnership, and outreach efforts; and project readiness.

B. Assistance and Monitoring

Subrecipients are required to enter into agreements with MTC for projects in the large Urbanized Areas (UA). Recipients must comply with all pertinent federal requirements, including but not limited to Title VI, and provide quarterly reporting of project progress and project performance.

Chapter VI of the Circular requires State DOTs and administering agencies for JARC and New Freedom grants to assist subrecipients in complying with the general reporting requirements in Chapter IV of 4702.1A and to monitor subrecipients for compliance with Title VI, documenting their processes for ensuring that all subrecipients are complying with the general reporting requirements of the Circular and, at the request of FTA, requesting subrecipients to verify that their level and quality of service is provided on an equitable basis.

MTC includes the following language in all contracts with subrecipients of JARC and New Freedom programs: "Recipient agrees to comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (47 U.S.C. § 2000(d)) and the regulations of the Department of Transportation issued thereunder (49 CFR Part 21)."

In addition, MTC has initiated several changes to its monitoring and assistance process as enumerated below:

Grantee Changes:

- MTC has alerted transit operators who are FTA grantees that they will serve as direct recipients going forward for JARC and New Freedom, if they are selected through the competitive process for the Lifeline and New Freedom programs. Previously, MTC completed the grant for the entire region.
- MTC will continue to serve as the direct recipient for non-FTA grantee transit operators and non-profits that are competitively selected for the JARC and New Freedom Programs.

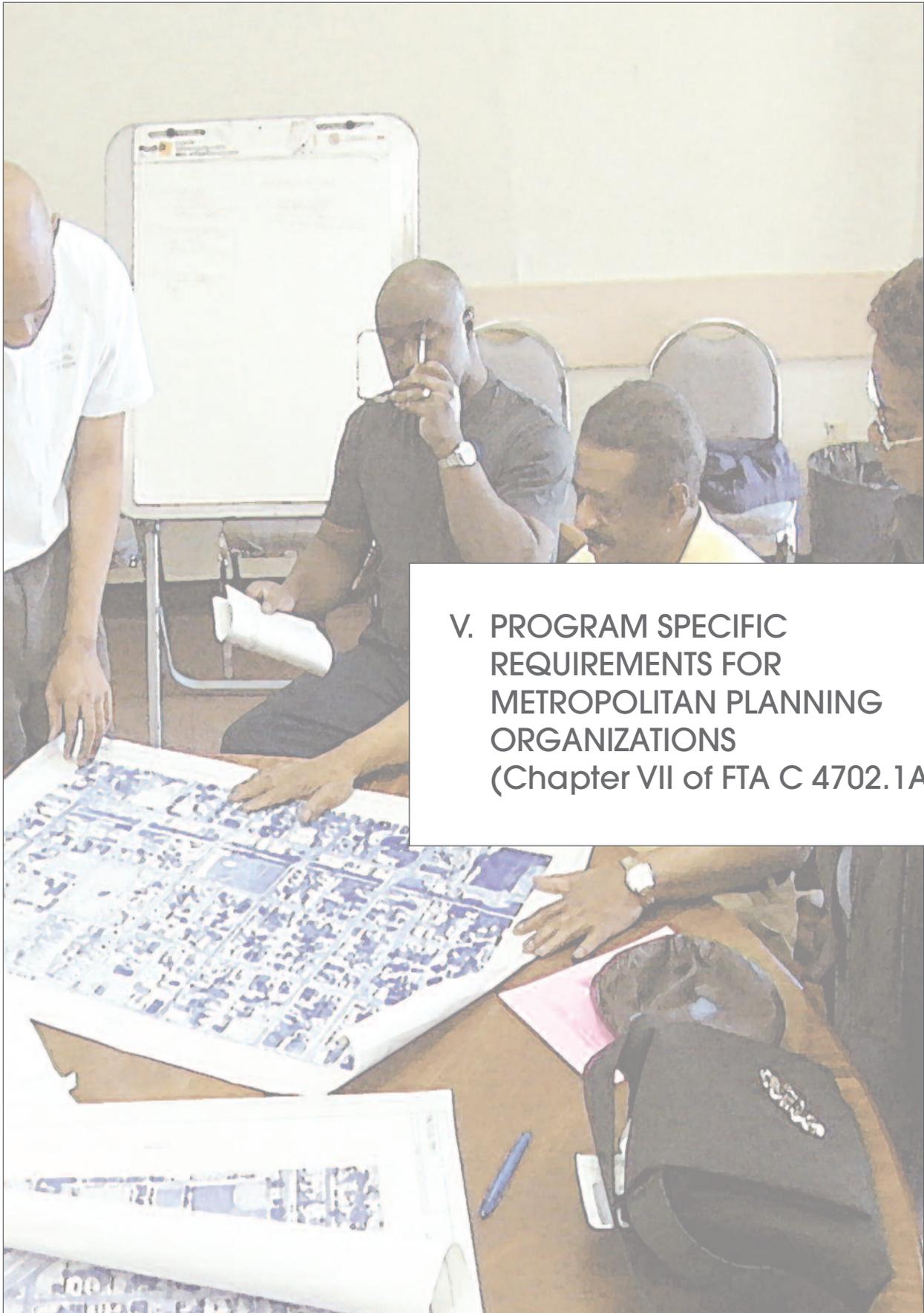
Monitoring:

- MTC has sent a letter to transit operators who have received past JARC and New Freedom funds and also receive funds directly from FTA requesting a copy of their latest Title VI reports.

- MTC is initiating a revision to the PMP to clarify the designated recipient, direct recipient and subrecipient roles and responsibilities.
- The PMP revision will clarify requirements for Title VI reporting, complaint procedures and investigation, and LEP provisions for non-grantee sponsors as well as MTC's proposed frequency of monitoring. The PMP will clarify that direct-recipient transit operators will be responsible through the Supplemental Agreement for their own compliance with Title VI and other reporting. A copy of project reporting will be requested by MTC. The PMP is expected to be approved by the Commission in November or December 2010, following consultation with stakeholders and transit operators.

MTC has not received any requests from subrecipients for assistance with Title VI requirements.

MTC's Title VI complaint procedures and demographic information of the San Francisco Bay Area broken out by race and income are available for subrecipients' reference on the MTC website.



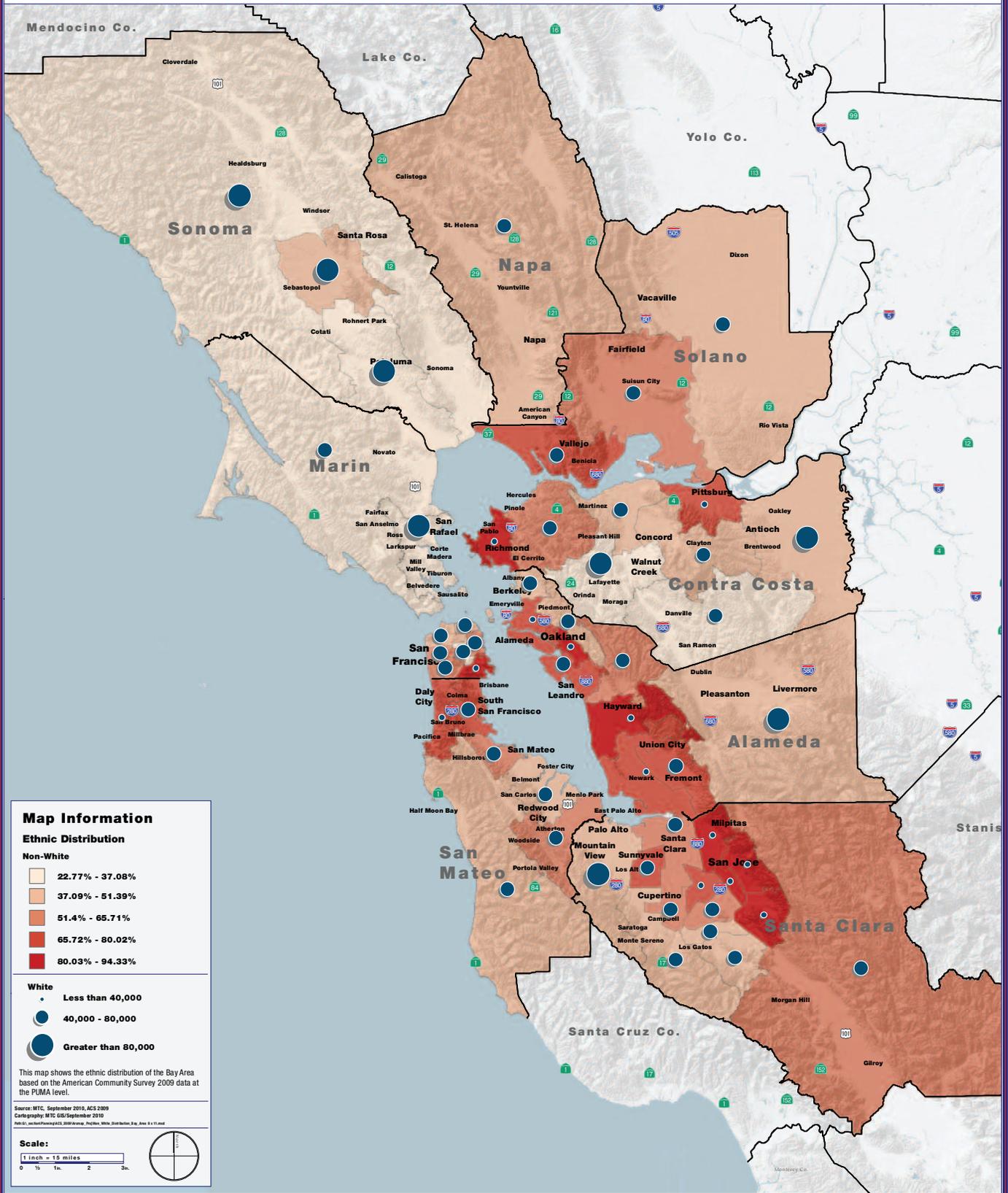
V. PROGRAM SPECIFIC
REQUIREMENTS FOR
METROPOLITAN PLANNING
ORGANIZATIONS
(Chapter VII of FTA C 4702.1A)

Ethnic Distribution Within the Bay Area

M Metropolitan Transportation Commission
 Planning, Financing and Coordinating
 Transportation for the nine-county
 San Francisco Bay Area

Research and Demographic Unit

Geographic Information Systems Unit



V. PROGRAM SPECIFIC REQUIREMENTS FOR METROPOLITAN PLANNING ORGANIZATIONS (Chapter VII of FTA C 4702.1A)

A. Demographic Profile of Region

Data about the ethnic breakdown of the population of the region is listed in Table 4 below. Additional information including locations of socioeconomic groups, low-income and minority populations can be found in Appendix J.

	San Francisco Bay Area	Share of Total Population
<i>Non-Hispanic</i>		
White Alone	3,170,684	45.0%
Black or African American Alone	462,049	6.6%
American Indian and Alaskan Native Alone	18,037	0.3%
Asian Alone	1,554,635	22.1%
Native Hawaiian and Other Pacific Islander Alone	38,553	0.5%
Some Other Race Alone	30,945	0.4%
Two or More Races	200,450	2.8%
Hispanic, Any Race	1,571,366	22.3%
Total Population	7,046,719	100%

B. Metropolitan Planning Organization Planning Process

MTC's work to ensure compliance with the goals of Title VI is in part guided by two environmental justice principles adopted by the Commission in March 2006, as recommended by MTC's MCAC⁶, and members of the Bay Area Partnership:

Principle #1 — Create an open and transparent public participation process that empowers low-income communities and communities of color to participate in decision making that affects them.

Principle #2 — Collect accurate and current data essential to understanding the presence and extent of inequities in transportation funding based on race and income.

In furtherance of these principles, MTC continues to pursue major efforts to assure that MTC's planning and programming activities are nondiscriminatory and involve a wide range of stakeholders. This commitment to Title VI is reflected in the varied work products described herein and further detailed on MTC's website using the links provided.

1. RTP Equity Analysis

a. Equity Analyses on MTC's RTPs

Since 1998, MTC has conducted an Equity Analysis (or Environmental Justice Analysis) of each of its four long-range RTPs adopted since that date. The purpose of the equity analysis is to measure at a regional, programmatic level the benefits and burdens associated with the transportation investment packages proposed in the regional transportation plans for the region's low-income and minority communities of concern. MTC has identified 43 communities of concern in the region where the population is at least 70 percent minority and 30 percent low-income. Low-income population is defined as being at or below 200 percent of the federal poverty level to account for the region's high cost of living.

The T2035 Equity Analysis evaluated T2035's proposed transportation investment packages in terms of spending per household by income, accessibility, affordability and environmental effects (emissions). The Equity Analysis was built upon the methodology developed for analyses conducted for the past three regional transportation plans, including the Transportation 2030 Equity Analysis. That work was recognized as a best practice in the Peer Roundtable Report on environmental justice and Title VI, produced by the Transportation Planning Capacity Building Program (jointly sponsored by the FHWA and the FTA). See www.planning.dot.gov/Peer/California/sacramento_2005.asp.

Some of the key findings of the T2035 Equity Analysis were:

- T2035 features greater per-household expenditures for low-income households than other households;

⁶ MTC converted MCAC and PAC in November 2009 (Resolution No. 3931). See discussion in Section II C of this report.

- Similar or greater benefits accrue to low-income and minority communities of concern under T2035 than the remainder of the region, with the exception of access to low-income jobs within 30 minutes by transit;
- T2035 helps close the accessibility gap between automobile and transit accessibility;
- Greater benefits appear to be achieved for communities of concern both through the alternative land use scenario featuring more compact growth and through technology that reduces vehicle emissions than by transportation investments alone; and
- The affordability test measure proved challenging to forecast for 2035 due to the difficulty of forecasting housing costs. This indicator is most useful on a neighborhood level assessment and was utilized in the Snapshot Analysis summarized below.

The T2035 Equity Analysis identified the following steps to continue to evaluate transportation equity in the region's transportation planning process:

1. Promote Involvement in Activity-Based Model Development

MTC will work with stakeholders in the development of MTC's next-generation, activity-based travel model and data collection efforts to refine the model, and MTC's understanding low-income travel patterns. MTC staff expect to complete set up of the activity-based model in January 2011. Staff will work with the PAC and other interested stakeholders to address these concerns leading into the next RTP equity analysis.

2. Develop a Regional Mobility Snapshot Analysis

MTC completed a neighborhood-level assessment to analyze the current status of mobility in communities of concern (see Section 2 below).

3. Monitor and Evaluate the Lifeline Transportation Program

MTC will continue to monitor and evaluate the Lifeline Transportation Program to ensure it meets its goals of improving mobility for the region's low-income population. Program evaluation currently under way, scheduled to finish spring 2011.

4. Complete Remaining Community Based Transportation Plans MTC has fully funded locally based transportation needs assessments for 43 communities of concern. The remaining plans are expected to be completed by the end of 2011.

5. Support the BAAQMD's CARE Program

The Community Air Risk Evaluation (CARE) Program seeks to identify significant sources of toxic air contaminant (TAC) emissions (including on-road mobile sources from vehicles) and prioritize use of resources to reduce TACs in the most highly impacted areas. Staff from MTC, ABAG and BAAQMD will identify planning resources available to address these issues by December 2010.

6. Further Evaluate Housing and Transportation Affordability in the Region

MTC completed a more detailed study of housing and transportation affordability in the region. (See Sections 2 and 4.C below)

A full copy of the Equity Analysis Report for T2035 is attached as Appendix K.

b. A New Approach: Developing a Snapshot Analysis Framework

The *Transportation 2035 Equity Analysis Report* recommended development of a Snapshot Analysis for communities of concern to provide a better way to display priority equity-related indicators using current data instead of modeled output as is required for long-range transportation and land use planning. Staff worked with an Equity Analysis Subcommittee of MTC's MCAC⁷ to identify high-priority questions that should be answered through the Snapshot Analysis. The product of this work is a final set of priority metrics (see Table 5, below) as well as recommendations for how to incorporate these metrics into MTC's planning efforts, including development of the next regional transportation plan and equity analysis, the next update of the regional Coordinated Public Transit–Human Services Transportation Plan, and MTC's Transit Sustainability Project.

MTC staff completed the first Snapshot Analysis in June 2010 (see Appendix L) by producing static maps that provide a starting point for understanding the variations within the region that exist today for each of the metrics, and how they relate to communities of concern. MTC also developed summary tabulations of each snapshot metric for all 43 communities of concern. MTC has forwarded the following issues identified in this first data collection and mapping effort for consideration in the upcoming California Household Travel Survey as well as MTC's data collection efforts for the regional transportation plan:

- Improve the consistency of household income and automobile availability data; and
- Improve the representation of transportation-disadvantaged populations in surveys, including low-income people, older adults, and people with disabilities.

2. 2011 Transportation Improvement Program Investment Analysis:

Focus on Low-Income and Minority Communities

The federally required TIP is a comprehensive listing of surface transportation capital projects for the nine-county San Francisco Bay Area that receive federal funds or are subject to a federally required action or are regionally significant. The MTC, as the federally designated MPO for the San Francisco Bay Area region, prepares and adopts the TIP at least once every four years. The TIP covers a four-year period and must be financially

7 MTC converted MCAC and PAC in November 2009 (Resolution No. 3931). See discussion in Section II C of this report.

constrained by year, meaning that the amount of dollars committed to the projects (also referred as “programmed”) must not exceed the amount of dollars estimated to be available. The 2011 TIP includes projects “programmed” in four fiscal years: FY 2010–11, FY 2011–12, FY 2012–13 and FY 2013–14. The TIP must include a financial plan that demonstrates the programmed projects can be implemented, and must be accompanied by transportation-air quality conformity analysis.

The 2011 TIP is currently out for public comment with approval scheduled for October 2010. This major programming document lists all Bay Area surface transportation projects that have a federal interest — meaning projects for which federal funds or actions by federal agencies are anticipated — along with locally and state-funded projects that are regionally significant. The 2011 TIP is a voluminous document, but MTC has produced a short, user-friendly guide to the TIP to facilitate public participation in the TIP adoption process. This booklet, *A Guide to the San Francisco Bay Area’s Transportation Improvement Program*, is available through the MTC-ABAG Library, or online at http://www.mtc.ca.gov/funding/tip/DRAFT_2011/Guide_to_TIP_8-10.pdf.

The Draft 2011 TIP contains approximately 966 projects totaling about 11.1 billion dollars (\$11.1 billion).

To further assist in the public assessment of the 2011 TIP, and specifically to address the equity implications of the proposed TIP investments, MTC has conducted an investment analysis with a focus on minority and low-income residents. The key question addressed is: “Are low-income and minority populations sharing equitably in the TIP’s financial investments?” To answer this question, the investment analysis uses demographic and geographic criteria to calculate the shares of 2011 TIP investments that will flow to the identified communities, and compares those shares with the proportional size of this group’s population and trip-making, relative to that of the general population.

This analysis attempts to take a relatively conservative approach to assigning investments (or “benefit”) to low-income households given some of the limitations of the analysis. The results suggest that according to several indices, the 2011 TIP invests equal or greater public funding to the benefit of low-income and minority communities than their proportionate share of the region’s population or trip-making as a whole.

- The two approaches both concluded in the aggregate that there is a relatively higher proportional investment in the 2011 TIP than either the proportionate share of trips taken by minority and low-income populations, or communities of concern

Table 5. Findings for Aggregate Analysis

	Share of 2011 TIP Investment	Share of Total Trips/Population
Population Use-Based		
Low-Income	23%	16% (Total Trips)
Minority	49%	42% (Total Trips)
Geographic-Based	37%	33% (Population — Community of Concern)

populations. Table 5 below summarizes these results.

- In delving deeper into the investments by mode, one finds that the results are more mixed.
- For example, within the population use-based analysis for transit, the results showed that for low-income populations, the share of investment (54 percent) was slightly lower than the share of trips (56 percent). The share of investment in minority transit trips (59 percent), while greater than the minority share of the total population, was also slightly less than the share of transit trips made by minority populations (60 percent). The results were not uniform across all racial minority groups.

For streets and road investments, the findings were generally reversed, with a greater or equal share of investment as compared to trips for both low-income and minority populations.

In no case, however, do the results appear to demonstrate a systematic disbenefit to low-income or minority populations.

The report is included in full in Appendix M.

While this investment analysis is a companion to the 2011 TIP, it is also a follow-up to several related MTC efforts, including the T2035 Equity Analysis (February 2009) and the more recent Snapshot Analysis (June 2010). Together, these efforts are meant to provide accurate and current data to help inform decision-makers and the public, and to inform and encourage engagement in the public participation process. This is the first investment analysis for the TIP, and MTC staff actively seeks feedback to refine and improve the analytical work.

3. Assessing the Needs of Low-Income Residents and Communities

a. Regional Welfare to Work Plan Provided Basis for Development of Lifeline Transportation Network

As part of its efforts to work with Bay Area counties and local transit operators to identify

the mobility needs of low-income individuals making the transition from welfare to work, MTC formed a regional welfare to work transportation working group and sponsored development of welfare to work transportation plans in all nine Bay Area counties. The Regional Welfare to Work Plan was adopted in July 2001.

To accelerate the implementation of local projects identified through the county plans, MTC designed the Low-Income Flexible Transportation (LIFT) program with a \$5 million allocation of CMAQ funds. Looking for opportunities to leverage this federal funding, MTC required that local project partners match the LIFT funds to create a \$10 million program of projects. The LIFT Program is further described below.

b. Lifeline Transportation Network Report/Program and the LIFT Program

In December 2001, the Commission adopted the Lifeline Transportation Network Report as a blueprint element of the regional transportation plan. The purpose of the project was to identify transit routes serving low-income communities in the nine-county Bay Area, assess whether there are gaps in the network preventing full access by persons living in those communities, and to recommend investment strategies for addressing the gaps.

Prior to the creation of the Lifeline Transportation Program, MTC created the LIFT Program, using federal CMAQ and JARC funds to fill transportation gaps identified through county and regional welfare-to-work plans, and MTC-sponsored Community Based Transportation Planning efforts (described below). MTC's LIFT Program received a 2004 Transportation Planning Excellence Award from the FHWA and the FTA. (See www.fbwa.dot.gov/planning/tpea/planenv.htm for more information.)

MTC's Lifeline Transportation Program is one funding source available to implement projects and recommendations that emerge as solutions to transportation gaps from the CBTPs. In 2005, MTC expanded its existing financial commitment to improving mobility for the region's low-income residents by launching the Lifeline Transportation Program, which significantly increased the amount of regional funding for which projects identified in Community Based Transportation Plans are eligible to compete. More than \$18 million in federal and state funds were programmed in the first three-year cycle of funding, and about half of the 39 projects funded were derived directly from completed Community Based Transportation Plans. The second three-year cycle, currently being programmed, has made over \$55 million in state and federal funding available for projects targeted to low-income populations and communities of concern. These funds are intended to support a variety of transportation projects to fill identified gaps, including fixed-route transit, shuttles, demand-response services, auto loan programs, and mobility management.

County CMAs, which oversee the CBTP program locally, also have administrative and fiscal oversight for their respective counties' Lifeline Transportation Program funds. Funds are allocated to each county based on the county's share of the region's low-income population.

A 2006 **Transportation Planning Excellence Award** received by MTC for its Transportation 2030 Plan references the Lifeline Transportation Program as well as MTC's TOD Policy for Regional Transit Extensions. (For more information see www.fbwa.dot.gov/planning/tpea/awards2006.htm.)

In Fiscal Year 2010-11 the Lifeline Transportation Program will undergo a thorough analysis to assess the program's impacts. Results of the evaluation will be used to inform next cycle of programming in Summer 2011, to maximize benefits to the region's low-income travelers.

c. Community-Based Transportation Planning (CBTP) Program

MTC's CBTP Program evolved out of work done for the 2001 Regional Transportation Plan that identified transit needs in low-income communities throughout the San Francisco Bay Area and recommended community-based transportation planning as a first step in addressing these gaps. MTC allocated funds for local planning efforts in low-income communities throughout the region as a way to involve minority and low-income residents in the transportation decision-making process.

Each community-based planning process is a collaborative effort that involves the participation of residents, CBOs providing services within low-income and minority neighborhoods, local transit operators, county congestion management agencies, and MTC. The outcome of each planning process is a transportation plan that contains community-prioritized transportation needs, as well as solutions to address them. Solutions could include fixed-route transit service, or other transportation services such as community shuttles, auto-oriented solutions or bicycle options. Recommendations outlined in the plans are forwarded to transit policy boards and other local agencies for consideration and subsequent incorporation into their planning, funding and implementation decisions.

MTC has identified 43 low-income communities of concern throughout the nine-county Bay Area designated for Community-Based Transportation Planning. Following a pilot phase, in 2006, MTC approved \$1,285,000 to complete the remaining plans, 24 of which have been completed, and the last of which is expected to be completed in 2011. In 2008, MTC approved an additional \$1,080,000 in funding to complete the remaining 18 plans.

For more information visit www.mtc.ca.gov/planning/cbtp/.

d. MTC's Coordinated Public Transit/Human Services Transportation Plan (Coordinated Plan)

Based on new requirements outlined in the SAFETEA, MTC has completed a Coordinated Public Transit/Human Services Transportation Plan ("Coordinated Plan") that focuses on the transportation needs of the region's low-income, elderly and disabled populations. The plan also provides strategies for coordinating service for the three populations.

MTC adopted the elderly & disabled component of the plan in December 2007. This component of the plan includes potential solutions to address identified transportation gaps, as well as opportunities to improve coordination for low-income, elderly and disabled transportation service delivery.

MTC adopted the low-income component of the plan in November 2006. This is a synthesis of the extensive planning efforts focused on low-income communities throughout the region, including county welfare to work transportation plans and community-based transportation plans.

Project sponsors who intend to apply for funding from three Federal Transit Administration grant programs — Section 5310, Elderly and Disabled Specialized Transit Program; Section 5316, Job Access and Reverse Commute Program; and Section 5317, New Freedom Program — are required to demonstrate that their projects have been derived from the Coordinated Plan, and, therefore, must either address a transportation gap or advance a solution or strategy that is listed in the plan.

4. Special Studies/Data Collection

a. Transportation Spending by Low-Income California Households Report

MTC's Regional Welfare to Work Transportation Plan and the Lifeline Transportation Network Report identified the cost of transportation as a barrier preventing low-income persons from reaching essential destinations. In response to these findings, in June 2003, MTC entered into a contract with the Public Policy Institute of California (PPIC) to conduct research on the topic of transportation affordability based on an earlier literature search and feedback from a research advisory committee.

The PPIC, a private operating foundation providing research support for a variety of primarily statewide public policy issues, studied travel patterns and transportation costs for low-income persons of employable age for work and training purposes. The final report, *Transportation Spending by Low-Income California Households: Lessons for the San Francisco Bay Area* was published under the auspices of PPIC in July 2004. On September 15, 2004, MTC convened a Town Hall meeting for the purposes of reviewing the project results with interested stakeholders, and to allow for a structured dialogue on the re-

port's findings from a variety of perspectives (e.g. transit operator, social service agency, community-based organization).

The full report is available through the PPIC at www.ppic.org/content/pubs/report/R_704LRR.pdf.

b. 2006 Transit Passenger Demographic Survey

In the fall of 2006, MTC initiated a Transit Passenger Demographic Survey of the region's fixed route transit riders in order to gather statistically valid data about the users of the regional transit system. Specifically, MTC wanted to better understand the demographic characteristics (age, gender, income, household size, and ethnicity) of transit passengers who use the fixed-route services provided by thirteen major transit providers and seven additional smaller operators within our region. This survey included the collection of data on a variety of transit modes (such as bus, ferry, and train) during both peak and off-peak times, from a diverse cross section of transit users, including those who do not speak English. MTC is currently in the process of developing the scope and methodology for the next Transit Passenger Demographic Survey. The survey is expected to occur in 2011.

Data from this survey has provided a complete and updated — geographic and modally consistent — regional picture of transit passenger demographics that has been used to conduct the programmatic financial analysis of MTC's long-range investments in the *Transportation 2035 Equity Analysis Report*.

For more information on the demographic survey visit MTC's website at: www.mtc.ca.gov/maps_and_data/datamart/survey/2006_transit.htm.

c. Bay Area Housing and Transportation Affordability: A Closer Look

A second follow-up action recommended in the *Transportation 2035 Equity Analysis Report* was a more detailed study of Bay Area housing and transportation affordability. To better understand the tradeoffs Bay Area households are making between housing and transportation affordability, MTC contracted with the Center for Neighborhood Technology to develop a more detailed affordability analysis focusing on the region's low- and moderately low-income households by location.

The final report, *Bay Area Housing and Transportation Affordability: A Closer Look*, illustrates how location affects the affordability of both housing and transportation in the region, and highlights the limited locational choices lower-income households in particular face in finding affordable neighborhoods.

This work has been incorporated into the Snapshot Analysis framework and sets the foundation for MTC's participation in the creation of the Affordable TOD Loan Fund, de-

scribed below. The full report is available at this location on MTC's website: www.mtc.ca.gov/planning/smart_growth/Transpo_Housing_Affordability-ExecSumm.pdf.

d. Affordable TOD Fund

The region estimates a need to produce housing for an additional 2 million residents by 2035, with over 50 percent of the demand for TOD, or over 200,000 households, coming from households earning less than \$75,000 per year. In order to help meet this demand, MTC is partnering with non-profit entities focused on sustainability and equity in housing and transportation, and community foundations, to establish a land acquisition and land banking financing fund (the Affordable TOD Fund) to maximize the production of affordable housing near transit stations.

At a time when lending, especially for affordable housing, is almost non-existent, this fund can serve a critical role to preserve sites for affordable TOD while the credit markets and bond institutions recover to support affordable housing construction in the years ahead.

MTC has reserved up to \$10 million in regional funds to serve as a catalyst for the fund to be established. \$30 million in matching funds have been identified by local and national philanthropic and non-profit partners, which will result in the origination of loans from the fund in mid-2011.

Visit the MTC website at <http://apps.mtc.ca.gov/events/agendaView.akt?p=1446> to read the February 2010 staff memorandums presented to MTC's Planning Committee on this item.

5. Policies Related to Transit Oriented Development (TOD)

a. MTC's TOD Policy for Regional Transit Expansion Projects Bolsters Low-Income Housing

MTC's TOD Policy, adopted in July 2005, seeks to improve the cost-effectiveness of regional investments in new transit expansions, easing the Bay Area's chronic housing shortage, creating vibrant new communities, and helping preserve regional open space. The policy ensures that transportation agencies, local jurisdictions, members of the public and the private sector work together to create development patterns that will yield the transit ridership necessary for a successful transit expansion as a condition of project approval. A key element of this relates to housing supply near transit stations. The TOD Policy includes a bonus for below-market housing units of 50 percent (applied toward meeting the development threshold in a given corridor, i.e. one planned below-market housing unit counts for 1.5 housing units for purposes of meeting the corridor threshold). Below-market housing for purposes of this policy is housing that is affordable to 60 percent of the area median income for rental units, and 100 percent of area median income for owner-occupied units.

For more information visit MTC's website at www.mtc.ca.gov/planning/smart_growth/.

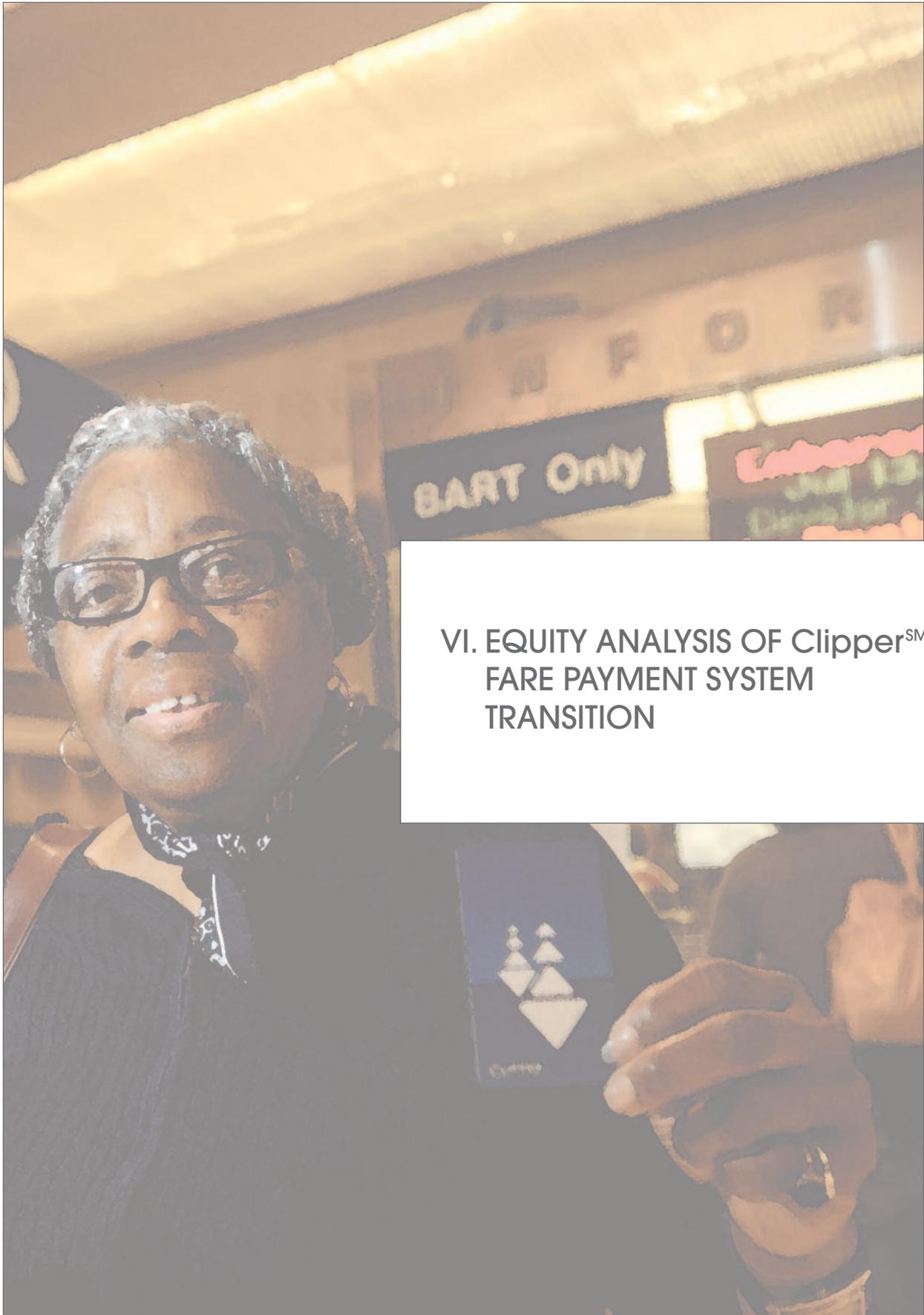
b. Station Area Planning Grants

As outlined in MTC's TOD Policy, future transit extensions in the Bay Area must be matched by supportive local land use plans and policies. To assist cities in meeting these goals, MTC has established a Station Area Planning grant program to fund city-sponsored planning efforts for the areas around future stations. Subsequently, this program has been expanded to include communities with existing transit service that seek to intensify land uses in those areas. These station-area plans are intended to address the range of transit-supportive features that are necessary to support high levels of transit ridership.

MTC developed a Station Area Planning Manual for use by local jurisdictions applying for planning grant funds from MTC. The manual highlights essential planning elements as well as the variety of placetypes which jurisdictions can plan for, from regional city centers to transit neighborhoods — and everywhere in between. It also includes a section on the need to create affordable and accessible living within the station areas. Cities are urged to set affordable housing goals, to consider appropriate inclusionary housing requirements, to provide a range of housing options, to minimize displacement of existing residents, and to ensure developments are fully accessible for residents with disabilities and “visitable” by visitors with disabilities.

For more information visit MTC's website at www.mtc.ca.gov/planning/smart_growth/#stations.

These planning projects include multilingual outreach and broad citizen involvement through advisory committees and regular meetings.



VI. EQUITY ANALYSIS OF ClipperSM
FARE PAYMENT SYSTEM
TRANSITION

VI. EQUITY ANALYSIS of ClipperSM FARE PAYMENT SYSTEM TRANSITION

A. MTC Resolution 3866

MTC is required by state statute to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction and to require every system to enter into a joint fare revenue sharing agreement with connecting systems. Certain funds may be withheld from any transit operator failing to comply with coordination requirements.

In 1998, MTC adopted its first Transit Coordination Implementation Plan (MTC Resolution 3055), including specific expectations for transit operator compliance.

A revised Transit Coordination Implementation Plan (MTC Resolution 3866, attached as Appendix N) was adopted in February 2010, replacing Resolution 3055. Among other requirements, Resolution 3866 required transit operators participating in the ClipperSM program described in B below (AC Transit, BART, Caltrain, GGHTD, and SFMTA) to implement, operate and promote ClipperSM as their primary fare payment systems. Failure to eliminate specified existing paper fare products, and transition them to ClipperSM only could result in sanctions, including withholding funds.

B. ClipperSM Fare Payment System

The ClipperSM card is a single instrument based on smart card technology that, upon full deployment of the system, will be used to pay fares on transit systems throughout the San Francisco Bay Area. The ClipperSM card can hold multiple passes, ride books or tickets and up to \$300 in e-cash at any one time. Participating operators are responsible for establishing their own fare policies. The technology behind ClipperSM enables the card to read and understand the fares and transfer rules so that the end effect is seamless to the customer.

C. Title VI Analysis of Fare Media Transitions

While MTC is not the system operator with respect to the fare media being eliminated and replaced by ClipperSM, we initiated a Title VI fare analysis, consistent with Chapter V.4 of the Circular in order to ensure that MTC Resolution 3866 was not mandating fare changes with a disproportionately high and adverse impact on minority, low-income or LEP customers. In March 2010, MTC contracted with Booz Allen Hamilton, the ClipperSM program's primary technical advisor, to procure a firm with Title VI expertise to conduct a review of the fare media transitions mandated by MTC Resolution 3866.

Booz Allen Hamilton contracted with Milligan and Company (“Milligan”), a firm with experience in Title VI analysis and FTA Title VI compliance reviews.

As of September 30, 2010, Milligan had provided MTC with 10 draft Title VI submissions. The potential Title VI implications for the fare media transitions identified by Milligan fall into two categories: the \$5 fee typically charged to obtain a ClipperSM card, and changes in access to retail vendors (for those with limited access to banking services, or the Internet) prior to and after the ClipperSM transitions.

The \$5 fee for obtaining a ClipperSM card was instituted at the start of the program to help defray the cost of the card and to discourage customers from casual disposal of the cards. Since the ClipperSM system permits customers who start a ride with a positive balance to complete the ride, regardless of the cost of the fare, the acquisition fee was also thought to discourage gaming the system by using the card once and disposing of it without paying the fare. The fee was waived temporarily beginning June 16, 2010 to encourage widespread acquisition of the ClipperSM card. For a regular transit rider using the ClipperSM card, e.g., 100 times per year, the cost of the card would be \$.05 per ride in a year, which may be considered a “de minimis” fare increase. Therefore, the impact of the \$5 acquisition fee is not likely to be significant for any regular transit users, including minority and low-income users. However, to ensure that we have an adequate time to evaluate potential adverse impacts, MTC has extended the fee waiver until June 2011, and is looking at other ways to discourage customers from either casually disposing of the cards or gaming the system.

In regards to the ClipperSM retail vendors being evaluated by Milligan, MTC continues to work with the ClipperSM contractor to ensure that there is an adequate and appropriately situated vendor network throughout the Bay Area. Additionally, there are three in-person customer service centers that are scheduled for launch by the end of 2010; one in downtown Oakland, and two in downtown San Francisco. These centers will provide an array of customer service functions that were previously accessible only by phone or Internet.



VII. GLOSSARY

Glossary

ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit District
ACCMA	Alameda County Congestion Management Agency
ARRA	American Recovery and Reinvestment Act of 2009
BAAQMD	Bay Area Air Quality Management District
BART	San Francisco Bay Area Rapid Transit District
BATA	Bay Area Toll Authority
Bay Area Partnership	A confederation of the top staff of various transportation agencies in the region (MTC, public transit operators, county congestion management agencies, city and county public works departments, ports, Caltrans, U.S. Department of Transportation) as well as environmental protection agencies.
BCDC	Bay Conservation and Development Commission
Caltrain	Peninsula Corridor Joint Powers Board
Caltrans	California Department of Transportation
CARE	Community Air Risk Evaluation
CBO	Community Based Organization
CBTP	Community Based Transportation Planning
CCTA	Contra Costa Transportation Authority
CCCTA/County Connection	Central Contra Costa Transit Authority
CEQA	California Environmental Quality Act
CHP	California Highway Patrol

Circular	Federal Transit Administration Circular 4702.1A
Clipper SM	Universal smart card
CMA	Congestion Management Agencies
CMAQ	Congestion Mitigation and Air Quality Improvement
Coordinated Plan	MTC's Coordinated Public Transit/Human Services Transportation Plan
ECCTA/Tri Delta Transit	Eastern Contra Costa Transit Authority
EDAC	Elderly and Disabled Advisory Committee
FasTrak [®]	Electronic toll collection system
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FTA	Federal Transit Administration
GGBHTD	Golden Gate Bridge, Highway and Transportation District
HOT	High-Occupancy Toll
ISTEA	Intermodal Surface Transportation Efficiency Act
JARC	Job Access Reverse Commute
LAVTA	Livermore Amador Valley Transit Authority
LEP	Limited English Proficient
Lifeline	Lifeline Transportation
LIFT	Low Income Flexible Transportation
MCAC	Minority Citizens Advisory Committee
MPO	Metropolitan Planning Organization

MTC	Metropolitan Transportation Commission
NCTPA	Napa County Transportation Planning Agency
NEPA	National Environmental Policy Act
OAC	Oakland Airport Connector
PAC	Policy Advisory Council
PMP	Program Management Plan, also known as Pavement Management Program
PPIC	Public Policy Institute of California
PPP	Public Participation Plan
RTP	Regional Transportation Plan
SAFE	Service Authority for Freeways and Expressways
SAFETEA	Safe, Accountable, Flexible, Efficient Transportation Equity Act
SamTrans	San Mateo County Transit District
SCS	Sustainable Communities Strategy
SCTA	Sonoma County Transportation Authority
SFCTA	San Francisco County Transportation Authority
SFMTA	San Francisco Municipal Transportation Agency
SRCB	Santa Rosa CityBus
STA	Solano Transportation Authority
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
Subrecipient	Any entity that receives Federal assistance awarded by an FTA grantee (e.g., MTC or Caltrans) rather than from FTA directly

T2035 Plan	Transportation 2035 Plan
TAC	toxic air contaminant
TAM	Transportation Authority of Marin
TEA-21	Transportation Equity Act for the 21st Century
TEAM	Transportation Electronic Award Management
TIP	Transportation Improvement Program
TLC	Transportation for Livable Communities
TOD	Transit Oriented Development
UA	Urbanized Area
US DOT	United States Department of Transportation
VTA	Santa Clara Valley Transportation Authority
WestCAT	Western Contra Costa Transit Authority



VIII. APPENDICES