Agenda Item 4

METROPOLITAN
TRANSPORTATION
COMMISSION

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Memorandum

TO: MTC Administration Committee DATE: July 2, 2014

FR: Deputy Executive Director, Operations W.I.: 1312

RE: MTC Resolution No. 4155 - Draft Title VI Program

Attached is a Draft Title VI Program (the "Program"), which MTC is required to submit periodically to the Federal Transit Administration (FTA), as well as the Department of Transportation of the State of California (Caltrans). The Program demonstrates how MTC is complying with federal requirements of nondiscrimination in MTC policies, programs and activities, and it is prepared in response to FTA Circular 4702.1B. The Program describes major efforts undertaken by MTC during the last four years that form the basis for assuring that its continuing planning and programming activities are nondiscriminatory on the basis of race, color, or national origin.

Staff will present the draft Program to the Policy Advisory Council (PAC) on July 9, 2014. Comments and requested changes will be considered in preparing the final Program before it is presented to the Commission on July 23, 2014, for approval.

The Program describes:

- MTC's 2010 Public Participation Plan, which sets forth the steps MTC takes to inform diverse communities about, and involve those communities in, decisions affecting Bay Area transportation and land use policies and investments;
- MTC's Plan for Special Language Services to the Limited English Proficient Population, which documents the various services and procedures that MTC has in place to assist persons with limited proficiency in the English language;
- MTC's PAC membership and a description of efforts made to encourage minority participation on the PAC;
- MTC's procedures for identifying and considering the mobility needs of minority populations within the planning process, including an analysis of any disparate impact on the basis of race, color, or national origin of the distribution of state and federal funds in the aggregate for public transportation purposes;
- MTC's procedures for members of the public to file a Title VI discrimination complaint; and
- MTC's procedures for passing through FTA financial assistance in a nondiscriminatory manner and for monitoring its FTA funding subrecipients for compliance with Title VI.

Please note that the Program refers to a number of appendices not included in this packet due to size. Many of the appendices are existing reports that are available to view in the MTC-ABAG library and all appendices will be posted to MTC's web site along with the Final Program at http://www.mtc.ca.gov/get_involved/ after it is approved by the Commission. If you wish to review one or more draft appendices, please contact the Committee Secretary, Beba Jimenez.

Recommendation:
Staff recommends that the Administration Committee refer MTC Resolution No. 4155 to the Commission for approval of MTC's final Title VI Program, direction to transmit the final Program to FTA and Caltrans, and authorization to supplement the final program as necessary or appropriate to respond to requests from FTA for further information.

Andrew B. Fremier

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Date: July 23, 2014
W.I.: 1312
Referred By: Administration Committee

ABSTRACT

Resolution No. 4155

All Federal Transit Administration (FTA) grant recipients are required to submit to and have approved by FTA a written program detailing how they are complying with Title VI of the Civil Rights Act of 1964 in their policies, programs and activities, based on the guidance in FTA Circular 4702.1B, dated October 1, 2012. This resolution approves the Metropolitan Transportation Commission's Title VI Program, authorizes submission of the Title VI to the FTA and the State of California Department of Transportation, and authorizes the Executive Director of the Commission or his designee to supplement or revise the Title VI Program in response to requests from the FTA for additional information.

This resolution supersedes MTC Resolution No. 3982.

Date: July 23, 2014
W.I.: 1312
Referred By: Administration Committee

Re: MTC's Title VI Program

METROPOLITAN TRANSPORTATION COMMISSION
Resolution No. 4155

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, MTC is also the federally designated metropolitan planning organization (MPO); and

WHEREAS, the Federal Transit Administration (FTA) has published FTA Circular 4702.1B entitled "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," dated October 1, 2012, which provides recipients and subrecipients of FTA financial assistance with guidance and instructions necessary to carry out regulations of the U.S. Department of Transportation (DOT) (49 Code of Federal Regulations Part 21) promulgated under Title VI of the Civil Rights Act of 1964 (Title VI), and to integrate into their programs and activities considerations expressed in DOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 Federal Register 74087, December 14, 2005); and

WHEREAS, FTA Circular 4702.1B requires each MPO to prepare and submit to FTA a written program detailing how it is complying with Title VI on a triennial basis; and

WHEREAS, MTC affirms its commitment to comply with FTA Circular 4702.1B through adoption of a written Title VI program; now, therefore, be it

RESOLVED, that it is the policy of MTC to ensure that no person in the United States shall be excluded from participation in, denied the benefits of, or subjected to discrimination under, any MTC program or activity receiving federal financial assistance, on the basis of race, color, or national origin, consistent with Title VI; and, be it further

RESOLVED, that MTC hereby adopts a Title VI Program, consistent with the requirements of FTA Circular 4702.1B, attached hereto and incorporated herein as Attachment A; and, be it further

RESOLVED, that the Executive Director shall submit a copy of this resolution and the attached Title VI Program to the FTA and the Department of Transportation of the State of California; and, be it further

RESOLVED, that the Executive Director or his designee is hereby authorized and directed to supplement or otherwise revise the attached Title VI Program as necessary or appropriate to respond to requests from the FTA for additional information; and, be it further

RESOLVED, that this resolution supersedes MTC Resolution No. 3982.

METROPOLITAN TRANSPORTATION COMMISSION

_____

Amy Rein Worth, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of this Commission held in Oakland, California, July 23, 2014.

Date: July 23, 2014
W.I.: 1312
Referred By: Administration Committee

Attachment A
Resolution No. 4155

The document dated July 23, 2014, and entitled:

METROPOLITAN TRANSPORTATION COMMISSION

RESPONSE TO

FEDERAL TRANSIT ADMINISTRATION CIRCULAR 4702.1B REGARDING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

is attached.

METROPOLITAN
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METROPOLITAN TRANSPORTATION COMMISSION
RESPONSE TO
FEDERAL TRANSIT ADMINISTRATION CIRCULAR 4702.1B
REGARDING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

July 2014

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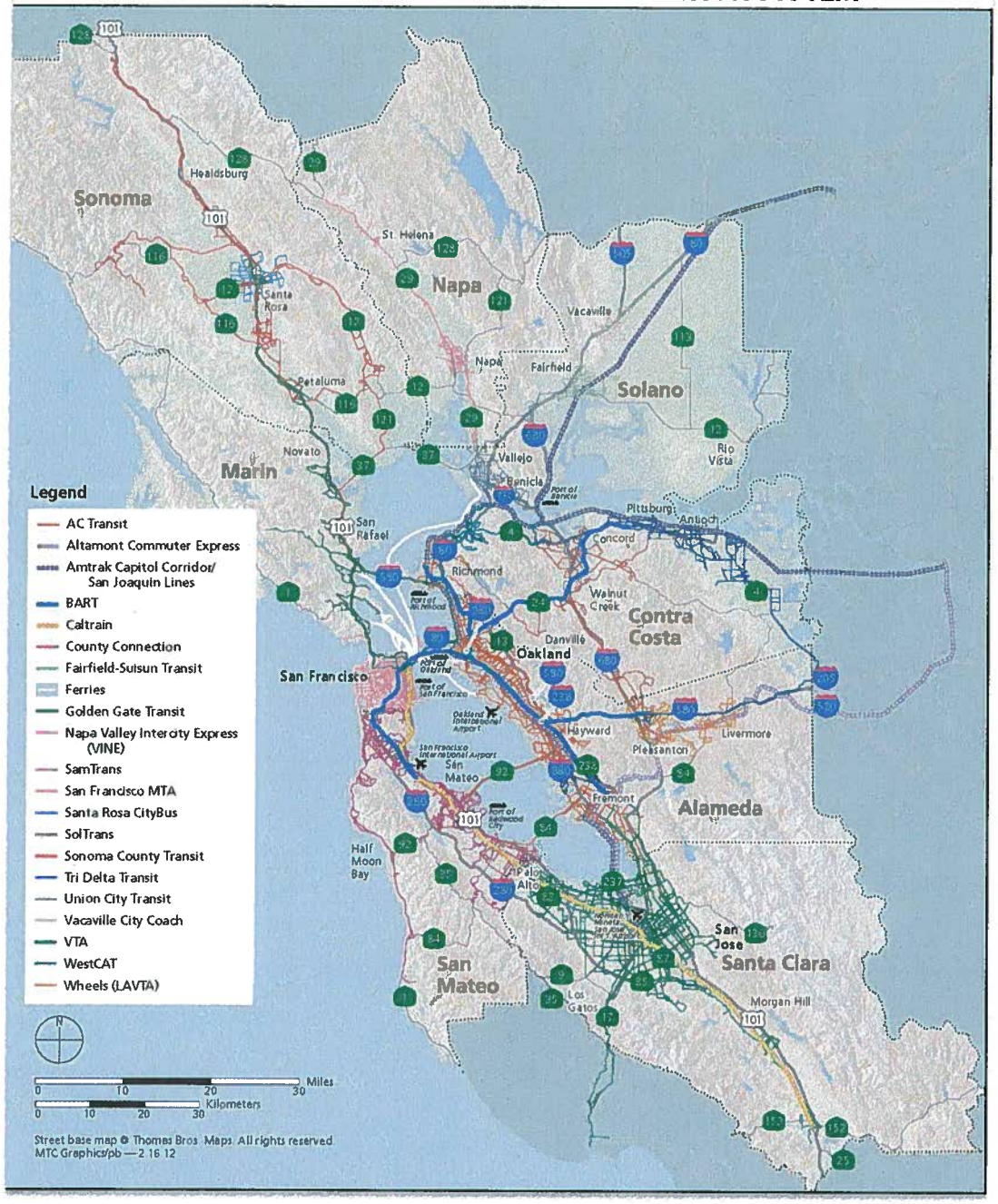
METROPOLITAN TRANSPORTATION COMMISSION
RESPONSE TO
FEDERAL TRANSIT ADMINISTRATION CIRCULAR 4702.1B
REGARDING TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
JULY 2014

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 Civil Rights Act of 1964 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 4702.1B, dated October 1, 2012 (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 of the Circular. 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. Over the years, the agency's scope has grown, and its Commissioners now govern three agencies: MTC, the Bay Area Toll Authority (BATA) and the Metropolitan Transportation Commission Service Authority for Freeways and Expressways (SAFE). In addition, MTC and BATA have combined to form two additional agencies, the Bay Area Infrastructure Financing Authority (BAIFA) and the Bay Area Headquarters Authority (BAHA), which are joint powers authorities established under California law as separate local agencies that can exercise the combined powers of MTC and BATA as well as their own powers.

MTC's work is guided by a policy board whose membership has risen from 19 to 21 as a result of state legislation passed in 2012 (taking effect on January 1, 2013), with 18 of the commissioners designated as voting members. Sixteen of the voting commissioners are appointed by local elected officials in each county. The two most populous counties, Alameda and Santa Clara, each have three representatives on the MTC Commission: the county board of supervisors selects one member; the mayors of the cities within the county collectively appoint another; and the mayors of the biggest cities in these two counties — Oakland in Alameda County and San Jose in Santa Clara County — each appoint a representative.

The City and County of San Francisco is represented by two members, one appointed by the board of supervisors and the other by the mayor. In addition, two voting members represent regional agencies — the Association of Bay Area Governments (ABAG) and the Bay Conservation and Development Commission (BCDC). The new legislation specifies that the BCDC representative must be a resident of San Francisco, effectively giving San Francisco a third voice on the MTC Commission. San Mateo County and Contra Costa County each have two representatives on the MTC Commission, with the county's board of supervisors selecting one representative, and the mayors of the cities within that county appointing another. The four, less-populous, northern counties of Marin, Napa, Solano and Sonoma each appoint one commissioner to represent both their board of supervisors and the cities within their respective counties.

Finally, three nonvoting members represent federal and state transportation agencies and the federal housing department. Commissioners generally serve concurrent four-year terms, with a new chair elected every two years. The current term expires in February 2015.

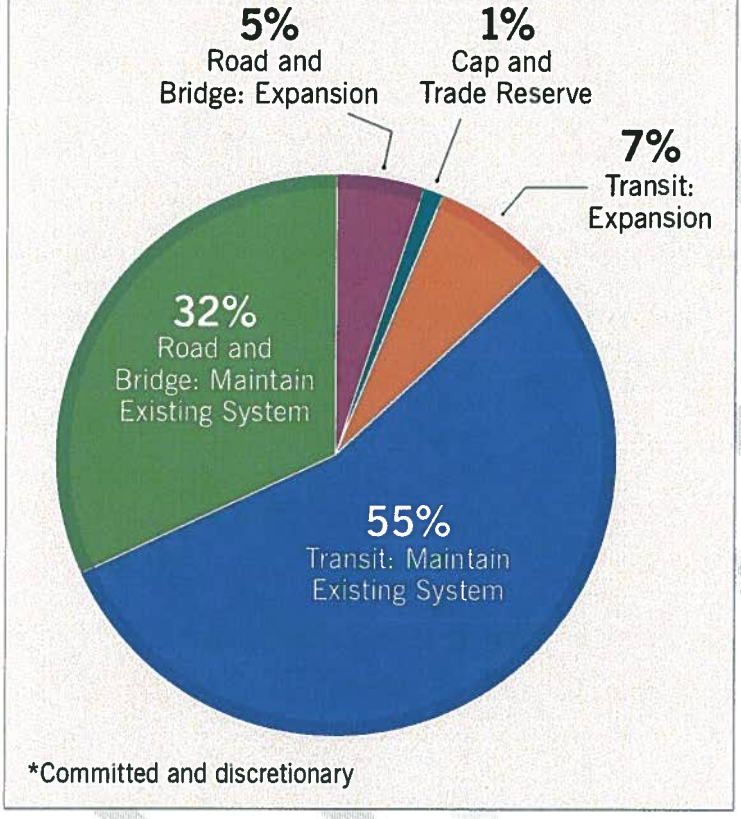
Carrying out MTC's directives is a staff of approximately 190 persons headquartered at the Joseph P. Bort MetroCenter in Oakland, California. Plans are in the works for MTC to move into a new regional agency headquarters facility in San Francisco that will foster collaboration among MTC and co-located partner regional agencies, including ABAG and the Bay Area Air Quality Management District (BAAQMD).

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. MTC also screens requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the RTP. Adopted in July 2013, the most recent edition of the RTP, known as Plan Bay Area, charts a new course for the agency, as the region's first long-range integrated transportation and land use/housing strategy required under California law with the goal of accommodating future population growth and reducing greenhouse gas emissions. 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 Figure 1 below).

FIGURE 1 Total Investments* by Function
$292 Billion (YOE $)



In its role as MPO, MTC also prepares and adopts the federally required Transportation Improvement Program (TIP) at least once every four years. The TIP is a comprehensive listing of all Bay Area surface transportation projects that are to receive federal funding or are subject to a federally required action, or are considered regionally significant for air quality conformity purposes. The TIP covers a four-year period and must be financially 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 (the details of which were discussed in MTC's 2010 Title VI Program) was adopted by the MTC Commission on October 27, 2010 and approved by FTA and the Federal Highway Administration (FHWA) on December 14, 2010. The 2013 TIP was adopted by the MTC Commission on July 18, 2013 and approved by FTA and FHWA on August 12, 2013. The 2013 TIP includes roughly 880 transportation projects totaling approximately $16.9 billion of federal, state and local funds

"programmed" in six fiscal years: FY 2012-13, FY 2013-14, FY 2014-15, FY 2015-16, FY 2016-17 and FY 2017-18. The Draft 2015 TIP and accompanying Transportation-Air Quality Conformity Analysis are currently under public review and are scheduled to be adopted by the MTC Commission in September 2014. The Draft 2015 TIP includes roughly 1,000 transportation projects totaling approximately $9.4 billion of federal, state and local funds "programmed" in four fiscal years: FY 2014-15, FY 2015-16, FY 2016-17 and FY 2017-18.

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 connecting the San Francisco Bay Area Rapid Transit District (BART) to San Francisco International Airport. In 2001, MTC laid out the next phase of major regional public transit investments in Resolution 3434. Plan Bay Area strengthens the commitment to transit expansion and improvement through a vision for next generation new starts and small starts rail and bus rapid transit projects as well as a plan for early investment along the Peninsula Corridor Joint Powers Board (Caltrain) corridor to support eventual high speed rail service.

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 and its successors, the Transportation Equity Act for the 21st Century, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, and the current Moving Ahead for Progress in the 21st Century Act (MAP-21), empowered MPOs like MTC to determine the mix of transportation projects best suited to meet their regions' needs.

Using the region's flexible federal highway dollars, which provide almost $200 million per year, MTC has established several innovative grant programs that are changing the Bay Area landscape, one project at a time. MTC's One Bay Area Grant Program comprises the largest share of our federal program at $320 million from FY 2013-2016. It provides funding directly to the nine Bay Area counties by a formula that takes into account both current population and future housing growth, for investment in a variety of projects selected locally, with an emphasis on investments in priority development areas (PDAs), locally-nominated areas that are intended to accommodate 80 percent of future housing needs. The second largest program is our Transit Capital Rehabilitation program, which is slated to receive $150 million from FY 2013-2016 to

help maintain and replace the region's aging transit fleet. Federal funds also support the Freeway Performance Initiative, focused on squeezing optimal performance out of our existing freeway capacity, and a regional operations program that utilizes technology, including our electronic transit fare card, Clipper®, and 511®, our traveler information web site and phone number which harness technology to make traveling around the Bay Area easier. We also use our federal funds to support a number of smaller programs including a Climate Initiatives Program, focused on reducing greenhouse gas emissions, a Safe Routes to School program, and a PDA planning program.

In addition to programming certain federal funds, 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. In addition, MTC administers the State Transit Assistance (STA) program, the only source of state funding that can be spent on transit operations. A portion of STA funds are distributed directly to operators, while a portion are under MTC's discretion. Combined with the federal Job Access and Reverse Commute (JARC) program and state bond funds from Proposition 1B (2006), MTC uses STA funds for a Lifeline Transportation Program aimed at addressing the mobility needs of seniors, persons with disabilities, and residents in low-income communities throughout the region. Since its inception in 2006, the program has funded $172 million worth of improvements that range from bus stop and station enhancements to new buses to community shuttles and voucher programs. MTC is currently finalizing the fourth cycle of the Lifeline Program, envisioned as a $65 million, three-year program of FY 2013-14 through FY 2015-16 funds.

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. 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, though toll setting authority was still controlled at the state level. Legislation effective in 2010 granted BATA authority to increase the $1 seismic toll for the purpose of completing the seismic retrofit of the region's state-owned toll bridges and to meet certain other statutory responsibilities.

3. Asset Management and State of Good Repair

Through 2040, MTC estimates that the cost to rehabilitate and maintain the region's streets, roads and transit 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 to achieve an optimal state of repair. 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, 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 coordinating and working closely with transit operators to respond to MAP-21 requirements and subsequent rulemakings for transit asset management. MTC has been active in FTA roundtables on State of Good Repair and state-level work on transit asset management and capital planning. MTC is eager to continue partnering to advance the region's data and analytical framework for asset management. Through longstanding policy, MTC dedicates nearly all of its FTA formula funds to rehabilitation and replacement capital projects.

4. Taming Traffic and Smoothing Regional Travel

SAFE, a partnership of MTC, the California Highway Patrol, and the California Department of Transportation (Caltrans), oversees the maintenance and operation of call boxes along Bay Area freeways. 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. Both call box maintenance and FSP have received FHWA funding.

MTC sponsors a number of transportation technology programs to address the region's transportation challenges. The 511 program disseminates regional traveler information via the phone (511), web (511.org), and other channels, including, regional transit hub sign displays, a mobile website, and mobile transit app. The 511 program provides real-time traffic, parking and transit information services, as well as trip planning tools, including the transit trip planner and the Enhanced Trip Planner that compares drive-only, transit, and drive to transit options. 511 also provides online ride matching tools and a bicycling trip planner, along with data feeds and Application Programming Interfaces for use by the developer community to create other tools and services. MTC's Freeway Performance Initiative uses advanced technology to smooth traffic on freeways, including parallel arterials in transit systems. Advanced technologies include freeway ramp metering, message signs, traffic detectors, adaptive arterial signals, and other intelligent transportation system strategies.

MTC also oversees the implementation and operations of Clipper® — a card that can be used to pay fares electronically on the Bay Area's largest transit systems, including the San Francisco Municipal Transportation Agency (SFMTA), BART, Alameda-Contra Costa Transit District (AC Transit), Caltrain, the Golden Gate Bridge Highway and Transportation District (GGBHTD), the San Mateo County Transit District (SamTrans), the Santa Clara Valley Transportation Authority (VTA), and the Water Emergency Transit Authority (San Francisco Bay Ferry), and that is in the process of being deployed to smaller transit operators in Alameda, Contra Costa, Marin, Napa, Solano, and Sonoma Counties, and the new Sonoma Marin Area Rail Transit system.

BATA 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. The FasTrak® system is funded with bridge toll revenues.

In October 2011, the California Transportation Commission found 270 miles of Bay Area Express Lanes, shown in Figure 2 below, eligible for development and operation by MTC. The Bay Area Express Lanes will be located in Alameda, Contra Costa and Solano counties and will work in coordination with express lanes operated by partner agencies in Santa Clara County and on I-580 and I-680 in Alameda County. Express lanes are specially-designated highway lanes that are free for carpools, vanpools, buses and other eligible vehicles, just like existing High

Occupancy Vehicle lanes. To ensure the space in these lanes is best-used while still maintaining uncongested travel, express lanes also are managed to allow other drivers to pay tolls to use the lanes. MTC delegated its express lanes responsibilities to BAIFA in April 2013. In this role, BAIFA will make policy and operational decisions including setting toll rates, occupancy requirements, hours of operation, establishing project phasing, securing funding, and entering into contracts for design and construction, operation of the express lanes. Several corridors of the express lanes are undergoing environmental review, including in accordance with the California Environmental Quality Act and the National Environmental Policy Act. All work on the express lanes has been locally-funded.

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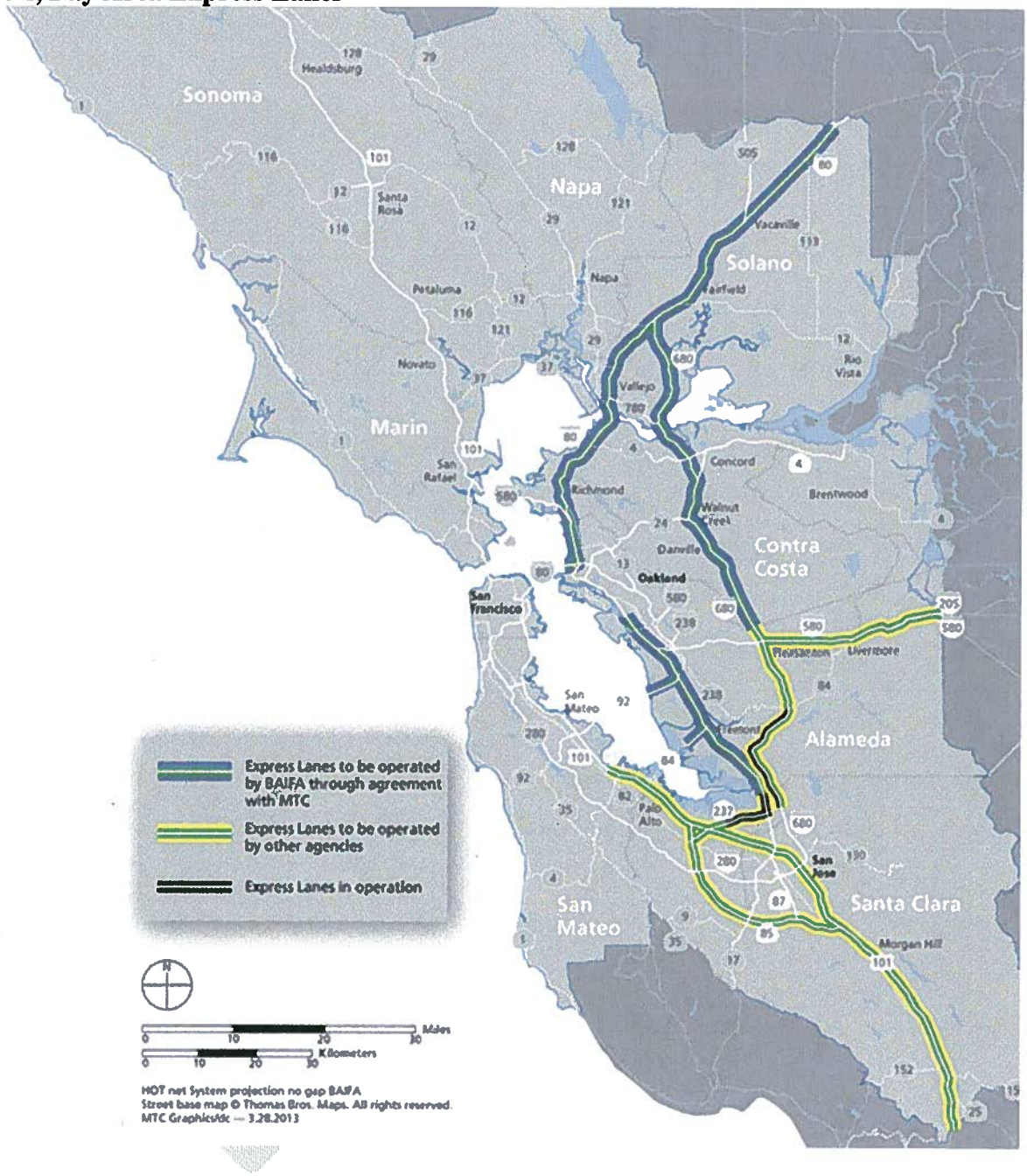
Figure 2, Bay Area Express Lanes



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 $2.3 billion, placing the Bay Area 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 Area 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 7.4 million people reside within its approximately 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 58 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 utilizing citizen advisory committees as ongoing mechanisms to ensure public participation in its planning process.

In April 2010, following an evaluation of MTC's public participation activities for the Transportation 2035 Plan (the RTP prior to Plan Bay Area), MTC consolidated its three citizen advisory committees into one, multi-interest Policy Advisory Council (PAC). The resolution (No. 3931, Appendix A) that created the new 27-member PAC calls for a minimum of one-third of the membership to represent the perspective of low-income communities and communities of color, one-third to represent the elderly and disabled, and one-third to represent the environmental and business communities. Following an extensive recruitment from December 2009 to March 2010, the inaugural PAC reflected the diversity of residents in the Bay Area with over half (14) of the incoming members indicating their racial/ethnic background was from a community of color, and over half (15 members) of the group being women. See Appendix B, Table 1, for a listing the advisors that served on the PAC from April 2010 through July 2013.

The initial two-year term of the PAC was extended to allow the current members to complete input into the development of Plan Bay Area, the 2013 update of the RTP that was required to include a new housing element under California Senate Bill 375. Thus, recruitment for the next four-year term of the PAC did not take place until the spring of 2013, and the new advisors began the second term of the PAC in September 2013. Recruitment opened on April 5, 2013 and

closed on May 17, 2013. The recruitment announcement and online application was posted to MTC's web site, and a press release was sent out with follow-up conversations with several local newspapers and reporters. In addition, nine display ads were placed in the following community and minority-focused publications: Bay Area Reporter, Crónicas, East County Times (in print and online), El Tecolote, Korea Daily, La Voz, Santa Rosa Press Democrat (in print and online), Sing Tao, and Visión Hispana. An announcement was also included in MTC's bimonthly e-newsletter that has a distribution list of approximately 6,500, and a postcard was mailed to approximately 2,400 individuals in MTC's database who do not have an email address on file.

The current PAC continues to reflect the diversity of the Bay Area. See Appendix B, Table 2, for a list of the advisors serving on the PAC for the term of September 2013 through July 2017.

Of the members appointed in 2013, 11 were women, two were African-American, six were Latino, four were Asian, and 15 were Caucasian. Resolution 3931 requires that the make-up of the PAC be diverse, with at least four representatives from communities of color. Note that while members are appointed to a four-year term, not all individuals complete their term. There are currently four vacancies on the PAC, and recruitment has begun to fill those seats. Because the membership is prescribed by Resolution 3931, vacancies need to be filled with individuals representing the category(ies) of the vacant position.

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, that are consistent with the planning priorities set forth in the RTP. Table 1 summarizes oversight responsibilities. The chart does not include FTA earmark funds. The funding amounts are shown for FY 2011-12, which represents the first full fiscal year of the reporting period; however, MTC's website includes the FTA program of projects for other years covered by this report (FY 2010-11 through FY 2013-14; MTC has not yet adopted a program of projects for FY 2014-15 FTA funds): ***http://www.mtc.ca.gov/funding/FTA/FTA_audit.htm***

Table 1. MTC Oversight Responsibilities

Funding Source	Grant Recipient (i.e., Direct Recipient)	Supplemental Agreement	MTC Subrecipients FY 2011-12	FY 2011-12 Amount ($ in millions)	Percentage of FY 2011-12 FTA Funds
MTC is Designated Recipient					
Urbanized Area Formula (5307)	Transit Operators	✓	None	$205.2	53%
Fixed Guideway Formula (5309)	Transit Operators	N/A; Grant goes directly to operator	None	$140.4	36%
Surface Transportation Program/Congestion Mitigation and Air Quality	Transit Operators	✓	None	$28.8	7%
Job Access and Reverse Commute (5316) Large UAs	Transit Operators[1]	✓	None	$0.2	0%
	MTC (for project sponsors that are not FTA grantees)	None	4 nonprofits; 3 Cities; 2 Counties[2]	$2.4	1%
New Freedom (5317) Large UAs	Transit Operators[3]	✓	None	$0.6	0%
	MTC (for project sponsors that are not FTA grantees)	None	4 nonprofits; 2 Cities; 1 County[4]	$1.2	0%
State is Designated Recipient					
Elderly and Disabled Specialized Transit Program (5310)	Caltrans	None	None	$2.7	1%
Metropolitan Planning (5303)	Caltrans	None	None	$3.1	1%
Non-Urbanized Area Formula (5311)	Caltrans	None	None	$1.2	0%
Total				$385.7	

Notes:
(1) Transit operators are: AC Transit, Marin Transit, SFMTA, Santa Rosa CityBus.
(2) Nonprofits are: Cycles of Change, San Leandro Transportation Management Organization, Peninsula Family Services, Outreach & Escort, Inc. Cities are: City of Alameda, City of Richmond, City of East Palo Alto. County agencies are: San Mateo County Human Services Agency, Contra Costa County Employment and Human Services Dept.
(3) Transit operators are: County Connection (CCCTA), SamTrans, AC Transit, Marin Transit, LAVTA.
(4) Nonprofits are: Outreach & Escort, Inc., Center for Independent Living, Senior Helpline Services, Rehabilitation Services of Northern California. Cities are: City of Richmond, City of Lafayette. County agency is Sonoma County Area Agency on Aging.

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

As shown in Table 1, MTC's role is limited to program and project selection for roughly 99% of the funding, including: FTA Urbanized Area Formula (Section 5307); Fixed Guideway Modernization (Section 5309 FG); and Flex funds (Surface Transportation Program (STP) / Congestion Mitigation and Air Quality Improvement (CMAQ)). Note that MAP-21 replaced the

Section 5309 FG program with the Section 5337 State of Good Repair program, and created another new formula program, Section 5339 Bus and Bus Facilities, starting in FY 2012-13. These two new formula programs are administered in the same way as the other formula programs discussed in this section.

MTC is generally the designated recipient for these funds in large urbanized areas in the Bay Area (Antioch, Concord, San Francisco-Oakland, San Jose and Santa Rosa). Starting in FY 2012-13, Caltrans became the designated recipient for Section 5307 and 5339 funds apportioned to small urbanized areas (Fairfield, Gilroy-Morgan Hill, Livermore, Napa, Petaluma, Vacaville and Vallejo). However, MTC and Caltrans staff, working with FTA Region IX, reached an agreement for MTC to continue to develop the program of projects for Section 5307 and 5339 small urbanized area funds, and to execute supplemental agreements to FTA grants on behalf of Caltrans.

MTC generally relies on MTC Resolution No. 4072 (and its predecessor and successor 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 projects and funding into the 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 Section 5307, STP, 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 and New Freedom Large Urbanized Area Programs

For the JARC (FTA Section 5316) and New Freedom (FTA Section 5317) programs, MTC oversees a competitive selection process for the large urbanized area funds. Transit operators who are FTA grantees must serve as direct recipients and submit their own JARC and New Freedom grants if they are selected through MTC's competitive process. MTC serves as the direct recipient for non-FTA grantee transit operators, public entities, and non-profits that are competitively selected for the JARC and New Freedom programs. A more detailed discussion of MTC's administrative role for the JARC and New Freedom programs is included in Section IV.

Note that in MAP-21, the JARC program was eliminated as a stand-alone program, and JARC functions and funding were combined with the Urbanized Area Formula (Section 5307) and the Non-Urbanized Area Formula (Section 5311) programs starting in FY 2012-13. MTC has historically used JARC funds apportioned to large urbanized areas to support the Lifeline Transportation Program. In recognition of the changes to the JARC program and the continued need for funding for the Lifeline Transportation Program, MTC plans to continue to set aside Section 5307 funds apportioned by the JARC formula (approximately 3% of the Section 5307 appropriations) for the Lifeline Transportation Program.

Under MAP-21, the New Freedom program was also eliminated as a stand-alone program and merged with the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program, starting in FY 2012-13. Caltrans will be the designated recipient and the direct recipient of the funds for the new consolidated Section 5310 program. See Section D.3 for details about Caltrans-administered FTA programs.

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 Section 5309 Bus and Bus Facilities, MTC's role is to ensure consistency with the RTP 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 direct recipient of the funds. For the Enhanced Mobility of Seniors and Individuals with Disabilities program (FTA Section 5310) and the Rural 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 used the FY 2011-12 Section 5303 funds to support various planning efforts including the region's Transit Sustainability Project, but did not pass through any FY 2011-12 Section 5303 funds to subrecipients, as is reflected in Table 1. Starting with FY 2012-13 funds, MTC entered into agreements with subrecipient transit operators to prepare Short-Range Transit Plans under the Section 5303 program.

E. Construction Projects

BATA and BAHA have undertaken two construction projects during the reporting period.

BATA constructed the San Francisco-Oakland Bay Bridge toll plaza building and other toll plaza sign structures. The projects were categorically exempt from detailed environmental review and did not receive federal funding.

BAHA purchased an office building located at 375 Beale Street in San Francisco in October 2011 using local funds and has been in the process of renovating the building, including a seismic retrofit and energy efficiency enhancements, for occupancy by MTC and partner regional agencies, including ABAG and BAAQMD. The building is envisioned as a regional agency headquarters, allowing for collaboration and creation of efficiency among these agencies. Located centrally in the Bay Area and blocks from hubs for major transit modes, including bus, light rail, BART and ferry, the building is planned to house MTC's staff offices, facilities for MTC Commission and other public meetings, and a FasTrak® regional customer service center, and it may house Clipper®-related customer service facilities as well.

III. GENERAL REPORTING REQUIREMENTS

This Section III addresses MTC's compliance with the general requirements for MPOs set forth in Chapters III and IV of the Circular.

A. Monitoring Subrecipients

Chapter III, Section 12 of the Circular requires primary recipients to monitor their subrecipients for compliance with the US DOT Title VI regulations. MTC is the primary recipient for the JARC and New Freedom funding programs, and Section IV of this report details the process that MTC undertakes to monitor subrecipients' Title VI compliance.

B. Title VI Complaint Procedures and Complaint Form

As required by Chapter III, Section 6 of the Circular, MTC has in place a Title VI complaint procedure, which outlines a process for local disposition of Title VI complaints and which is

consistent with the guidelines found in the Circular. MTC's complaint procedures and MTC's complaint form are attached as Appendix D, and posted on the MTC website at: ***http://www.mtc.ca.gov/get_involved/rights/title_VI.htm.***

The complaint form is posted in English, Spanish and Chinese. In addition the English version of the complaint form includes translation of the following statement: "If information is needed in another language, contact (510) 817.5757 or (510) 817.5769 for TDD/TTY," in all language(s) spoken by LEP populations that meet the Safe Harbor Threshold in MTC's service area/region.

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, or national origin, 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 Executive Director, Policy. Such complaint must be filed within one hundred eighty (180) 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 sixty (60) 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 remedial actions are available 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. The staff review officer(s) shall forward their recommendations to the MTC Deputy Executive Director, Policy, for concurrence. If he or she concurs, he or she shall issue MTC's written response to the Complainant.

3. Request for Reconsideration

If the Complainant disagrees with MTC's written response, he or she may request reconsideration by submitting the request, in writing, to the MTC Executive Director within ten (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 MTC Deputy Executive Director, Policy. The MTC Executive Director will notify the Complainant of his decision either to accept or reject the request for reconsideration within ten (10) calendar days. In cases where the MTC 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 MTC Executive Director's response to the Complaint by submitting a written appeal to an MTC Committee no later than ten (10) calendar days after receipt of the MTC 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 FTA at FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590, for investigation. In accordance with Chapter IX, Complaints, of the Circular, such a complaint must be submitted within one hundred eighty (180) calendar days after the date of the alleged discrimination.

C. Record of Investigations, Complaints and Lawsuits

1. Lawsuits

U.S. District Court, Northern District, Case No. C-05-01597 (EDL)
Sylvia Darensburg, 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 appealed the District Court's decision to the Ninth Circuit Court of Appeals. On February 16, 2011, following briefing and oral arguments, the Ninth Circuit issued its opinion affirming the district court's judgment in favor of MTC.

Superior Court of the State of California, County of Alameda, Case No. RG 13692189
Communities for a Better Environment and The Sierra Club v. Metropolitan Transportation Commission, Association of Bay Area Governments, et al.

The subject petition, filed August 19, 2013, contended, among other things, that there were certain deficiencies in the Environmental Impact Report (EIR) approved by MTC and ABAG in connection with Plan Bay Area. In particular, the petitioners contended that the EIR failed to (i) disclose certain health impacts of Plan Bay Area on low-income and minority communities situated in the vicinity of key goods movement hubs, (ii) disclose the environmental and health effects caused by displacement of low-income communities of color under Plan Bay Area, (iii) consider cumulative socioeconomic impacts of Plan Bay Area on the existing working-class communities of color in the neighborhoods that are affected by goods movement measures, and (iv) consider cumulative impacts from displacement of low-income communities of color under Plan Bay Area. The parties settled the litigation on June 18, 2014 and agreed, among other things, that MTC and ABAG would (i) use a technical analysis of the expected use of the Bay Area Express Lanes by low-income populations to inform the environmental analysis included in any Environmental Impact Report prepared for an update of Plan Bay Area, (ii) update the feasibility analysis associated with Plan Bay Area to address various factors including those relating to displacement and public health, (iii) create a Regional Freight New Technologies Task Force charged with preparing a freight emissions reduction action plan, and (iv) partner with BAAQMD to make new healthy infill guidelines addressing the air-quality impacts of freight movement available to the public prior to formal environmental actions for any update to Plan Bay Area, and consider and, to the extent applicable, use such guidelines in such update.

Superior Court of the State of California, County of Alameda, Case No. RG 14715534
Urban Habitat Program v. Metropolitan Transportation Commission

The subject petition, filed February 27, 2014, as amended, contends that there is a controversy between the petitioner and MTC over the statutory construction of California Government Code section 66531 (relating to MTC's preparation of guidelines for county-level congestion management agencies (CMAs) to follow in their adoption of county transportation plans) and MTC's duties under that section. MTC's deadline to file a responsive pleading has been extended by stipulation to July 21, 2014. Although this petition does not allege discrimination on the basis of race, color or national origin, it is included here because it relates to MTC's role in the planning process and the scope and coverage of MTC's guidance to the CMAs.

2. Record of Investigations and Complaints

A listing of all Title VI investigations, complaints received, and correspondence submitted in response to the complaints for the period of December 1, 2010 through June 1, 2014 is attached to this report as Appendix E.

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

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. Both the U.S. Department of Transportation (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 May 2013, the MTC Commission adopted a revised *Plan for Special Language Services to Limited English Proficient (LEP) Populations.*[1] It documents the various services and procedures that MTC has in place to assist persons with limited proficiency in the English language.

[1] FTA conducted a Title VI compliance review of MTC in September 2011. FTA's April 2012 report on the compliance review required MTC to expand upon and update its Four-Factor Analysis and then update its Language Assistance Plan accordingly. MTC's subsequent efforts are summarized in this section.

MTC staff conducted a Four-Factor Analysis or LEP needs assessment based on the US DOT LEP guidance, to determine what reasonable steps should be taken to ensure meaningful access by LEP persons. The Four-Factor Analysis report is provided as Appendix F.

The Four-Factor Analysis considered the following:

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

1. Factor 1 Analysis - The number or proportion of LEP persons eligible to be served or likely to be encountered in the eligible service population

MTC used the U.S. Census and American Community Survey (ACS) data from 2007 – 2011, as it was the most comprehensive and recent data set available (issued on December 6, 2012). MTC identified people who speak English less than "very well" as LEP persons, which is consistent with the definition of LEP in the Circular. The data identified 1,197,125 individuals in the Bay Area over the age of five who speak English less than "very well." This figure accounts for 18% of the Bay Area population. MTC identified thirty-one (31) languages that are spoken by more than 1,000 estimated LEP persons. The five most frequently spoken languages in the Bay Area, other than English are Spanish (8.1%), Chinese (3.9%), Vietnamese (1.4%), Tagalog (1.2%) and Korean (0.5%). This information was carried forward in the analysis undertaken in Factors 2, 3 and 4.

2. Factor 2 Analysis - The frequency with which LEP persons come in contact with MTC's programs, activities or services

MTC collected data and analyzed findings from the following sources to assess how frequently LEP individuals come into contact with MTC programs and services:

- Call Center Data for MTC Services and Programs
- Website Data for MTC Services and Programs

- Interpreter Data for MTC Services and Programs
- MTC Staff Surveys
- MTC Contractor Staff Surveys
- LEP Person Surveys
- LEP Person Focus Groups

The combined results from the review of sources listed above indicate that LEP persons' frequency of contact with MTC programs, activities and services varies depending on the program or activity. Overall, MTC determined that LEP persons that do utilize MTC's services are in regular contact with certain programs and services, specifically Clipper® and FasTrak®, and that LEP persons are far less likely to request information or assistance accessing MTC's policy or financial documents, such as the RTP or the TIP. Moreover, MTC contractor staff and third party service providers are in more frequent contact with LEP persons than MTC staff. The majority of the LEP persons encountered by MTC staff and MTC contractors speak Spanish, followed by Chinese.

3. Factor 3 Analysis - The nature and importance to LEP persons' lives of MTC's programs, activities and services

MTC used information surveys of MTC staff, the agency's third-party contractor staff, reviews of relevant programs, and the results from the LEP person surveys to inform the Factor 3 analysis.

MTC plays an important role in comprehensive planning and transportation funding activities throughout the Bay Area that, in general, will affect residents in the long-term and not in an immediate manner. As a transportation planning agency, MTC identifies future investments and long-range strategies to maintain, manage and improve transportation throughout the region. Although 73% of LEP survey respondents reported that long-range transportation planning is "important" or "very important" to them, a review of interpretation and translation requests for MTC's policy and long-range transportation planning documents indicated that LEP persons rarely request these documents.

Some of MTC's programs have a larger reach, including Clipper®, the 511 traveler information system, the regional transit hub signage program, motorist-aid call boxes, freeway service patrol and FasTrak®. These programs and services, which are operated by MTC, were found to be of critical importance to LEP populations.

4. Factor 4 Analysis - The resources available to MTC and overall cost to provide language assistance

This Factor 4 Analysis will assist MTC in planning future investments to provide the most needed assistance to the greatest number of LEP persons within the limits of its resources. In accordance with US DOT guidelines, MTC incorporated findings from the analysis of Factors 1, 2, and 3 and from a series of interviews with community-based organizations into the Factor 4 analysis. The community-based organization interviews provided information about the most effective ways to communicate with LEP persons which, in turn, will assist MTC in developing cost-effective language assistance measures.

The Factor 4 Analysis also considered the resources available to MTC and the costs for translation services, which impact MTC's ability to translate documents into multiple languages on a routine basis rather than on an "as-requested" basis.

MTC offers an array of tools for LEP persons to access programs, services and activities. Through the information gathering efforts required for the Factor 4 analysis, MTC determined that LEP persons and other stakeholders are satisfied with the MTC's current language assistance measures.

Based on the Four-Factor Analysis findings, MTC concluded that providing language assistance in Spanish and Chinese would give population groups who are identified as speaking English less than "very well" and who represent greater than five percent of the nine-county Bay Area's population access to information and services in their language spoken at home.

Further, MTC has determined that translation of Tier 1-Vital Documents and access to services should be provided in Spanish and Chinese languages as a matter of course without request. Tier 2 and Tier 3-Vital Documents will be translated upon request, though some Tier 2 and Tier 3-Vital Documents, at MTC's discretion, subject to available resources will be translated without request.

In April 2013, MTC staff issued a news release and a series of display ads in various community papers informing the public that the *Draft Revised Plan* was available for review and public comment. The document was issued in English, Spanish and Chinese. Staff presented the *Draft Revised Plan* to the PAC's Equity and Access subcommittee and sent notices to community based

organizations throughout the region (see Attachment B of Appendix G). Public comments were accepted via the web, mail and email.

MTC received a total of four written comments on the *Draft Revised Plan* and received oral comments from PAC's Equity and Access subcommittee members (see Attachment C of Appendix G). Comments indicated that MTC should avoid overly technical terms and write in a style tailored to a general audience; MTC should establish competency standards for translators to ensure that information is correctly interpreted for LEP persons; and some LEP persons have low-literacy levels in their native languages, and by extension, translating documents may not be the most helpful form of language assistance.

Based on comments received, staff clarified in the *Final Revised Plan for Special Language Services to Limited English Proficient (LEP) Populations* that MTC currently performs periodic checks of translated materials to ensure they are interpreted correctly and requires translators and interpreters to meet MTC's competency standards. See Appendix G, for a copy of the *Final Revised Plan for Special Language Services to Limited English Proficient (LEP) Populations.*

Beginning in April 2012, all MTC staff and all new hires have been required to complete on-line Title VI training, including information on how to provide language assistance to an LEP caller or visitor. MTC staff who routinely field telephone calls from the public developed protocols for assisting non-English speakers (including MTC's Spanish and Chinese language lines as well as how to refer people to MTC's on-call translations vendor for assistance.)

E. Beneficiary Notifications

Consistent with Chapter III, Section5, of the Circular, 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 the MTC-ABAG Library, which is open to the public. The Beneficiary Notifications are posted at the MTC offices in English, Spanish and Chinese, and on the MTC website in English with instructions in Spanish and Chinese on how to obtain translation of the notification into each of those languages. 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 meetings and 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-ABAG 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 H, *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

The Public Participation Plan (PPP) was initially adopted by MTC on September 26, 2007. This document lays out the steps MTC takes to involve residents in decisions affecting Bay Area transportation and land use policies and investments.

In 2010, the PPP was updated to reflect the addition of:

- a PPP for MTC's Sustainable Communities Strategy, as required by California Senate Bill 375;
- the restructuring of MTC's advisory committees into a single PAC;
- clarification of the principles that guide MTC's public involvement efforts; and
- minor changes to the steps involved in updating and revising the RTP and the TIP.

The comments and guidance resulting from the public outreach process undertaken as part of the 2007 PPP were relevant and continued to inform the principles and procedures contained in the revised 2010 PPP.

The 2010 update process began with the release of a *Draft 2010 Public Participation Plan* on July 9, 2010. As part of the update, MTC consulted with its PAC, as well as with the Regional Advisory Working Group, an advisory group to the development of the Sustainable

Communities Strategy. Focus groups held with LEP persons also served to inform procedures contained in this plan. The public comment period on the *Draft 2010 Public Participation Plan* closed in late August.

As a result of comments received, MTC revised the *Draft 2010 Public Participation Plan* and issued a *Revised Draft 2010 Public Participation Plan* on October 15, 2010. In response to comments received from numerous groups and individuals on the *Revised Draft*, additional detail was added on how to participate in the development of MTC's RTP and Sustainable Communities Strategy. California Senate Bill 375 calls upon MPOs in 18 regions in California to develop RTPs that incorporate a Sustainable Communities Strategy — 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, preparation of the combined Sustainable Communities Strategy and RTP, also known as Plan Bay Area, is a joint effort of the Bay Area's four regional agencies (MTC, ABAG, BAAQMD, and BCDC).

MTC's *2010 Public Participation Plan for the San Francisco Bay Area* was adopted by the MTC Commission on December 15, 2010. Appendix A to the 2010 PPP is the "Public Participation Plan for the Bay Area Sustainable Communities Strategy and Regional Transportation Plan." The 2010 PPP is available in English, Spanish and Chinese on MTC's website at ***http://www.mtc.ca.gov/get_involved/participation_plan.htm*** and attached as Appendix I.

2. Public Participation in *Plan Bay Area*, the San Francisco Bay Area's 2013 Regional Transportation Plan and Sustainable Communities Strategy

An essential component of developing Plan Bay Area was reaching out to and engaging the public, stakeholders and partners in the alternative scenarios and associated policy choices. The four-phased public participation process for Plan Bay Area spanned over three years and built on the values, needs and priorities that MTC heard from the public during development of the *2010 Public Participation Plan for the San Francisco Bay Area.*

a. Plan Bay Area Stakeholders

As articulated in MTC's *2010 Public Participation Plan for the San Francisco Bay Area*, the regional agencies sought the active participation of a broad range of individuals and organizations in the development of Plan Bay Area. In addition to bringing together

representatives of local government, CMAs, transit agencies, MTC, ABAG, BAAQMD, and BCDC, the outreach program was designed to encourage the participation of a broad range of public advocates and community members. A particular effort was made to involve under-represented communities who do not typically participate in regional and local planning.

The stakeholders in the Plan Bay Area planning process included, but were not limited to, the following:

- The general public
- Low-income communities, communities of color and LEP communities
- Neighborhood groups and community-based organizations
- Transportation and environmental advocates
- Affordable housing advocates, home builder representatives and homeowners' associations
- Business and labor organizations
- Landowners and commercial property interests
- Affected public agencies (cities and counties, transit agencies, CMAs, special districts, county health offices, resource agencies, etc.)
- Tribal governments
- Other interested opinion leaders and advocacy groups

b. Plan Bay Area Public Participation Activities

MTC and ABAG developed a three-year program of public outreach and engagement activities designed to meet the objectives of broad, accessible and meaningful participation from regional stakeholders. Some of these activities focused on general public participation; others were meetings of representative committees and advisory groups that were open to the public. The various participation opportunities included:

- A kickoff "summit" that drew some 350 attendees, including local elected officials, government staff and representatives from a range of interest groups. This was followed by 39 meetings with local elected officials, city/county planning staff and transportation agency officials.
- General public workshops — 37 public workshops/formal hearings (at least three in each Bay Area county) attracted over 3,400 residents.
- MTC Commission meetings

- ABAG Executive Board meetings
- Joint MTC Planning Committee /ABAG Administrative Committee meetings
- Leadership roundtables with elected officials
- MTC's PAC meetings
- ABAG's Regional Planning Committee meetings
- Regional Advisory Working Group meetings

Partnerships with CMAs provided a strong connection to local transportation planning as well as to local elected officials who serve on CMA boards. MTC worked with CMAs on a "Call for Projects" for inclusion in the plan, and ABAG and MTC partnered with CMAs to host presentations for local elected officials on the Draft Plan.

In addition, MTC and ABAG created and maintained a dedicated website, OneBayArea.org, to serve as a resource for information, announcements, interactive discussions and as a document library. MTC maintained an active web and social media presence, attracting over 66,000 unique visitors to the OneBayArea website. Videos, social media, mapping and other visualization methods were used to explain the planning process and challenges facing the region. In addition, MTC partnered with the University of California at Berkeley on a visualization tool.

In total, Plan Bay Area was discussed at 270 formal meetings, as well as dozens of additional informal presentations made to groups of all kinds. The Plan Bay Area process attracted extensive media coverage, with over 350 news articles and opinion pieces published throughout the Bay Area. Last, nearly 600 comment letters and emails were received on the Draft Plan Bay Area and accompanying EIR.

c. Robust Advisory Structure

Throughout the development of Plan Bay Area, ABAG and MTC regularly consulted with a number of advisory groups to hear from a range of perspectives and obtain early input. These advisory bodies included working groups for staff, MTC's PAC, ABAG's Regional Planning Committee and ABAG's Housing Methodology Committee. The agencies also conducted a workshop for city managers and top officials from a range of local government and transportation agencies.

- *Regional Advisory Working Group* (RAWG) — this working group advised MTC and

ABAG staff and was open to all who wished to participate; it included local agency staff plus representatives from social equity, economic and environmental advocacy groups.

- *Advisory Committee on Performance Measures* — this was a subcommittee of the Regional Advisory Working Group, and advised MTC and ABAG staff.
- *Regional Equity Working Group* — this working group advised MTC and ABAG staff in identifying equity issues, an analysis framework, and supportive policies that could add value to the Plan Bay Area process and/or address identified equity issues. This group included members of the PAC's Equity and Access Subcommittee (which includes representatives of minority communities from around the region) as well as the Regional Advisory Working Group. All meetings were open to the public, and members of the public were encouraged to participate in the group's discussions. For a list of Plan Bay Area–related Regional Equity Working Group meetings and materials, see ***http://onebayarea.org/plan-bay-area/meetings-events/Advisory-Committees-Adhoc-Working-Group-Meetings.html?l2=meet_subcat_archive&subcat=equity-working-group***.
- *Housing Methodology Committee* — This 45-member Committee advised ABAG staff and included local elected officials, city/county staff, and stakeholders from various interest groups.
- *Policy Advisory Council* — MTC's 27-member PAC, discussed in more detail in Section II.C, represents interests relating to the environment, the economy and social equity. The PAC advised the MTC Commission.
- *Regional Planning Committee* — ABAG's 36-member Committee includes local elected officials and stakeholders from various interest groups. This Committee advised the ABAG Board.

Advisory Body	No. of Meetings Held
Regional Advisory Working Group	22
Advisory Committee on Performance Measures	8
Regional Equity Working Group	20
Housing Methodology Committee	10
Policy Advisory Council	21
Regional Planning Committee	21

d. Participation through Alternative Means

Four other methods supplemented the program of meetings: telephone polling, which was done at three key junctures in the Plan Bay Area development process to determine levels of awareness, attitudes and priorities in creating, modifying and prioritizing the investments and other policies contained in Plan Bay Area; focus group sessions, designed to engage a representative sampling of Bay Area stakeholders on key discussion topics; and an online public workshop and separate virtual Town Hall allowed residents to participate in the Plan Bay Area process from the comfort of their own homes, at a time convenient for them. These methods balanced qualitative public input with statistically valid and representative measures.

1. Statistically Valid Telephone Polls

Three telephone polls surveyed some 5,200 Bay Area residents from all nine counties during the Plan Bay Area development process.

The first public opinion poll of a statistically-valid sampling of Bay Area residents was commissioned by MTC and ABAG during the Initial Vision Scenario phase in March and April, 2011. A total of 1,069 individuals representing all nine Bay Area counties were reached via telephone. The survey was administered in English, Spanish and Chinese, and the results were reported to MTC and ABAG governing bodies in April. The stated margin of error was +/- 3.00 percent.

The second statistically-valid poll was conducted between late November 2011 and January 2012 and surveyed 1,610 Bay Area residents. Residents were randomly contacted from a mixed sample of listed, Random Digit Dial, and cell phone numbers. The poll assessed public opinion concerning attitudes, preferences, priorities, and trade-offs on key regional environmental and transportation issues. The survey was conducted in English, Spanish and Cantonese and had a margin of error of +/-2.44.

The third poll surveyed 2,516 residents to measure public opinion on various land use, housing and transportation trade-offs under consideration in the Draft Plan Bay Area. The sample is statistically valid by county, and for the region overall, with an overall margin of error of +/-1.96 percent. A minimum of 250 surveys were completed in each Bay Area county. These surveys were weighted to proportionally represent the overall Bay Area population by county and age

(using 2010 Census data). Thus, this telephone survey provides projectable data for the region as a whole, as well as county-level results.

2. Focus Groups

For a more in-depth discussion with residents, four focus groups — with 45 individuals randomly selected from the second telephone poll participants — were conducted in January 2012. The focus groups were held in San Francisco, Walnut Creek and Novato. Participants came from eight of the nine Bay Area counties. Of the four, two groups were composed primarily of urban residents, while two groups were composed of suburban and rural residents. Each session lasted two hours and was conducted by a trained moderator. Focus group participants were asked a few in-depth questions that were not possible to incorporate in the telephone survey. In addition, they had the time and space to expand upon some questions asked of telephone survey respondents as well, providing additional depth.

3. Online Public Workshop

MTC and ABAG created an online "virtual" Plan Bay Area workshop that allowed members of the general public a convenient way to weigh in on options and trade-offs. From January 25, 2012, through February 20, 2012, 1,300 completed responses were received. The virtual workshop was posted to the OneBayArea.org website as a supplement to the nine public workshops held in January 2012; it closely mirrored the format of the workshops including videos, surveys and numerous opportunities to comment.

4. Plan Bay Area Town Hall

An online comment forum was launched in April 2013 in conjunction with the release of the Draft Plan Bay Area. Through this forum, visitors to the site could review each chapter of the Draft Plan and then make comments from the comfort of their own homes.

e. Partnerships with Community-Based Organizations

In an effort to reach some of the typically underrepresented communities of the Bay Area, MTC solicited the support of community-based organizations throughout the region to help engage the public. Throughout the three-year development of Plan Bay Area, MTC allocated $200,000 to 17 non-profit organizations selected through a competitive bid to engage their constituents.

In January 2011, MTC released a request for proposals that was sent to nearly 500 community-based, not-for-profit, non-governmental and faith-based organizations throughout the region, inviting them to assist MTC (in partnership with ABAG) in the development of the 2013 Sustainable Communities Strategy/RTP. As a result, MTC contracted with geographically and ethnically diverse community-based organizations for assistance in involving their local communities in the Plan Bay Area planning process. Each of the community-based organizations was in one or more of 14 areas previously identified by MTC as communities of concern – communities that have concentrations of either minority or low-income residents (below 200% of the federal poverty level).

The primary objective of the community-based outreach was to ensure that a range of Bay Area low-income communities and communities of color had an opportunity to comment on critical issues related to how the Bay Area grows, where housing is located to accommodate future population growth, and the transportation network necessary to support the needs of all residents. As a result of this outreach, some community groups continue to remain involved in the transportation and housing planning process both at the local and regional level.

The community organizations assisted in three rounds of public participation. In spring 2011, the groups used a variety of techniques — meetings, festivals, food pantries, door-to-door canvassing — to complete a community survey, gathering 1,600 completed surveys. A series of focus groups were held in 2012 and again in 2013. A total of 22 focus groups were held in these two rounds, with 330 participants. In total, nearly 2,000 community residents recruited by the community-based organizations participated in the three rounds of outreach, and translations in Spanish, Chinese or Vietnamese were provided as needed. Each organization selected dates, times and venues that would be the most convenient and accessible for their local residents to participate. MTC organized an additional monolingual Spanish focus group in 2013 so that any residents who wished to hold discussions entirely in Spanish could participate.

It should be noted that not all of the community-based organizations that were originally contracted to work with MTC continued through to the end of the process, and three of the initially-selected group of 14 organizations were replaced with other non-profits working within the same region. The community-based organizations that participated are listed in Appendix J.

3. Public Participation in the TIP

MTC's PPP also guides public outreach for and participation in review of the TIP. Generally, once the draft TIP has been developed, it is then released for a 30-day public review and comment period. As part of the public review process, the draft document is sent to major libraries throughout the Bay Area as well as the MTC-ABAG Library. Notices are also sent to an extensive list of interested parties including transportation agencies, other state, federal and tribal agencies and other transportation interests with the objective to continue the consultation process for transportation planning and investments in the Bay Area. The draft TIP is submitted for intergovernmental review, via ABAG's Regional Clearinghouse, which notifies all local agencies in the Bay Area and receives their comments. The document is also made available on the MTC website. At least one public hearing is also conducted to solicit public comment, and notice of that hearing is published in regional newspapers, including newspapers directed at Spanish- and Chinese-language readerships. After the close of the public comment period, MTC's response to significant comments is compiled into an appendix of the TIP.

The Draft 2011 TIP and accompanying Air Quality Conformity Analysis were released for public review and comment on August 6, 2010, with public hearings held on September 8 and September 22, 2010. Comments were received by September 30, 2010. The 2011 TIP and accompanying Air Quality Conformity Analysis were adopted by the Commission on October 27, 2010, and they were approved by the FTA and the FHWA on August 12, 2013. More details about the public library distribution and public hearings are contained in Appendix A-37 of the 2011 TIP, available online at ***http://www.mtc.ca.gov/funding/tip/2011/index.htm#1***.

The Draft 2013 TIP and accompanying Transportation-Air Quality Conformity Analysis were released for public review and comment on June 22, 2012, with a public hearing held on July 11, 2012. Responding to comments in September 2012, MTC postponed the final adoption of the new TIP to more closely align with development and adoption of *Plan Bay Area*. A revised Draft 2013 TIP was released for public review and comment on March 29, 2013. MTC held nine public hearings, one in each of the nine Bay Area counties, during March and April 2013, that covered both the Draft 2013 TIP and Plan Bay Area, and the TIP comment period closed on May 3, 2013. In addition, all the Plan Bay Area-related outreach activities discussed above that occurred after the release of the Draft 2013 TIP covered both Plan Bay Area and the Draft 2013 TIP and provided an opportunity to comment on both documents. The 2013 TIP and accompanying Transportation-Air Quality Conformity Analysis were adopted by the Commission on July 18, 2013, and they were approved by the FTA and the FHWA on December

14, 2010. More details about the public library distribution and public hearings specific to the TIP are found in Appendix A-50 of the 2013 TIP, available online at ***http://www.mtc.ca.gov/funding/tip/#1***.

The Draft 2015 TIP and accompanying Transportation-Air Quality Conformity Analysis were released for public review and comment on June 26, 2014, with a public hearing held on July 9, 2014. The 2015 TIP and accompanying Transportation-Air Quality Conformity Analysis are scheduled to be adopted by the MTC Commission in September 2014, and approved by the FTA and the FHWA in December 2014. More details about the public library distribution and public hearing specific to the TIP are found in Appendix A-57 of the 2015 TIP, available online at ***http://www.mtc.ca.gov/funding/tip***. It should be noted that the Draft 2015 TIP does not reflect programming of $1.7 billion in FTA funds for the four-year period of the TIP, because the MTC Commission has not yet taken official action to program those funds.

In 2010, MTC developed a short 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," has been updated for the release of each TIP, was last updated in June 2014, and is available through the MTC-ABAG Library, or online at ***http://www.mtc.ca.gov/funding/tip/2015/Guide_to_the_2015_TIP.pdf***

To further assist in the public assessment of the TIP, and specifically to address the equity implications of the proposed TIP investments, MTC conducts an investment analysis with a focus on both minority and low-income residents. The purpose of the analysis is to help the public understand whether low-income and minority populations are sharing equitably in the TIP's financial investments. The 2013 TIP Investment Analysis and the 2015 TIP Investment Analysis are included in full in Appendix K. A discussion of the equity analysis of the TIP with respect to minority residents is in Section V.B.1.b.

IV. PROGRAM-SPECIFIC REQUIREMENTS FOR DESIGNATED RECIPIENTS OF JOB ACCESS AND REVERSE COMMUTE AND NEW FREEDOM PROGRAMS

As noted in Sections II.D.2 and III.A 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). MTC's PMP was originally 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. The PMP was updated and re-submitted to FTA in December 2010 to reflect changes in MTC's administration of the program and to clarify subrecipient reporting requirements, and again in December 2012 to reflect changes made by FTA to the Circular, which provides guidance to grantees on how to comply with Title VI regulations and provide meaningful language access to persons who are LEP.

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.); 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), and the Circular. MTC specifically requires in all third party contracts and funding 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."

Please see Appendix L, for the entire PMP for FTA 5316 JARC and 5317 New Freedom Programs. The PMP can also be viewed at
http://www.mtc.ca.gov/funding/JARC-New_Freedom/JARC-NF_PMP.htm

As noted in Table 1 on page 12 of this report, during this reporting period, subrecipients of JARC and New Freedom grants included cities, counties, and private non-profits. Beginning with FY 2010–11 funds, MTC required Bay Area transit operators selected for JARC and New Freedom grants to apply for the grants directly through Transportation Electronic Award Management. 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.

Program-specific activities are described below.

A. Program Administration

Each New Freedom and Lifeline Transportation Program grant cycle that took place during the reporting period, program guidelines and programs of projects are provided in Appendix M. Program administration for each grant cycle is detailed below and in the respective program guidelines.

1. JARC: MTC's Lifeline Transportation Program

MTC's policy is to use JARC funds to support implementation of MTC's Lifeline Transportation 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 Transportation Program administration to CMAs or other designated county-wide agencies as follows:

County	Lifeline Transportation Program Administrator
Alameda	Alameda County Transportation Commission
Contra Costa	Contra Costa Transportation Authority
Marin	Transportation Authority of Marin
Napa	Napa County Transportation and Planning Agency
San Francisco	San Francisco County Transportation Authority
San Mateo	City/County Association of Governments of San Mateo County
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. This requires a full commitment to a broad, inclusive public involvement process and using multiple methods of public outreach, as described in MTC's PPP. Methods of public outreach include, but are not limited to, highlighting the program and application solicitation on the CMA website; sending targeted postcards and e-mails to local community-based organizations, city departments, and non-profit organizations (particularly those that have previously participated in local planning processes); and contacting local elected officials and their staffs. Further guidance for public involvement is contained 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 one call for projects for the Lifeline Program in 2012, and used JARC funds from large urbanized areas to support eligible projects. Note that the Lifeline Transportation Program has also used other non-JARC funds to support projects.

For JARC funds in large urbanized areas, the general process for the programming cycles included the following steps:

- MTC approves and distributes Lifeline Program guidelines;

- The county Lifeline Program administrators are responsible for holding workshops to assist prospective applicants within their counties;

- Lifeline Program administrators conduct a competitive project selection process;

- Each county Lifeline Program administrator appoints a local review team that includes CMA staff, a low-income representative from MTC's PAC, if available, 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 Lifeline Program administrators forward to MTC a list of approved projects for the program in their respective counties;

- MTC approves the overall regional Lifeline Transportation 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;

- Following approval of the TIP, MTC enters non-transit operators' projects into MTC's FTA grant, and transit operators submit their own FTA grants; and

• Following FTA approval of MTC's grant, MTC enters into funding agreements with subrecipient project sponsors (e.g., cities, counties, nonprofit organizations); transit operators receive grant funds directly from FTA.

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 originally adopted by MTC in 2006 (low income component) and 2007 (elderly and disabled component) and which was updated in 2013. The guidelines include requirements for project selection as well as for general program administration (local match requirements, project delivery policy, board approval, etc.).

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.

2. New Freedom Program

Since the last Title VI compliance report, MTC has conducted two cycles of New Freedom fund programming, incorporating funds from FY 2009–10 through FY 2011–12 for large urbanized areas in the MTC region.
For New Freedom funds in large urbanized areas, the general process for the programming cycles included the following steps:

- MTC approves and distributes New Freedom Program guidelines;

- MTC posts a notification of the Call for Projects on the MTC website, and sends notifications of the Call for Projects via email and postcards to all interested parties in the MTC contact database;

- MTC staff hold workshops to assist prospective applicants;

- MTC staff conducts a competitive project selection process;

- A panel consisting of Bay Area representatives of disabled population interests and MTC staff 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, and recommends a program of projects for approval;

- MTC approves the New Freedom program of projects and adds the funds and projects to the TIP;

- Following approval of the TIP, MTC enters non-transit operators' projects into MTC's FTA New Freedom grant, and transit operators submit their own FTA grants; and

- Following FTA approval of MTC's grant, MTC enters into funding agreements with subrecipient project sponsors (e.g., cities, counties, nonprofit organizations); transit operators receive grant funds directly from FTA.

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 also need to address transportation gaps or barriers identified in the Coordinated Plan. The guidelines include requirements for project and recipient eligibility, coordinated planning, and project evaluation/selection as well as for general program administration (local match requirements, project delivery policy, governing board approval, etc.).

Eligible recipients include private non-profit organizations; state or local governmental authorities; and operators of public transportation services, including private operators of public transportation services.

B. Assistance and Monitoring

Subrecipients are required to enter into agreements with MTC for projects in the large urbanized areas. 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 III of the Circular requires that primary recipients of JARC and New Freedom grants assist subrecipients in complying with the US DOT's Title VI regulations, including the general reporting requirements in Chapter III of the Circular. Chapter III further requires that primary recipients 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:

1. Monitoring:

In the PMP, MTC documents its process for ensuring that all subrecipients are complying with the general Title VI reporting requirements, as well as other requirements that apply to the subrecipient. Consistent with the PMP, MTC collected Title VI programs from JARC and New Freedom subrecipients with the submission of the standard agreement and annually thereafter with submission of the annual FTA certifications and assurances. MTC reviewed each Title VI program for compliance with the federal guidelines. The schedule of subrecipient Title VI programs is included in Appendix N.

The following are some revisions to the PMP that took place during the reporting period:

• MTC revised the PMP in December 2010 to clarify the designated recipient, direct recipient and subrecipient roles and responsibilities.

• The 2010 PMP revision clarified 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 clarified that direct recipient transit operators are responsible through the Supplemental Agreement for their own compliance with Title VI and other reporting.

• MTC revised the PMP again in December 2012 to reflect changes made by FTA in the Circular. Some of the changes in the Circular were related to subrecipient Title VI requirements.

2. Assistance:

The following is a description of the outreach and assistance that MTC provided to potential subrecipients applying for JARC and/or New Freedom funding, including applicants that would serve predominantly minority populations:

• MTC maintains an extensive database of contacts, including all agencies and organizations that MTC comes into contact with that serve senior, disabled, and low-income populations and/or are interested in transportation issues related to those populations. Many of these contacts serve predominantly minority populations. MTC used these contact lists to distribute the MTC-administered New Freedom calls for projects, and, upon request, made our contact lists available to the Lifeline Program administrators for their countywide Lifeline calls for projects.

• During each New Freedom and Lifeline grant cycle, MTC presented the program guidelines to the PAC's Equity and Access Subcommittee, and asked the subcommittee members to notify any organizations that may be interested, including organizations that serve predominantly minority populations.

• During the New Freedom and Lifeline calls for projects, MTC provided instructions to prospective applicants on how to collect pertinent demographic information from the

U.S. Census Bureau website in order to answer the civil rights question in the grant application. See Appendix O for memorandums on this topic that were distributed to applicants during the most recent New Freedom and Lifeline grant cycles. Applicants were also given the option of contacting MTC for assistance with collecting the demographic data.

The following is a description of the assistance that MTC provided to JARC and New Freedom subrecipients after they were awarded funding:

• For each grant cycle, at approximately the time that the FTA grant was awarded and funding agreements were executed, MTC hosted a workshop or provided one-on-one technical assistance with subrecipients to explain the invoicing and reporting procedures, and to explain the various federal requirements, including those related to Title VI, DBE, procurements, etc. At the workshops, subrecipients were given an overview of the PMP, Title VI and the Circular (FTA Circular 4702.1A in April 2011 and FTA Circular 4702.1B in January 2013). The workshop flyers and power point presentations are included in Appendix P.

• Subrecipients were provided with one-on-one consultation, as requested, of their responsibilities to assure effective Title VI implementation and enforcement, as well as requirements for public participation and providing meaningful access to LEP persons. These one-on-one consultations included conference calls and in-person meetings. As requested, MTC staff provides in-depth reviews of the Circular to ensure subrecipients understand their responsibilities and how to implement Title VI policies.

• MTC provided sample forms, notices and procedures to subrecipients.

• MTC provided demographic information on race and English proficiency of residents served by subrecipients, as requested.

V. PROGRAM-SPECIFIC REQUIREMENTS FOR METROPOLITAN PLANNING ORGANIZATIONS

This Section V addresses MTC's compliance with program-specific requirements for MPOs set forth in Chapter VII of the Circular.

A. Demographic Profile of the Metropolitan Area

The Bay Area officially became a "majority minority" region with the 2000 Census, and, like the rest of California and the United States as a whole, its demographics are becoming increasingly diverse over time. As of the most recent 2010 Census, white, non-Hispanic persons were still the largest single racial/ethnic group (more information on how these groups are defined is provided in the Plan Bay Area Equity Analysis Report, available at *http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Equity_Analysis_Report.pdf*, under Section 2.1, Definitions), with 42% of the region's population, as shown in Table 2. The next largest groups are persons of any race who identify as being of Hispanic or Latino origin, followed closely by persons who identify as Asian, each at around 23% of the region's population. Persons identifying as Black or African American totaled 6% of the region's population. Together with persons identifying as Native Hawaiian or Pacific Islander (0.6%), American Indian or Alaska Native (0.3%), and some other race or two or more races (4%), all persons identifying as a member of one or more minority groups totaled about 58% of the region's population in 2010.

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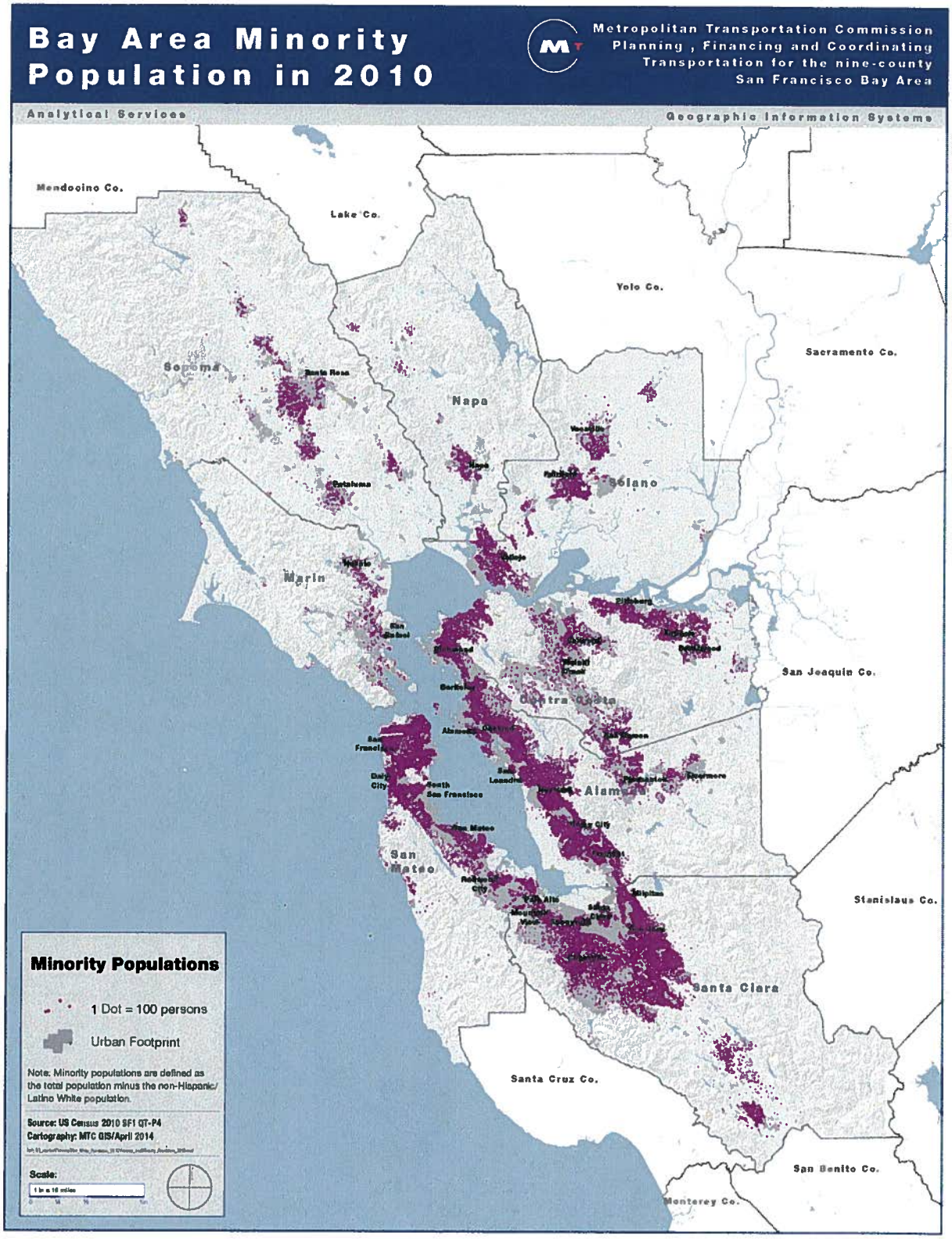
Table 2. Bay Area Population by Race/Ethnicity, 2010 and 2040

	2010	
	Population	% of Total
American Indian/Alaska Native	20,691	<1%
Asian	1,645,872	23%
Black or African-American	460,178	6%
Hispanic/Latino (of any race)	1,681,800	24%
Native Hawaiian or Pacific Islander	41,003	<1%
Some Other Race/Two or More Races	268,292	4%
Minority Persons Subtotal	4,117,836	58%
White, non-Hispanic (Non-minority)	3,032,903	42%
Total Population	7,150,739	100%

Source: 2010 Census SF1 Table P9.

A more detailed demographic profile of the region by county and by age group is provided in Appendix Q. A map showing locations of minority populations in the aggregate is shown as Figure 3.

Figure 3. Locations of Bay Area Minority Populations in the Aggregate, 2010.



B. A Description of the Procedures by Which the Mobility Needs of Minority Populations Are Identified and Considered within the Planning Process

MTC undertakes both analytical and public-outreach efforts to identify and consider the needs of minority populations within the planning process. General agency efforts related to public participation in the planning process are described in detail in Section III.F of this report, while this section describes more specific planning research and analysis efforts MTC undertakes to fulfill its Title VI obligations throughout the metropolitan planning process.

Discussion in this section focuses specifically on consideration of populations protected by Title VI, which is related but not equivalent to numerous other efforts MTC undertakes more broadly to fulfill its two Environmental Justice Principles, which were adopted by the MTC Commission in 2006, as recommended by MTC's Minority Citizens Advisory Committee, 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 is reflected in the varied work products described herein and further detailed on MTC's website using the links provided.

1. Identifying the Mobility Needs of Minority Populations

As part of the planning process, MTC identifies the needs of minority populations in several key ways, including both research efforts and ongoing public involvement of minority communities.

a) Plan Bay Area

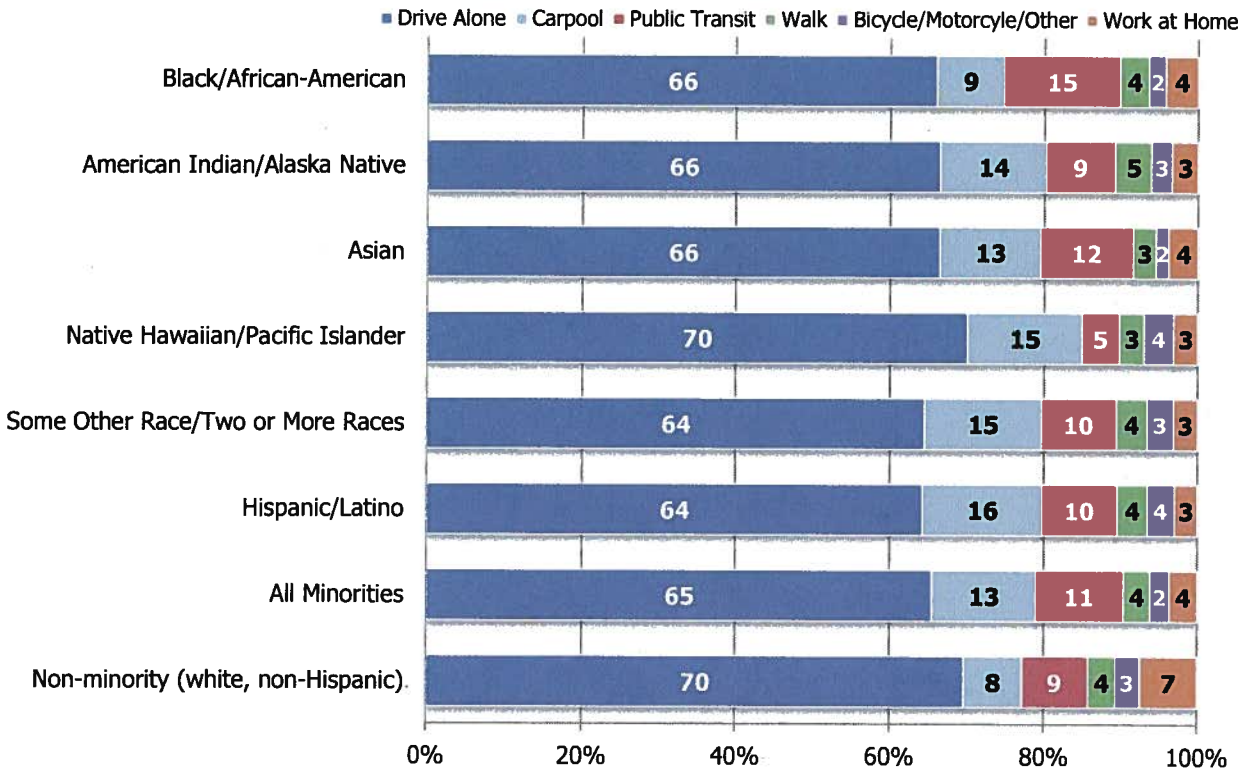
Key aspects of identifying the mobility needs of minority populations in the Plan Bay Area process involved both input from the Regional Equity Working Group (as described in Section V.B.2 below) and conducting regional research to identify commute trends for specific minority

populations. Results of the work and more details about public engagement efforts are set forth in the Equity Analysis Report and other supplemental reports to Plan Bay Area, which can be found here: ***http://onebayarea.org/plan-bay-area/final-plan-bay-area/final-supplementary-reports.html***

Part of the Equity Analysis Report highlights regional transportation trends for different racial/ethnic and socioeconomic groups, to aid in identifying these groups' needs, including commute mode share using data from the ACS. More detailed summaries were also produced at the county level in Appendix B of the Equity Analysis Report.

These data were released with the Draft Equity Analysis Report to help inform public review and comment on the Draft Plan Bay Area prior to final adoption.

Figure 4. Commute Mode Share by Population or Community Type, 2010



Source: American Community Survey 2006-10 Tables B08122B, C, D, E, F, G, H, and I.

As described in the Equity Analysis Report and set forth above in Figure 4, driving alone continues to be far and away the most prevalent means of getting to work for all workers, both

minority and non-minority, with non-minority workers only slightly more likely than minority workers to choose this mode (70% of non-minority workers vs. 65% of minority workers). The biggest differences between the groups were in carpooling, with minority workers nearly twice as likely to carpool as non-minority workers (13% vs. 8%, respectively), and working at home, with non-minority workers nearly twice as likely as minority workers to work at home (7% vs. 4%). Even though minority workers are slightly more likely than non-minority workers to commute by public transit (11% vs. 9%), taking into account both carpooling and solo-driving, minority workers are slightly more likely to commute by car (81%) than non-minority workers (78%). The Equity Analysis Report determined that further study of this trend would be worthwhile to examine availability and practicality of transit and cultural attitudes about using it for different racial and ethnic populations, suburbanization of employment in general and minority populations in particular, and the differences in work-at-home trends between minority and non-minority workers.

While trends are overall fairly similar between individual racial and ethnic minority groups, some notable differences were identified: Black/African-American workers are most likely to commute by public transit (15%), while Native Hawaiian/Pacific islanders are least likely (5%). Hispanic/Latino workers are most likely to carpool (16%), while Black/African-American workers are least likely to do so (9%).

b) 2013 TIP Investment Analysis[2]

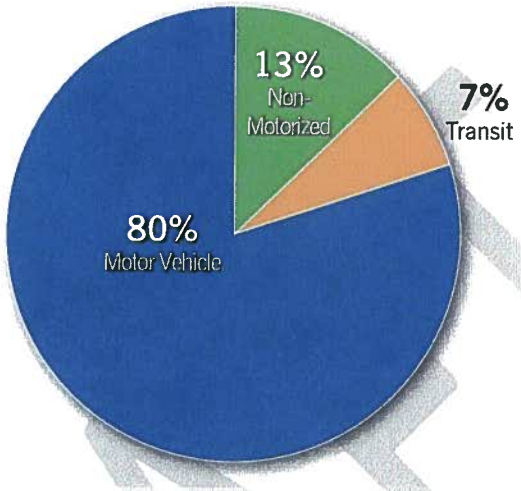
One purpose of the TIP Investment Analysis is to understand whether minority populations are sharing equitably in the TIP's financial investments. The analysis calculates the shares of 2013 TIP investments flowing to the identified communities, and compares those shares with the proportional size of this group's population and trip-making, relative to that of the general population. Understanding travel patterns of minority populations is therefore a key underpinning of this analysis and a key part of informing the metropolitan planning process as to the mobility needs of minority populations.

Figure 5 shows the distribution by mode of total regional trip making for all Bay Area travelers, compared to the share of trips by mode for minority travelers shown in Figure 6. For complete

[2] Because the 2015 TIP is still in draft form and does not include FTA funding (pending programming of those funds by the MTC Commission), the 2013 TIP Investment Analysis is discussed throughout this Section V.

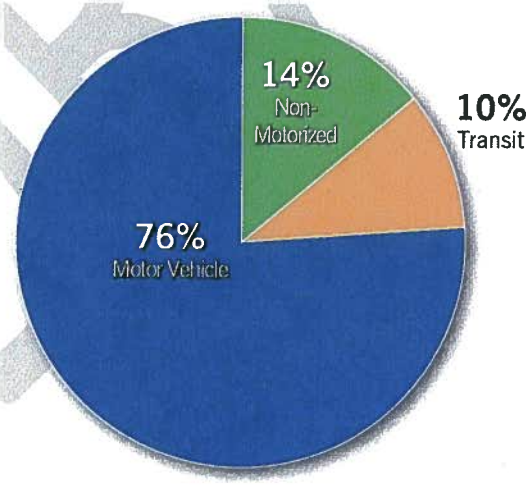
information and discussion of these trends in the context of the 2013 TIP Investment Analysis, see the full report in Appendix K.

Figure 5. Share of Trips by Mode: Total Population



Source: Bay Area Travel Survey 2000.

Figure 6. Share of Trips by Mode: Minority Population



Source: Bay Area Travel Survey 2000.

c) Community-Based Transportation Planning Program

MTC's CBTP Program evolved out of work done for the 2001 RTP that identified transit needs in low-income communities of concern throughout the San Francisco Bay Area and recommended community-based transportation planning as a first step in addressing these gaps. Because most of these communities of concern are also communities with high concentrations of minority residents, the CBTP Program also helps inform MTC of the mobility needs of minority populations throughout the region. MTC allocated funds for local planning efforts 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, community-based organizations providing services within low-income and minority neighborhoods, local transit operators, CMAs, 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 initially identified 41 low-income communities of concern throughout the Bay Area designated for Community-Based Transportation Planning. Following a pilot phase, in 2006, MTC approved $1,285,000 to complete the remaining plans. To date, 33 plans have been completed, two are in process, and six have not yet begun. The remaining six plans are expected to be completed in 2015. Some older plans are now also being updated with MTC Lifeline Transportation Program funds, as well as other local funds.

For more information see ***www.mtc.ca.gov/planning/cbtp/***.

d) Regional Survey Products

As part of MTC's regional planning responsibilities, MTC oversees two major regional surveys to inform the planning process with respect to demographic characteristics and travel behavior for various populations within the region.

1. Bay Area Transit Passenger Demographic Survey

In 2006 MTC conducted a comprehensive survey of all Bay Area transit operators to collect consistent demographic and socioeconomic data for all the region's transit riders. Data collected included race/ethnicity, age, fare payment information, household income, and vehicle availability. Results for this survey are used in the Transportation Investment Analysis to determine transit-investment benefits to low-income and minority populations based on these groups' share of transit use on individual systems and across the region as a whole. The Transit Passenger Demographic Survey also informs the Title VI analysis of the RTP by establishing a consistent demographic profile of the region's overall transit ridership across all systems by minority and non-minority status.

To update this data on an ongoing basis, MTC is now working with transit operators on ridership surveys that will collect a variety of consistent demographic and travel-activity data across all transit systems surveyed.[3] In order to make best use of available funding and resources to support these extensive survey efforts, surveys are being conducted on different systems on a serial basis over time. Surveys are anticipated to be complete for all major systems and updated regional data available beginning in 2015.

Drafts of the reports MTC has produced to date are available here: ***http://analytics.mtc.ca.gov/foswiki/Main/TravelerBehaviorData***. MTC has surveyed riders of three other operators in Spring 2014 – specifically Tri-Delta, Altamont Commuter Express, and Napa Vine – for which reports are not yet available. MTC is planning to survey BART and Caltrain riders in Fall 2014.

For more information on the 2006 Transit Passenger Demographic Survey visit MTC's website at: ***http://dataportal.mtc.ca.gov/2006-transit-passenger-demographic-survey.aspx***

[3] Surveys are being conducted on all transit systems claiming funds under the TDA, consistent with those included in MTC's annual Statistical Summary of Bay Area Transit Operators.

2. Bay Area Travel Survey

The Bay Area Travel Survey (BATS) is MTC's periodic regional household travel survey, with the most recently available data coming from the survey completed in 2000. BATS2000 is an activity-based travel survey that collected information on all in-home and out-of-home activities, including all trips, over a two-day period for more than 15,000 Bay Area households. The survey provides detailed information on many trip characteristics such as trip purpose, mode, origins and destinations, as well as household demographic and socioeconomic characteristics, and informs development of the regional travel model. In this report, BATS is used to primarily to provide data on usage of the regional transportation system, and in particular the share of trip-making and vehicle-miles of travel on the region's road and highway system, for different demographic and socioeconomic groups in both the Investment Analysis of Plan Bay Area and the Equity Analysis of the TIP.

The region's most recent household travel survey, which includes more than 9,700 Bay Area households, was completed in 2013 as part of a broader Caltrans-sponsored statewide travel survey project. Data development and analysis efforts are currently underway, and new data from the updated regional travel survey are expected to be available beginning sometime in 2014.

e) Snapshot Analysis

In 2009, the *Transportation 2035 Equity Analysis Report* recommended development of a Snapshot Analysis for low-income and minority 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 Minority Citizens Advisory Committee during 2009 and 2010 to identify high-priority questions that should be answered through the Snapshot Analysis. The product of this work was a final set of 13 priority metrics as well as recommendations for how to incorporate these metrics into MTC's subsequent planning efforts, including development of the next RTP and equity analysis (which became Plan Bay Area), the next update of the regional Coordinated Public Transit–Human Services Transportation Plan (adopted in March 2013), and MTC's Transit Sustainability Project (completed in 2013).

MTC staff completed the first Snapshot Analysis in June 2010 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 each individual community of concern. For more information see ***http://www.mtc.ca.gov/planning/snapshot/***.

2. Considering Mobility Needs of Minority Populations in the Planning Process

This section describes involvement and consideration of minority populations specifically in the equity analysis of Plan Bay Area and the Investment Analysis of the 2013 TIP. More general discussion of the involvement of minority populations in the planning process and MTC's Public Participation Program can be found in Section III.F of this report.

a) The Regional Equity Working Group

The Regional Equity Working Group (REWG), described above in Section III.F.2, met monthly throughout development of Plan Bay Area to advise staff in delivering an equity analysis of the Draft Plan Bay Area and all Title VI and environmental justice requirements for the planning process. The REWG also made recommendations regarding the definition of "communities of concern" to be used in the Plan Bay Area equity analysis in October 2011, offered comment on each round of scenario analysis as part of the Plan Bay Area process including recommendations for refinements of the planning scenarios considered, and reviewed and commented on the draft Equity Analysis Report's findings and conclusions, including the Title VI analysis component, prior to final review and adoption by MTC.

b) MTC Policy Advisory Council

The PAC's Equity and Access Subcommittee (which includes representatives of minority communities within the region) reviewed and commented on staff's proposed methodology for the 2013 TIP Investment Analysis in February 2013,[4] prior to the analysis being carried out and the draft released for public review as part of the overall TIP adoption process. The Subcommittee received a similar opportunity to review and comment on staff's proposed methodology for the 2015 TIP Investment Analysis in June 2014.

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[4] See draft minutes of February 2013 Policy Advisory Council, approved at their March 2013 meeting: ***http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2008/2_February_Minutes.pdf***.

C. Demographic Maps, Funding Analysis, and Impact Assessment

1. Background

As part of the metropolitan planning process, MTC analyzed both Plan Bay Area and the 2013 TIP investment programs to identify the distribution of Federal and State funds in the aggregate between minority and non-minority populations, and analyzed the distribution for any potential disparate impact prior to final adoption. This section describes the methodology and results of these analyses as required by the Circular. Further discussion of these topics and analyses can be found in the Plan Bay Area Equity Analysis Report[5] and the 2013 Transportation Improvement Program Investment Analysis Report.[6]

The key FTA and Title VI-related requirements that the analyses address are listed in Table 3 and described further below.

Table 3. Key FTA requirements and related MTC analyses.

FTA Requirement	Related Analysis
"Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data ..."	(1) **Project mapping analysis** overlaying mappable Plan Bay Area and TIP projects against 2010 Census tracts with above-average concentrations of minority residents.
"[C]harts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes..."	(2) **Population/use-based analysis** of only public transit investments using State and Federal funding sources.
"An analysis of impacts identified in paragraph [above] that identifies any disparate impacts on the basis of race, color, or national origin"[7]	(3) **Disparate impact analysis** comparing Plan Bay Area and TIP investments per capita for minority populations identified under (2) above as a percentage of per-capita investments identified for non-minority populations.

[5] See *http://onebayarea.org/pdf/final_supplemental_reports/FINAL_PBA_Equity_Analysis_Report.pdf*.
[6] See Appendix K.
[7] FTA Circular 4702.1B, page VI-2.

2. Methodology

The methodology for carrying out the analysis of Federal and State public transportation funding requires defining minority populations to be analyzed, identifying data sources to understand the region's minority population in the aggregate and how minority populations utilize the region's public transportation system, and an analytical process to evaluate the relative distribution of Federal and State funds for public transportation purposes between minority and non-minority populations for any disparate impact. MTC uses both a population/use-based evaluation method and a mapping method to evaluate short and long range investments. A summary of the methodologies used by MTC for various efforts can be found in Appendix R of this report.

3. Results: Demographic Mapping Analysis

To inform the Title VI analysis of Plan Bay Area, MTC mapped all the Plan Bay Area projects that are mappable and overlaid them against census tracts with concentrations of minority populations that are above the regional average (see Figure 7).[8] Furthermore, as part of the Title VI analysis of the 2013 TIP, all of the mappable TIP projects were similarly overlaid against census tracts with concentrations of residents above the regional average. These maps, which are more detailed, are provided at the county level in Appendix S, along with county-level maps of Plan Bay Area projects overlaid against above-average minority communities. Public transportation projects are shown in blue in all cases, with road/highway projects also shown in red to provide additional context regarding overall transportation system investments.[9]

A major limitation of the mapping analysis is that not all significant regional investments in public transportation are mappable. For example, a substantial share of total funding in the RTP is dedicated to transit operators for ongoing operations and maintenance of their entire system, which cannot be represented as a simple point or line on a map in relation to a specific community.

Further discussion of these mapping analyses can be found in the Plan Bay Area Equity Analysis Report and the 2013 TIP Investment Analysis Report.

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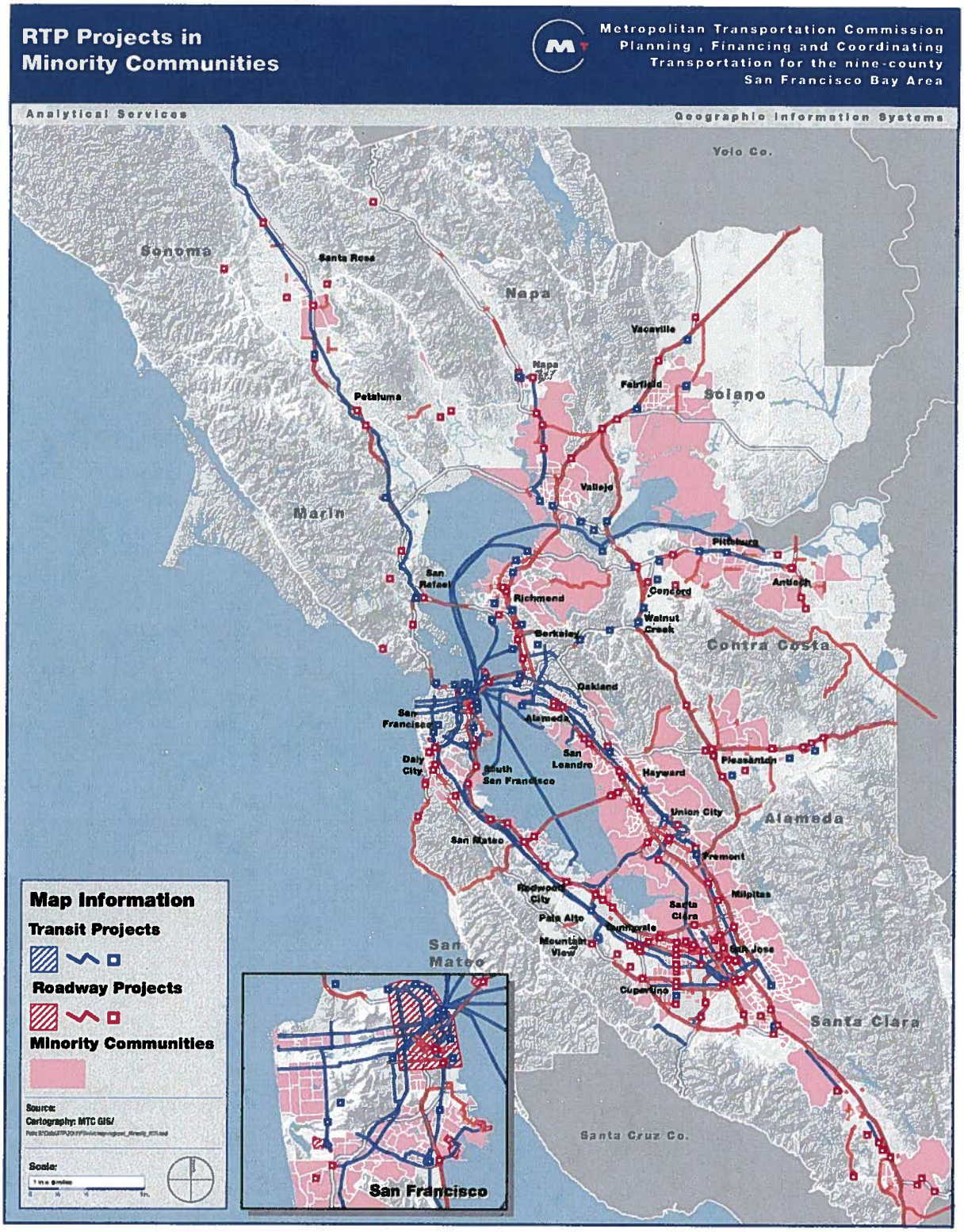
[8] The definition of above-average –minority census tract is census tracts with a percentage of minority residents greater than the regional average shown in Table 1.

[9] Notably, as shown in Table 4, the Bay Area's minority populations in the aggregate are more likely than non-minority populations to commute by automobile (single-occupant and carpool combined).

Figure 7. Plan Bay Area Projects Overlaid with Above-Average-Minority Communities



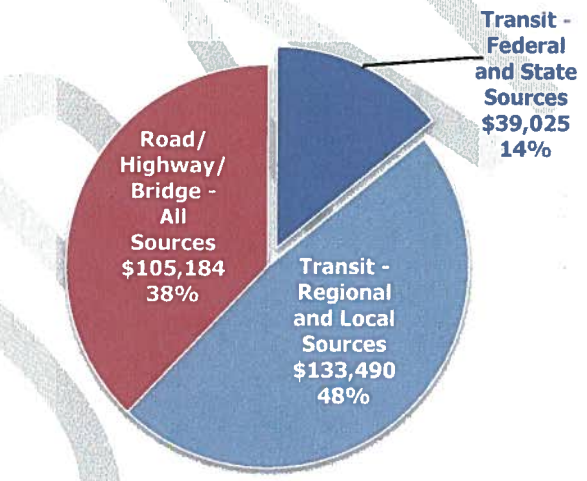
4. Results: Charts That Analyze the Impacts of the Distribution of State and Federal Funds in the Aggregate for Public Transportation Purposes

To create charts illustrating the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, a population/use-based analysis was carried out on both Plan Bay Area and the 2013 TIP. This section provides the results of those analyses.

a) Results: Plan Bay Area

First, Federal and State funding sources for public transportation are separated out from the whole of the Plan Bay Area investment program according to the fund sources described in the preceding section, and as illustrated in Figure 8.

Figure 8. Public Transportation Investments from Federal and State Sources As a Share of All Plan Bay Area Investments



Source: MTC

Next, using the methodology described for the population/use based investment analysis above, the $39 billion in Plan Bay Area's public transportation investments using Federal and State sources is distributed to minority and non-minority transit riders based on their respective shares of ridership among the each of the Bay Area transit agencies, and total investment shares are compared to the region's overall transit ridership and populations as a whole, as shown in Table 4.

Table 4. Plan Bay Area Federal and State Transit Investments by Minority Status

Subgroup	Total Federal/ State Transit Funding (Millions of YOE $)	% of Total Federal/ State Transit Funding	% of Regional Transit Ridership	% of Total Regional Population
Minority	$24,147	62%	62%	58%
Non-minority	$14,877	38%	38%	42%
Total	$39,025	100%	100%	100%

Source: MTC analysis of Plan Bay Area investments, 2006 Transit Passenger Demographic Survey, 2010 Census SF1.
Note: Totals may not sum due to rounding.

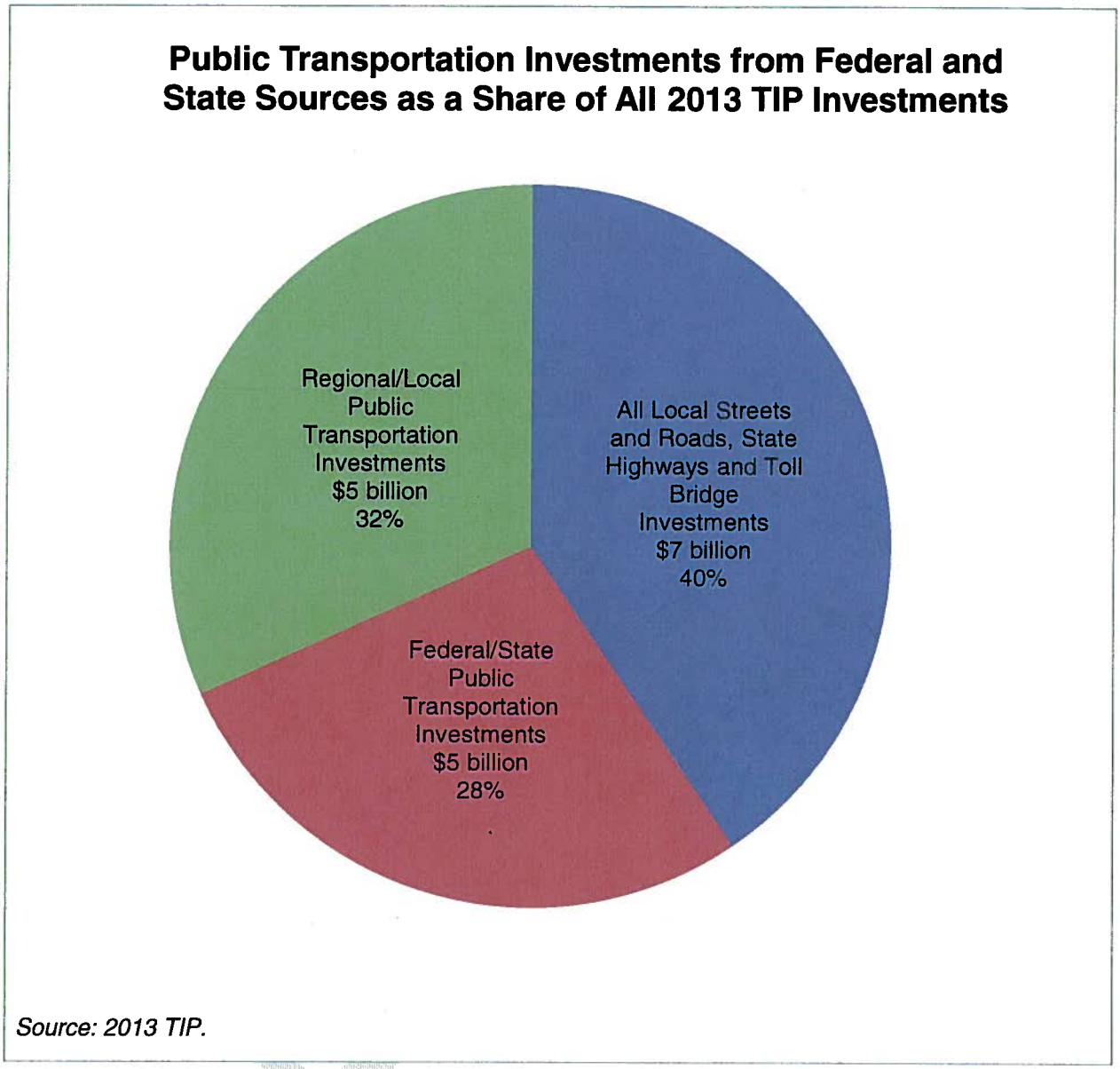
The analysis concludes that there is a similar proportional investment of Federal and State funds for public transit in Plan Bay Area accruing to minority populations (62%) compared to the share of trips taken by minority riders (62%), and a slightly higher proportional investment compared to the region's minority population overall (58%). These findings are attributable to the fact that most of the region's federal and state transit investments support the region's four largest transit operators (SFMTA, BART, AC Transit, and VTA), whose component minority riderships are near or above the regional average,[10] and which together account for 89% of the region's total transit ridership.[11]

b) Results: 2013 Transportation Improvement Program

First, Federal and State funding sources for public transportation are separated out from the $16.9 billion in total 2013 TIP investments, representing 28% of the total ($4.7 billion) as illustrated in Figure 9.

[10] For details about demographic characteristics of individual transit operators, see *http://www.mtc.ca.gov/maps_and_data/datamart/survey/2006_transit.htm*.
[11] Source: MTC Statistical Summary of Bay Area Transit Operators.

Figure 9. Public Transportation Investments from Federal and State Sources As a Share of All 2013 TIP Investments



Source: 2013 TIP.

Next, using the population/use based investment analysis methodology described above, the $4.7 billion in the 2013 TIP's public transportation investments using Federal and State sources is distributed to minority and non-minority transit riders based on their respective shares of ridership among the various Bay Area transit agencies, and total investment shares are compared to the region's overall transit ridership and populations as a whole, as shown in Table 5.

Table 5. 2013 TIP Federal and State Transit Investments by Minority Status

Subgroup	Total Federal/ State Transit Funding ($Millions)	% of Total Federal/ State Transit Funding	% of Regional Transit Ridership	% of Total Regional Population
Minority	$2,880	61%	62%	58%
Non-minority	$1,818	39%	38%	42%
Total	$4,698	100%	100%	100%

Source: MTC analysis of 2013 TIP investments, 2006 Transit Passenger Demographic Survey, 2010 Census SF1.

The analysis concludes that there is a similar proportional investment of Federal and State funds for public transit in the 2013 TIP accruing to minority populations (61%) compared to the share of trips taken by minority riders (62%), and a slightly higher proportional investment compared to the region's minority population overall (58%). Similar to the findings from the Plan Bay Area Investment Analysis, these results are attributable to heavy investment in the region's four largest transit operators, which together carry nearly 90% of the region's riders and all of which have minority riderships near or above the regional average.

D. Analysis of the MPO's Transportation System Investments That Identifies and Addresses Any Disparate Impacts

To conduct the disparate impact analysis, the results of the population/use-based analysis of public transportation investments using State and Federal funds in the preceding section are first expressed in terms of investments per capita for both minority and non-minority transit riders (or total population) in the region as follows:

$$\text{Minority benefit per capita} = \frac{\text{Total transit investments allocated to minority riders}}{\text{Total regional minority transit ridership (or population)}}$$

$$\text{Non-minority benefit per capita} = \frac{\text{Total transit investments allocated to non-minority riders}}{\text{Total regional non-minority transit ridership (or population)}}$$

Next, the minority and non-minority per-capita benefit results are compared, expressing the minority benefit per capita as a percentage of the non-minority benefit per capita:

$$\text{Result (\%)} = \frac{\text{Minority benefit per capita}}{\text{Non-minority benefit per capita}}$$

Although the Circular does not provide specific guidance or standard benchmarks for MPOs to use in the metropolitan planning process to determine whether any given result represents a

disparate impact, a general practice in disparate impact analysis is to use the percentage result to determine whether any differences between benefits for minority or non-minority populations may be considered statistically significant. If a disparate impact is found to be statistically significant, consideration must then be given to "whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact."[12]

1. Disparate Impact Analysis Results: Plan Bay Area

The distribution of investment benefits accruing to the region's minority and non-minority riders and populations are shown in Table 6 and Table 7, respectively, along with the relevant comparisons to evaluate for any disparate impact.

Table 6. Disparate Impact Analysis of Plan Bay Area Federal and State Transit Investments: Population Analysis

Subgroup	Total Federal/ State Transit Funding (Millions of YOE $)	Regional Population (2010)	Per-Capita Benefit	Minority Per-Capita Benefit as % of Non-minority Per-Capita Benefit
Minority	$24,147	4,117,836	$5.86	**120%**
Non-minority	$14,877	3,032,903	$4.91	--
Total	$39,025	7,150,739		--

Source: MTC analysis of Plan Bay Area investments, 2006 Transit Passenger Demographic Survey, 2010 Census SF1.
Note: Totals may not sum due to rounding.

Table 7. Disparate Impact Analysis of Plan Bay Area Federal and State Transit Investments: Ridership Analysis

Subgroup	Total Federal/ State Transit Funding (Millions of YOE $)	Avg. Daily Transit Ridership (2006)	Per-Rider Benefit	Minority Per-Rider Benefit as % of Non-minority Per-Rider Benefit
Minority	$24,147	816,059	$29.59	**99%**
Non-minority	$14,877	498,303	$29.86	--
Total	$39,025	1,314,362		--

Source: MTC analysis of Plan Bay Area investments, 2006 Transit Passenger Demographic Survey, MTC Statistical Summary for Bay Area Transit Operators.
Note: Totals may not sum due to rounding.

On a per-capita population basis, Table 6 shows minority persons in the region are receiving 120% of the benefit of Plan Bay Area's investments in public transportation from Federal and

[12] FTA Circular 4702.1B, page VI-2.

State sources compared to non-minority persons. On a ridership basis, Table 7 shows that minority riders are receiving 99% of the benefit of Federal- and State-funded transit investments in Plan Bay Area compared to non-minority riders. This 1% difference between minority and non-minority per-rider benefits is not considered statistically significant, and therefore this analysis finds no disparate impact in the distribution of Federal and State funding for public transportation purposes between minority and non-minority populations or riders in the draft Plan Bay Area investment strategy.

2. Disparate Impact Analysis Results: 2013 Transportation Improvement Program

The distribution of investment benefits accruing to the region's minority and non-minority riders and populations are shown in Table 8 and Table 9, respectively, along with the relevant comparisons to evaluate for any disparate impact.

Table 8. Disparate Impact Analysis of 2013 TIP Federal and State Transit Investments: Population Analysis

Subgroup	Total Federal/ State Transit Funding ($Millions)	Regional Population (2010)	Per-Capita Benefit	Minority Per-Capita Benefit as % of Non-minority Per-Capita Benefit
Minority	$2,880	4,117,836	$699	**117%**
Non-minority	$1,818	3,032,903	$599	--
Total	$4,698	7,150,739		--

Source: MTC analysis of Plan Bay Area investments, 2006 Transit Passenger Demographic Survey, 2010 Census SF1.

Table 9. Disparate Impact Analysis of 2013 TIP Federal and State Transit Investments: Ridership Analysis

Subgroup	Total Federal/ State Transit Funding ($Millions)	Avg. Daily Transit Ridership (2006)	Per-Rider Benefit	Minority Per-Rider Benefit as % of Non-minority Per-Rider Benefit
Minority	$2,880	816,059	$3,529	**97%**
Non-minority	$1,818	498,303	$3,649	--
Total	$4,698	1,314,362		--

Source: MTC analysis of Plan Bay Area investments, 2006 Transit Passenger Demographic Survey, MTC Statistical Summary for Bay Area Transit Operators.

On a per-capita population basis, Table 8 shows minority persons in the region are receiving 117% of the benefit of the TIP's investments in public transportation from Federal and State sources compared to non-minority persons. On a per-rider basis, Table 9 shows that minority riders are receiving 97% of the benefit of Federal- and State-funded transit investments in the

TIP compared to non-minority riders. This 3% difference between minority and non-minority per-rider benefits does not demonstrate a statistically significant or systematic disbenefit to minority populations, and therefore this analysis finds no disparate impact in the distribution of Federal and State funding for public transportation purposes between minority and non-minority populations or riders in the 2013 TIP.

VI. EQUITY ANALYSIS OF CLIPPER® FARE PAYMENT SYSTEM TRANSITION

A. MTC Resolution 3866

MTC is authorized 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 T) was adopted in February 2010, replacing Resolution 3055. Among other requirements, Resolution 3866 required certain transit operators participating in the Clipper® fare payment system described in B below to implement, operate and promote Clipper® as their primary fare payment systems. These mandated activities are referred to below as the "Clipper transition".

B. Clipper® Fare Payment System

The Clipper® 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 Bay Area. The Clipper® card can hold multiple passes, ride books or tickets and up to $300 in stored cash value at any one time. Participating operators are responsible for establishing their own fare policies. The technology behind Clipper® enables the card to read and understand the fares and transfer rules so that the end effect is seamless to the customer. Since adoption and implementation of MTC Resolution 3866, the Clipper® program has grown from approximately 5,000,000 fee-generating transactions per month to over 20,000,000 per month, achieving MTC's goal for Clipper® to become the primary fare payment system in the Bay Area.

C. Title VI Analysis of Fare Media Transitions

1. Title VI Summary Report, Clipper® Fare Media Transitions: Overview

MTC undertook its Title VI analysis of the Clipper® transition following submission of its prior Title VI Compliance Report in October 2010. MTC staff, working with a consultant, developed the *Draft Title VI Summary Report, Clipper® Fare Media Transitions (Draft Summary Report).* The *Draft Summary Report* included an analysis concerning the impact of the Clipper® fare media transition for five transit agencies (AC Transit, BART, Caltrain, GGBHTD, and SFMTA) on individuals protected by Title VI of the Civil Rights Act of 1964. Following issuance of the *Draft Summary Report* in October 2011, MTC conducted a three month community and operator outreach effort and a public comment period ending in December 2011 that resulted in revisions to the Clipper® transition described in more detail in Section 2 below. After the completion of these efforts, and the completion of Title VI analyses of the Clipper® fare media transitions for SamTrans and VTA, MTC staff prepared the *Final Title VI Summary Report, Clipper® Fare Media Transitions (Final Summary Report).* The *Final Summary Report* was approved by the MTC Operations Committee and MTC Commission in June 2012. See Appendix U to this report for a full copy of the *Final Summary Report.*[13]

2. Revisions to the Planned Activities to Mitigate Potential Disparate Impacts of the Clipper® Fare Media Transitions

Based on the comments received from members of the public, MTC's Policy Advisory Council, and transit operators, the *Final Summary Report* includes significant changes and enhancements to the activities identified in the *Draft Summary Report* intended to mitigate potential disparate impacts of the Clipper® fare media transitions,[14] as follows.

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[13] To highlight the changes to the *Draft Summary Report*, all substantive revisions or additions are either inserted into the report as "Final Report Supplements" or attached as appendices to the *Final Summary Report.*

[14] FTA conducted a Title VI compliance review in September 2011, in the middle of the Clipper® transition Title VI analysis. FTA's April 2012 report on the compliance review required MTC to work with transit operators to address disparate impacts resulting from the Clipper® transition and to implement the program with the least discriminatory impacts. These efforts are reflected in the revisions to the Clipper® transition plan described in this section.

1. Establish a process that enables youths (or their parents/guardians) and seniors to apply for Clipper® cards by mail or email.
2. Accept school identification that include birthdates and explore the feasibility of accepting additional forms of documentation that indicate a youth's age, or other methods by which youths can prove their eligibility for a youth Clipper® card.
3. Institute a $3 Clipper® card acquisition fee (adult cards only) and eliminate any minimum load requirement, effective September 1, 2012.
4. Eliminate the $5 minimum load requirement for customers acquiring new cards, effective September 1, 2012.
5. Set a consistent $5 Clipper® card and balance replacement fee that applies to all customers at all locations.
6. Actively monitor the Clipper® retailer network to ensure adequate and comprehensive geographic coverage, particularly for minority and low-income individuals.
7. Provide Clipper® materials at MTC-sponsored public meetings and engage in partnership arrangements with community based organizations, through which those organizations will provide Clipper® cards and information to their constituents.

3. Clipper® Operating Rule Changes and Reinstatement of Clipper® Card Acquisition Fee

Several of the mitigation activities required revisions to the Clipper® Operating Rules. In addition, MTC approved three changes to the Operating Rules related to clarifying MTC's role as the agency that sets Clipper® cardholder fees, distribution of RTC Clipper® Cards, and the possibility of special/limited edition cards in the future. The revised Clipper® Operating Rules are attached as Appendix V, MTC Resolution No. 3983, Revised.

As noted in Appendix U, *Final Summary Report*, from June 2010 to August 2012, the Clipper® program waived the card acquisition fee in order to facilitate customer adoption. From June 2010 to June 2012, the program distributed more than 1.5 million free Clipper® cards. While the availability of free cards has facilitated the Clipper® transition, the initiative also created a fare evasion opportunity whereby some customers abused the system feature that allows a card to have a balance below $0.00 in order to complete a single trip. The impact on transit operator revenue resulting from this practice was substantial. The card fee, applicable to adult cards only, was reinstated at $3.00 per card in September 2012 in order to curb this abuse by preventing customers from discarding cards with a negative balance and then acquiring new free cards.

VII. GLOSSARY

ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit District
ACS	American Community Survey
BAAQMD	Bay Area Air Quality Management District
BAHA	Bay Area Headquarters Authority
BAIFA	Bay Area Infrastructure Financing Authority
BART	San Francisco Bay Area Rapid Transit District
BATA	Bay Area Toll Authority
Bay Area	The nine-county San Francisco Bay Area, including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties
Bay Area Partnership	A confederation of the top staff of various transportation agencies in the region (MTC, public transit operators, CMAs, city and county public works departments, ports, Caltrans, US DOT) as well as environmental protection agencies.
BCDC	Bay Conservation and Development Commission
Caltrain	Peninsula Corridor Joint Powers Board
Caltrans	California Department of Transportation
CBTP	Community Based Transportation Plan
CCTA	Contra Costa Transportation Authority
Circular	Federal Transit Administration Circular 4702.1B
Clipper®	A card that can be used to pay fares electronically on the Bay Area's transit systems
CMA	Congestion Management Agency
CMAQ	Congestion Mitigation and Air Quality Improvement

Coordinated Plan	MTC's Coordinated Public Transit/Human Services Transportation Plan
FasTrak®	Electronic toll collection system
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FTA	Federal Transit Administration
GGBHTD	Golden Gate Bridge, Highway and Transportation District
FY	Fiscal Year
JARC	Job Access Reverse Commute
LAVTA	Livermore Amador Valley Transit Authority
LEP	Limited English Proficient
Lifeline	Lifeline Transportation
MAP-21	Moving Ahead for Progress in the 21st Century Act
MPO	Metropolitan Planning Organization
MTC	Metropolitan Transportation Commission
PAC	Policy Advisory Council
Plan Bay Area	The regions first long-range integrated transportation and land-use/housing strategy that guides growth and policy decisions through 2040, consistent with Senate Bill 375; also the 2013 RTP.
PMP	Program Management Plan
PPP	Public Participation Plan
RTP	Regional Transportation Plan
SAFE	Metropolitan Transportation Commission Service Authority for Freeways and Expressways

SamTrans	San Mateo County Transit District
SFCTA	San Francisco County Transportation Authority
STA	State Transit Assistance
STP	Surface Transportation Program
Subrecipient	Any entity that receives FTA financial assistance as a pass-through from another entity.
TDA	Transportation Development Act
TIP	Transportation Improvement Program
Title VI	Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d et seq.)
US DOT	United States Department of Transportation
VTA	Santa Clara Valley Transportation Authority