

Title VI Program

2022-2025

EXECUTIVE SUMMARY



**Submitted by:
Office of Civil Rights (OCR)
Santa Clara Valley Transportation Authority
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Purpose of Executive Summary

VTA recognizes its opportunities and obligations by proactively ensuring that all policies, services, and programs are effective, inclusive, and accessible. By taking action and monitoring progress, we can make certain that no person is denied meaningful access to our transportation services, programs, and to our information because of their race, color, or national origin. That is the mission of VTA's Title VI Program, which guides, monitors, and documents how VTA is adhering to the Civil Rights Act of 1964.

Title VI oversight involves management of policy development, training, regulatory compliance, reporting, and monitoring of all anti-discrimination policies as they relate to Title VI and persons who are limited English proficient (LEP). LEP individuals self-report as speaking English less than very well in the U.S. Census, and English proficiency is linked to national origin. Title VI oversight responsibilities are centralized in VTA's Office of Civil Rights (OCR). Employees from every division within the organization work cooperatively to contribute to the success of our Title VI program.

The following executive summary briefly lays out VTA's 2022 Title VI Program which contains documents such as:

- VTA's complaint procedure for discrimination based on race, color, and national origin.
- The language assistance services VTA provides to limited English proficient (LEP) populations.
- Summary of outreach efforts made since the last Title VI Program submission.
- The demographics of VTA's service area.

Whenever possible to summarize to the most high-level information, the Office of Civil Rights does so. Otherwise, it briefly summarizes the purpose, and refers the reader to the full version of the Title VI Program.

VTA supports the goal of Title VI and Executive Orders on limited English proficiency (LEP) as well as on Environmental Justice to provide meaningful access to its services, projects, and activities by low-income, minority, and limited English proficient persons.

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Title VI Notices Inform the Public of Their Rights.

VTA ensures that the public is aware of their rights under Title VI of the Civil Rights Act by posting information on protections against discrimination at public-facing facilities, transit centers, and inside service vehicles such as buses and light rail trains. This public notice can be found at 96 different locations and has been translated into 18 different languages other than English.

How Anyone Can File a Title VI Complaint.

Any person who believes they have been subjected to discriminatory treatment based on their race, color, or national origin may file a complaint with VTA. Complaints may be filed by phone or in writing to VTA's Office of Civil Rights or to our Customer Service department.

Office of Civil Rights
Attn.: Title VI Coordinator
Santa Clara Valley Transportation Authority
3331 North First Street, Bldg. B-2
San Jose, CA 95134
(408) 952-8901
vta.org/about/title-vi

Customer Service
(408) 321-2300
(408) 321-2330 TTY
<mailto:customer.service@vta.org>

Complaints of discrimination by a VTA employee or a VTA contractor may also be filed with these agencies: the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), Caltrans, and California's Civil Rights Department (CRD).

Which Transit-Related Title VI Complaints and Lawsuits Have Been Brought Against VTA and How These Were Investigated.

Between February 2020 and June 2022, three Title VI lawsuits (race, color, national origin) were filed. Four race-based complaints were submitted and all four were substantiated. The respective operators were counseled and reinstructed. To fully view the list of Title VI related complaints, please see Appendix I of this summary. The list in the full version of the Title VI

Program is located in Section 4, titled “*List of Transit-Related Title VI Investigations, Complaints, and Lawsuits.*”

Public Participation Plan – How VTA Engages the Public.

The Public Participation Plan (PPP) guides VTA’s continuous efforts to engage the public by providing information on upcoming projects and service changes, as well as to seek public input on transportation planning decisions, with particular emphasis on getting minority groups and low-income groups at the table.

VTA reaches out to community-based organizations (CBOs) that provide services to traditionally underrepresented communities, cultural centers, places of worship, residential communities, and social services agencies for various project and service planning involvement processes.

The PPP demonstrates VTA’s community-focused approach, accessible methods, and our commitment to meet and exceed the requirements of the FTA Circular 4702.1B, in consideration of Environmental Justice, Federal Highway Administration requirements, and on behalf of limited English proficient, low-income, and minority communities, as well as individuals with disabilities.

Language Access Plan – How VTA Reaches Out to Non-English Speakers.

VTA's Language Access Plan (LAP) is used in conjunction with the Public Participation Plan as guidance on how to communicate most effectively with its customers, assist VTA staff in conducting outreach to individuals who are limited English proficient (LEP), and soliciting feedback from the community on a continual basis. The information provided in this plan includes:

- What languages are currently spoken most frequently in VTA's service area.
- Which VTA services are utilized most often.
- How VTA customers get information about public transportation.
- Barriers customers experience when accessing VTA services.

The Level of Minority Representation on VTA’s Advisory Bodies in 2022.

VTA has two advisory committees, the Citizens Advisory Committee (CAC) and the Committee for Transportation Mobility and Accessibility (CTMA), that are comprised of non-elected members who are selected by VTA. VTA encourages the participation of minorities and traditionally underrepresented groups on such committees. In our efforts to ensure and increase participation of diverse members of the public, we query current members about their racial identity and ethnicity.

Table of Ethnic and Racial Breakdown of Advisory Committees Members	Citizens Advisory Committee (CAC)	Committee for Transit Accessibility (CTA)
Approved Membership Positions	13	17
Filled Membership Positions	10	9
Members Completing Survey	8	5
Ethnic (cultural or national origin) and/or race self-identification	Citizens Advisory Committee (CAC)	Committee for Transit Accessibility (CTA)
Hispanic, Latino, or Spanish Origin	0	1
White	6	3
Black or African-American	0	0
Native Hawaiian or other Pacific Islander	0	0
American Indian or Alaska Native	0	0
Asian	2	0
Two or more races	0	1

VTA seeks to increase participation from underrepresented groups in these committees by posting vacancies in public places, on [various VTA webpages](#), as well as on the committee landing pages on the [Board and Committees Agenda Portal](#).

How VTA Monitors Contractors and Subrecipients.

To ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the

regulations. If a subrecipient is not in compliance with the Title VI requirements, then the primary recipient is not in compliance.

Santa Clara VTA (VTA) entered into a two-year agreement with Peninsula Family Service (PFS) to provide grant funding for the DriveForward Vehicle Loan Program. This was a consumer lending program that provided affordably priced automobile loans. Through the Metropolitan Transportation Commission's (MTC) Fifth-Cycle of the Lifeline Transportation Program, VTA claimed 5307 funds in the amount of \$237,000 on behalf of the PFS to fund the loan program. Peninsula Family Service submitted its Title VI Program to VTA staff. The Program was determined to be compliant with FTA Title VI Circular 4702.1B and PFS did not have any Title VI complaints, investigations, or lawsuits.

Environmental Justice as a Guiding Principle.

VTA has defined service standards and guidelines to pursue **Environmental Justice**. Low-income and minority populations should not be disproportionately burdened by any VTA activity, e.g., increase or decrease in fares for any of VTA's modes of transportation, building projects with impact for the neighboring communities, or a reduction in service in certain areas. The objective of Environmental Justice efforts by VTA are to ensure a fair distribution of the benefits as well as the burdens associated with any of its services or projects.

Public agencies need to evaluate the ethnic and racial makeup of the location or site of a planned project to prevent that neither race, color, nor national origin are considered when choosing the geographic location. From 2020 to 2022, VTA did not build any transit facilities, but we have a policy for future projects to guide required analyses and determinations, [VTA Policy BSD-PL-001](#).

System-Wide Service Standards.

Federal regulation prohibits that any person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service because of their race, color, or national origin. This goes for the frequency of service, age and quality of vehicles assigned to routes, among others.

Service standards must include:

- Vehicle load for each mode.

- Vehicle headway for each mode.
- On-time performance for each mode.
- Service availability for each mode.

Monitoring Service and Fare Changes with Equity Analyses.

VTA strives for equitable service by regularly monitoring our services and conducting **Service and Fare Equity Analyses**. This happens whenever the agency plans to revise service on routes or to change fares.

Two policies guide VTA's determination of whether minority or low-income communities are more heavily impacted than other communities when planning for a service or fare change:

- **Disparate Impact Policy:** If minority passengers are more negatively or less positively impacted, by 10% or more, the disparate impact on the minority group has to be avoided, minimized, or mitigated.
- **Disproportionate Burden Policy:** If low-income passengers are more negatively or less positively impacted, by 10% or more, the disproportionate burden on the low-income group has to be avoided, minimized, or mitigated.

VTA's Service Monitoring Report of 2022.

The Systemwide Service Standards are used to compare the performance of VTA bus and light rail routes used primarily by minority passengers with routes that are primarily used by non-minority passengers, to identify any disparate impacts. The report produced two findings in VTA's service performance:

- In terms of **vehicle loads**, the Minority Frequent bus routes have higher loads on Sundays than their non-minority counterparts. The cause was reduced operator availability due to the COVID-19 pandemic, which limited VTA's ability to restore pre-pandemic service levels. Ridership demand on Sundays is particularly strong on the minority Frequent bus routes, leading to a disparate impact. However, none of the loads exceed VTA's passenger load guidelines and there is ample capacity onboard the buses. VTA is prioritizing the restoration of full Sunday service as new operators are hired to mitigate the disparate impact.

- A second finding was that the Minority Light Rail Route (Orange Line) is **less productive** than the non-minority rail lines. This disparate impact is due to the ongoing pandemic effects on ridership demand. VTA staff continues to monitor the relative performance of minority routes as ridership returns and transit demand settles into a “new normal” after the pandemic.

VTA’s Title VI Service Equity Analysis of 2022.

In 2022, VTA proposed a return to full pre-pandemic transit service levels for 2023. This proposal was shown to diverse community groups and presented to the VTA Board for approval. Important changes of the 2023 Service Plan include restoration of full service, improvement of hours of operation and service frequencies, and recovery of equitable transit service for VTA riders. After engaging communities in multiple languages and at diverse venues, the feedback resulted in new weekend service on three routes, higher frequency on four routes, re-categorization of one route into a Frequent Route, and extension of hours of service in the morning and in the evening (on 21 routes). No disparate impacts on communities of color and no disproportionate burdens on communities with low income were created.

Many public comments related to missed trips and longer wait times due to the staff shortage. Frequently, people expressed the wish for increased bus stop amenities, more safety and cleanliness on-board and at bus and light rail stops.

Demographic Ridership and Travel Patterns in VTA’s Service Area.

Using U.S. Census data, demographic maps were created and can be found in Appendices II through IV of this executive summary:

- Base map with Census tracts and percentages of the total minority population residing in these areas exceeding the average percentage of minority populations for the service area.
- Map which shows various low-income populations residing in areas exceeding the average percentage of low-income populations for the service area to address environmental justice and to evaluate the impacts of major service changes on low-income populations. (Due to the high cost of living in the San Francisco Bay Area, VTA defines low-income as 200% of the federal poverty guidelines.)

- Map which shows limited English proficient (LEP) populations (similar to the maps of the minority and low-income populations) to guide effective outreach by offering information in respective languages.

Another source of information to collect information on race, color, national origin, English proficiency, household income, and travel patterns of VTA riders are customer surveys. The last survey was conducted in 2017 and its results shaped service plans and fare policies. It also helped VTA gain information to better understand rider needs and expectations. The survey was designed to gather information on rider profiles, characteristics, origins/destinations and travel patterns, perceptions about the quality of service, and suggestions for route and other service enhancements. VTA has used this information to develop a demographic profile comparing minority riders and non-minority riders, including trips taken by minority riders and non-minority riders, and it is designed to assist with fare equity analyses.

The survey resulted in ridership profiles for all bus and light rail routes in Santa Clara County. Important findings:

- 40.5% of VTA riders were on trips between home and work.
- 53.8% of VTA riders were between the ages of 18 and 34.
- Walking all the way is the dominant access (86%) and egress mode (89%) for all VTA riders.
- 41.5% of VTA transit riders' annual household income is below \$40,000.
- 32.6% of VTA riders are Hispanic.
- 43.3% of VTA riders speak a language other than English at home, but 81.3% indicated that they speak English well or very well.

Conclusion

The Title VI Program guides and tracks VTA efforts to ensure meaningful access to its services, projects, and activities by low-income, minority, and limited English proficient persons. Based on Title VI and Executive Orders on limited English proficiency (LEP) and Environmental Justice, this is a living document which is continually updated. The Title VI Program ensures that no person shall, on the grounds of any protected category described by state or federal law, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any VTA programs or activities. The next update will be prepared in 2025. Should you wish to give us feedback or input for further improvement, please contact the Office of Civil Rights:

Office of Civil Rights
Santa Clara Valley Transportation Authority
3331 North First Street, B-2
San Jose, CA 95134

(408) 952-8901

Appendix I: Transit-Related Title VI Complaints, Investigations, and Lawsuits

(Section 4, titled "List of Transit-Related Title VI Investigations, Complaints, and Lawsuits," in the full version.)

VTA - List of Title VI Lawsuits, Investigations and Complaints 2020

	Date	Summary	Status	Action(s) Taken
Lawsuits				
# 1.	6/23/2020	Marital status, race.	Closed	Dismissal and notice of 'Right to Sue' letter on 8/15/2021.
Complaints and Investigations				
# 1.	3/10/2020	Race. The caller is an elderly Asian and said that as soon as he ran up to the bus, the driver told him that he shouldn't run because of the coronavirus. The first thing the driver did when the Asian man approached the doors was put on her mask. The caller said that the driver also told him he's not supposed to be outside. The caller told the operator that he needed to go to the store and that she didn't have the right to tell him not to be outside. Caller said the driver kept saying that she needed to protect her kids. Caller felt that the driver was going on with this tirade because the caller is Asian. The caller gave coach number 8342.	Closed	Office of Civil Rights reviewed CCTV footage. The operator did not mention the Coronavirus to either of the two other males (possibly of Hispanic ethnicity) when they entered the coach, but as soon as the Asian man attempted to board, the operator put on their mask and began lecturing that person about the Coronavirus and how they wanted to keep family safe. The operator was also observed saying, "I don't want people with coronavirus on my bus." This is discriminatory behavior based on the passenger's race by the operator. VTA's Title VI/Non-Discrimination 100.013 (formerly policy AS-HR-PL-2580) policy was violated. Supervision met with operator and re-shared policy for reinstruction on March 19, 2020.
# 2.	7/30/2020	Race. The caller is upset after witnessing two male passengers yelling at each other and then kicking one of them off of the bus. The caller stated that the bus operator was nice to everyone else except the passenger that was kicked off. Caller called back to add that the operator then came to a stop where police officers were visible and commented, "I should have dropped him off here." Both passengers were equally disruptive but the operator only kicked off the Black passenger and not the white passenger.	Closed	According to the Operator Rulebook, Section 4, #10.9, the operator should have called Operations Control Center (OCC) to ask for direction because of the disturbance but did not. The operator forced the Black passenger to disembark although the white passenger who had instigated the altercation was not requested to do so, which indicates favoritism for the white passenger. The operator continued to show favoritism toward the white passenger when repeatedly asking the white passenger if they were okay (after the Black passenger had disembarked). The operator is seen in the footage walking near that passenger's seat to apologize for the Black passenger's behavior, while also making fun of the Black passenger by saying that the Black passenger should have been let off where police had stopped along the road. The operator, the white passenger and a white, female companion were observed laughing at this comment. Operator then added, "I knew that he was going to pull that race card stuff at one point," indicating that the operator regarded this a racial issue. By favoring the white passenger over the Black passenger despite the white passenger being the instigator, Office of Civil Rights (OCR) determined that the Operator discriminated against the Black passenger because of their race and therefore violated VTA's Title VI/Non-Discrimination 100.013 (formerly policy AS-HR-PL-2580) policy. OCR recommended that Operations management meets with operator to review VTA policy Title VI/Non-Discrimination 100.013 (formerly policy AS-HR-PL-2580), to instruct how operator actions can be perceived as discriminatory, and to remind the operator to be mindful of this in future encounters with passengers. Supervision met with the operator and reviewed the Title VI video. Operator was also reinstructed regarding Title VI policy and procedures.
# 3.	12/1/2020	Race. The complainant stated that he was at the bus stop and waved the operator down. The operator stopped a little past the bus stop area and as the complainant was walking towards the bus to board, the operator drove off. The complainant stated that two other people were able to board the bus, but that the operator did not wait for him. The complainant stated there was no signage stating that the bus was full and felt that this was racially motivated. The complainant also mentioned that they had previous issues with other Middle-Eastern bus operators. The complainant felt that the operator closed the door in their face because they were an African-American male.	Closed	Office of Civil Rights reviewed the CCTV footage for this incident. It was observed that as soon as two of the people boarded the bus, the operator closed the door and began to pull away from the stop (even though one passenger had not even put his money in the farebox and was not behind the yellow line). The complainant was just approaching the door when the operator shut it. It does appear that the operator was in a hurry to leave the stop and African American man waiting to board the bus behind. In addition to VTA's Title VI/Non-Discrimination 100.013 (formerly policy AS-HR-PL-2580) policy, the pass-up violated Coach Operator's Rulebook rule 4-9.6: The operator shall never pass up passengers unless the coach is full to capacity, including standees. If it becomes necessary to pass up passengers, the operator shall immediately notify Operations Control Center (OCC) and follow instructions. The operator, with union representation, met with supervision/management and was counseled regarding this incident. Supervision/management reviewed with the operator how to properly service stop, the pass-up policy, and reminded operator of notifying Operations Control Center (OCC) when a pass-up occurs.

VTA - List of Title VI Lawsuits, Investigations and Complaints 2021

	Date	Summary	Status	Action(s) Taken
Lawsuits				
# 1.	3/3/2021	Race, color, age, disability.	Closed	VTA submitted Position Statement on 4/16/2021.
# 2.	3/24/2021	Retaliation, national origin, sex.	Closed	VTA submitted Position Statement on 4/30/2021.
Complaints and Investigations				
# 1.	6/17/2021	Race. Caller stated that she felt that the operator was being racist because operator wouldn't let passenger deboard from the front doors with a baby in a stroller. Caller mentioned that the operator refused to let them use the front ramp with the consequence that passenger had to exit through the rear door instead.	Closed	Office of Civil Rights reviewed the CCTV footage for this incident. A female passenger was observed requesting to deboard at the front of the coach with a baby in a stroller and young child at her side. The operator's response was, "No, go out the other doors." When she attempted to explain why she needed the ramp at the front doors with her limited English proficiency, the operator said, "I don't know or speak whatever it is you're saying!" He then repeatedly told the Hispanic female passenger to go out the rear doors instead of lowering the ramp for her as she requested. The passenger eventually made her way to the back doors and received help from a fellow passenger so that she could deboard and lower her stroller with the baby safely from the bus. Office of Civil Rights has determined that the operator responded to this passenger disrespectfully and dismissively after observing her limited English proficiency. In addition to VTA's Title VI/Non-Discrimination 100.013 (formerly policy AS-HR-PL-2580) policy, the denial of the ramp violated Coach Operator's Rulebook rule 4-8.5: "The operator shall deploy ramp on request. Anyone may request use of the ramp." The operator, with union representation, met with management regarding this incident. The operator recalled incident and insisted on not intending to offend the Hispanic female customer. Management discussed operator training policies and procedures as well as the Title VI and retaliation policies in case of meeting the same customer again, following this complaint. The operator expressed remorse and agreed to be more sensitive when interacting with passengers with strollers in the future.

VTA - List of Title VI Lawsuits, Investigations and Complaints 2022

	Date	Summary	Status	Action(s) Taken
Lawsuits				
		There were no Title VI lawsuits during this timeframe.		
Complaints and Investigations				
		No violations were found as of June 30, 2022.		

Appendix II: Concentration of Minority Population – VTA Transit Service Area

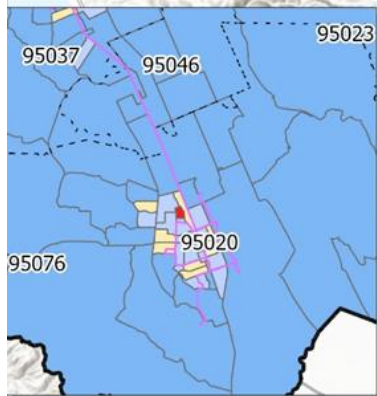
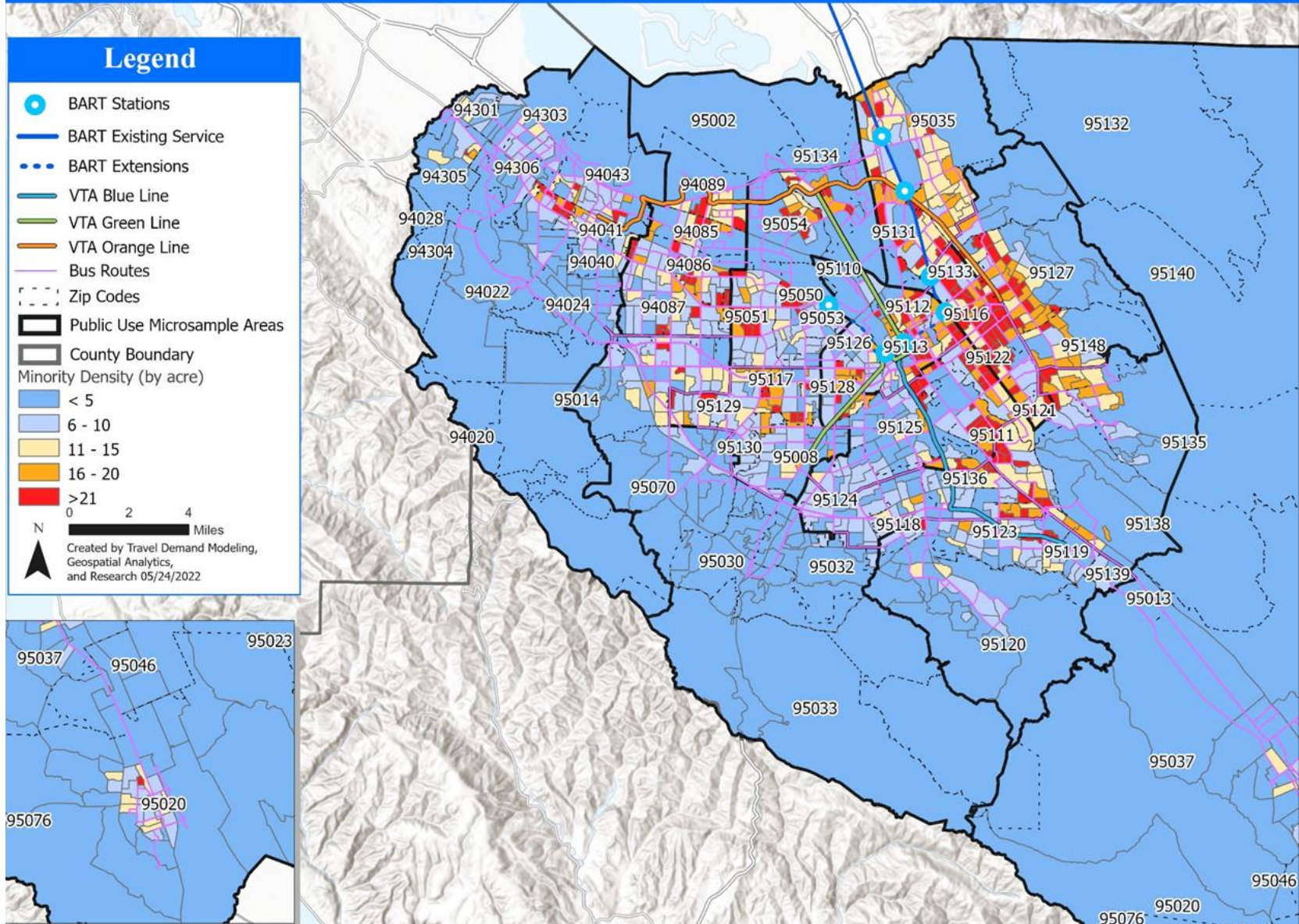
(Figure 12 in the full version.)



Concentration of Minority Population VTA Service Area - 2016-2020 American Community Survey

Legend

- BART Stations
 - BART Existing Service
 - BART Extensions
 - VTA Blue Line
 - VTA Green Line
 - VTA Orange Line
 - Bus Routes
 - Zip Codes
 - Public Use Microsample Areas
 - County Boundary
 - Minority Density (by acre)
 - < 5
 - 6 - 10
 - 11 - 15
 - 16 - 20
 - >21
- 0 2 4 Miles
- Created by Travel Demand Modeling,
Geospatial Analytics,
and Research 05/24/2022



Appendix III: Concentration of Low-Income Households – VTA Transit Service Area

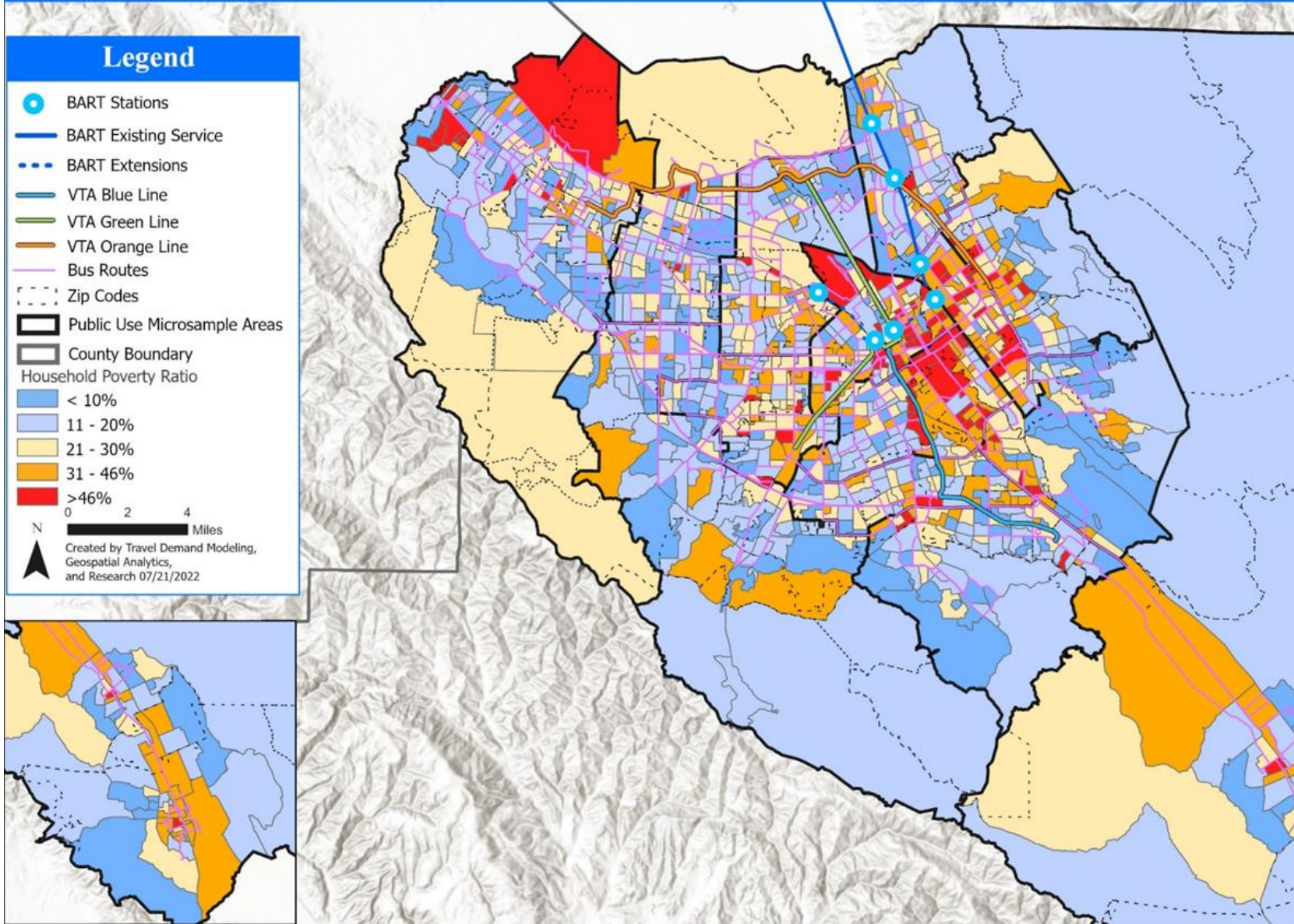
(Figure 11 in the full version.)



Concentration of Low Income Households VTA Service Area - 2016-2020 American Community Survey

Legend

- BART Stations
- BART Existing Service
- BART Extensions
- VTA Blue Line
- VTA Green Line
- VTA Orange Line
- Bus Routes
- Zip Codes
- Public Use Microsample Areas
- County Boundary
- Household Poverty Ratio**
 - < 10%
 - 11 - 20%
 - 21 - 30%
 - 31 - 46%
 - >46%
- 0 2 4 Miles
- N
- Created by Travel Demand Modeling,
Geospatial Analytics,
and Research 07/21/2022

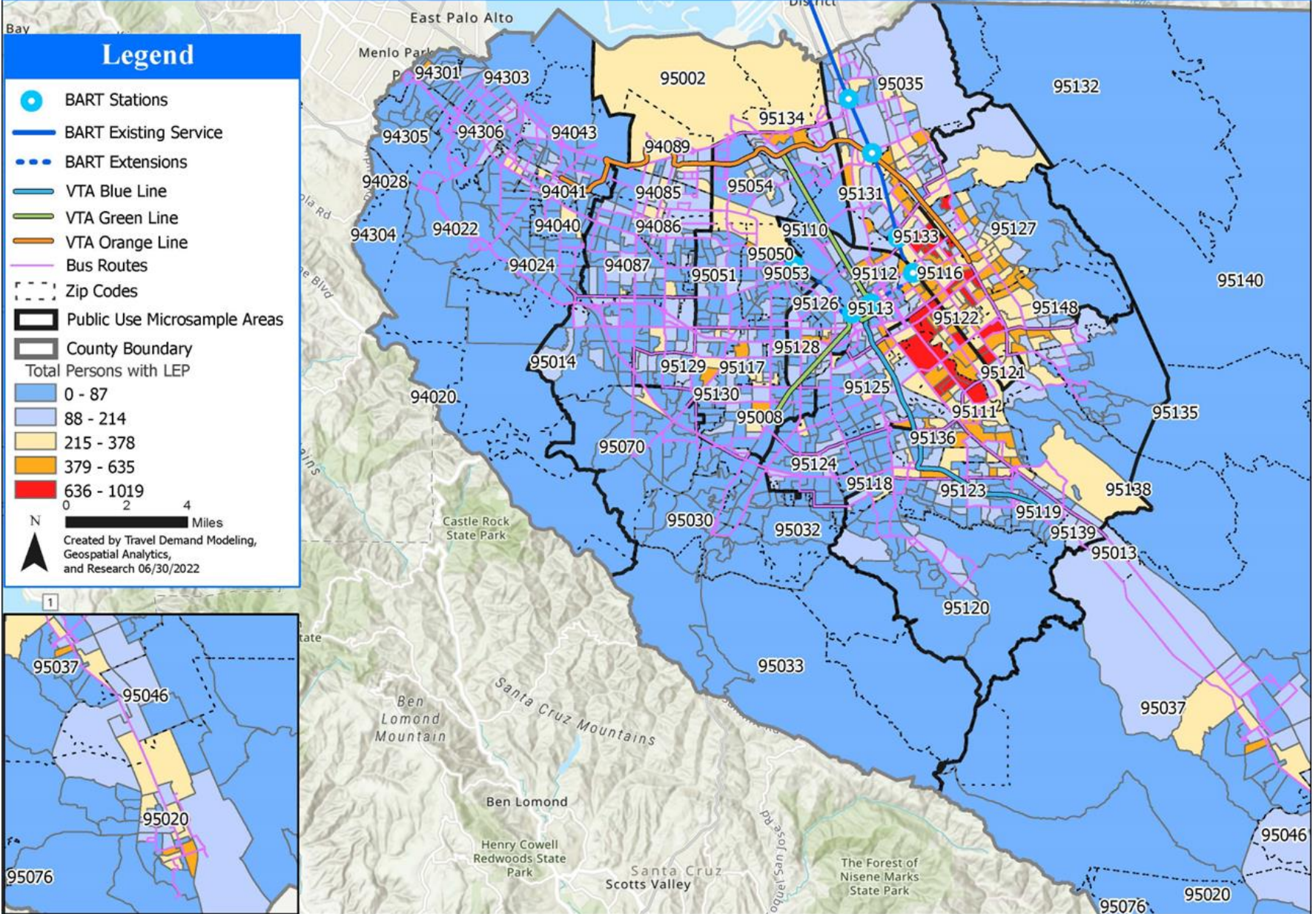


Appendix IV: Service Area-Wide Limited English Proficient (LEP) Concentrations

(Figure 4 in the full version.)



Number of People with Limited English Proficiency Santa Clara County - 2016-2020 American Community Survey



Legend

- BART Stations
 - BART Existing Service
 - BART Extensions
 - VTA Blue Line
 - VTA Green Line
 - VTA Orange Line
 - Bus Routes
 - Zip Codes
 - Public Use Microsample Areas
 - County Boundary
 - Total Persons with LEP
 - 0 - 87
 - 88 - 214
 - 215 - 378
 - 379 - 635
 - 636 - 1019
- 0 2 4 Miles
 Created by Travel Demand Modeling, Geospatial Analytics, and Research 06/30/2022

