



TRI DELTA TRANSIT

EASTERN CONTRA COSTA TRANSIT AUTHORITY

801 Wilbur Avenue
Antioch, California 94509
925.754.6622
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December 15 , 2011

Darren Jourdan
Civil Rights Officer
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco CA 94105-1839

RE: Title VI Reporting Update

Dear Mr. Jourdan:

Below is the requested Title VI, LEP, and Environmental Justice information for Eastern Contra Costa Transit Authority (ECCTA):

- ECCTA has no active or closed lawsuits or complaints alleging discrimination.
- ECCTA has three pending grant applications with the FTA. All applications are for capital assistance and the grant numbers are CA-04-0076, CA-04-0164, and CA-90-Y920.
- ECCTA has no pending applications for financial assistance from any other federal agency.
- ECCTA has had no civil rights compliance reviews in the last three years.
- Enclosed is a copy of ECCTA's Civil Rights Assurance.
- Enclosed is a copy of ECCTA's Title VI Assurance.

If you have any further questions please contact me by phone or email at sponte@eccta.org.

Sincerely,

Steve Ponte
Chief Operating Officer



Recycled Paper

Eastern Contra Costa Transit Authority

Antioch, CA

Title VI

Date: December 2011

Prepared by: Steve Ponte, Chief Operating Officer

Background: Eastern Contra Costa Transit Authority (ECCTA) receives federal financial assistance to provide transit services. Federal funding is received as FTA Section 5307 formula assistance and FTA Section 5309 capital assistance. ECCTA has a service area population estimated at 268,000 and is required to submit 'General and Program Specific Reporting Requirements' for a Title VI update. Title VI refers to Prohibitions Against Discrimination in Federal Programs.

I – General Reporting Requirements

a. Active lawsuits/complaints alleging discrimination on the basis of race, color, or national origin with respect to service or transit benefits:

There are currently no active lawsuits or complaints fitting these parameters.

b. Pending applications for federal financial assistance from other than the FTA:

ECCTA does not have any pending applications for federal financial assistance from any federal agency other than the FTA. However, ECCTA has five open grant applications open with the FTA.

c. Summary of Civil Rights Compliance reviews:

ECCTA staff is unaware of any civil rights compliance review by any federal, state, or local agency.

d. Most recent date of the grantees signed Annual Certifications and Assurances:

Certifications were submitted March 2011.

f. Fixed facility impact analysis:

ECCTA will initiate a construction project in the next 48 months for a Park and Ride lot. The impact will be minimal. When funding is secured a full impact analysis will be performed.

II – Program Specific Requirements for Grantees in Urbanized Area of Populations 200,000 and Above

a. Copy of agency’s Title VI internal review process for projects:

ECCTA’s internal review process for service delivery and capital program decisions includes consideration of minority/low income/LEP populations. To assure consideration for these populations ECCTA has assessed the geographic locations of minority populations versus where service delivery and capital has been allocated. This assessment is made on an ongoing basis and is reviewed in-depth during each Title VI Update.

Identifying the geographic locations of minority populations was made by identifying 2010 US Census tracts that have a minority population that is equal to or greater than the minority population for the ECCTA service area as a whole. The minority population in the ECCTA service area represents 45.3 percent of the population. 48 out of 52 US Census tracts within the ECCTA service area can be identified as having minority populations greater than the raw average for the ECCTA service area.

- 48 tracts or 92% are minority tracts
- 23 or 44% are low income/poverty level tracts
- 8% of total population speak English less than well or not at all
 - 7% speak Spanish
 - 1% speak Asian

At this time, ECCTA finds that minority populations are treated no differently than non-minority communities. Service delivery (hours of service, frequency of service, travel time) and capital (age of vehicles, size of vehicles, vehicles amenities) are each allocated in a fair and consistent manner. Bus stop accessibility is the responsibility of the County and each of the 5 incorporated jurisdictions within the ECCTA service area. ECCTA has a amenities policy that covers all of ECCTA’s routes. US Census tracts having minority populations greater than the average for the ECCTA service area are treated no more nor no less than any other.

Recent staff review has found the following highlights:

	Service to/through Minority Communities	Service respective to Non-Minority Communities
Capital		
Vehicle Assignments (#)		
AM Peak Time	53	1
Midday Time	22	1
PM Peak	53	1
Saturdays	12	0
Average age of Vehicle		
AM Peak Time	11.67	11.67
Midday Time	11.67	11.67
PM Peak	11.67	11.67
Saturdays	11.67	11.67
Service Delivery		
Revenue Hours of Service (%)		
Weekdays	97	3
Saturdays	100	0
Sundays	100	0

It is the intent of ECCTA that service changes or capital projects advance the mobility of disadvantaged populations or, at least not adversely impact these populations. It is recognized that many disadvantaged populations are also minorities based upon race or ethnicity. To a degree, projects are directed toward the benefit or advancement of these populations. With this said, the Authority's position is that *both operating and capital resources are allocated in a non-discriminatory basis.*

Person with ultimate responsibility for this program: Jeanne Krieg, Chief Executive Officer.

b. Narrative documenting implementation of the Title VI internal review process:

Below is a hypothetical scenario describing in narrative form the process ECCTA would follow in addressing substandard productivity of a transit route as measured using criteria from its adopted 'productivity policy'. The Authority's adopted productivity policy measures and ranks routes based upon several criteria. Among these include 1) level of transit dependency, 2) passengers per service hour, 3) passengers per service mile, 4) farebox recovery ratio, and 5) AM peak hour load factor.

July: Staff is requested by the respective committee to examine Route A for possible modifications. The intent of the modification is to improve performance as measured against the adopted 'productivity policy'.

July-Sept.: Staff examines ridership characteristics, level of service characteristics (frequency, operating hours, etc.), notes populations served, rides the respective route, asks comments of drivers, notes urban environment, and develops list of possible solutions.

- October: Present initial findings to respective committee and request feedback.
- November: Refine initial analysis and refine alternative solutions.
- December: Present recommendation for service modification, request feedback, and request approval to initiate discussion with locally affected jurisdiction.
- January: Discuss and request feedback from local jurisdiction.
- February: Hold public hearing to present service modification/reduction, discuss pros and cons to modification, and accept public comments.
- March: Present findings and any alternative solution to respective committee, request approval to present to the Authority's Board for final approval.
- April: Present solution to Board and request approval to initiate service modification.
- June: Initiate service modification.

The above hypothetical scenario was developed for the 2000 Title VI update. Staff finds that this hypothetical scenario remains consistent with the current commonly used approach to modify existing services.

c. Provide a narrative on any disparities that have been found between levels and quality of service and what corrective actions have been taken to remedy situation:

ECCTA monitors changes to levels and quality of service respective of this Title VI update. No significant disparities have been found between 2000 levels and quality of service and 2010 levels and quality of service for minority transit routes. With this in mind, no corrective actions are needed. ECCTA will continue to monitor allocations of resources respective of Title VI concerns.

d. Describe impact of any policy or service standards that have been created that affect minority communities:

Since the 2009 Title VI review, ECCTA has adopted a service standard policy. This policy Sets the guidelines for Headways, Amenities, Service availability, and Transit security. The police is intended to set standards that will guard against discriminatory service design or operational decisions.

Since the 2000 Title VI review, ECCTA has adopted one policy affecting delivery of service. Titled 'Standard Operating Procedures for Prioritizing Service (When Faced with an Operator Shortage)', this policy is designed for unplanned occurrences when enough operators are not available to provide scheduled service and to provide a crisis management tool for dispatchers. The policy is designed to be used when ECCTA is operating in a 'crisis' mode and to reduce to the extent possible the impact to as few passengers as possible.

Although the policy does not identify services designed for a particular demographic population group as having higher or lower priority, services that have high patronage are. A review of ECCTA's routes serving minority populations and placement on the order of priorities exhibits that they have a generally higher priority than routes serving

tracts reviewed to be below average for minority populations relative to the ECCTA service area. It appears there is no negative impact to minority populations as a result of adoption of this policy and its implementations.

Prior to the 2011 Title VI update ECCTA had adopted two policies or service standards that affect minority communities. These include the 'productivity policy' and the 'service expansion policy'. These policies were described in the 2000 Title VI update and were determined by ECCTA to not adversely affect minority communities.

e. List projects included in the Transportation Improvement Plan and discuss impacts on minority communities:

See the attached list of ECCTA projects that are listed within the Transportation Improvement Program. None of the projects will have a negative or adverse affect on minority populations.

f. Provide a description of the type of service changes proposed over the next three years and a statement of effect on minority communities and minority users.

ECCTA will continue to revise/reroute/eliminate routes or trips the do not meet the productivity standards set by the board of directors. ECCTA plans to increase fares to crate a region wide fare structure that MTC has been advocating for since the inception of the Clipper card. The statement of effect on minority population has not been identified and will be part of the public outreach when the request from MTC is official. ECCTA would like to explore the increase of the day pass to have a smaller discount for two rides or less.

Person with the ultimate responsibility for this program: Jeanne Krieg, Chief Executive Officer

ECCTA Service Standards

Vehicle Headways

All established routes shall operate on a minimum headway of one hour with the following exceptions:

- Commuter service:
 - limited stop
 - service that is limited to peak periods
- Routes that do not meet the current productivity guidelines
- Routes that have more than 1.5 miles between stops due to ADA bus stop accessibility standards

Transit Amenities

The distribution of transit amenities including benches, shelters, and trash cans should be no less than 2.65 amenities per directional route mile. The exceptions are commuter service routes and routes that have more than 1.5 miles between stops.

Service Availability

- 75% (39) of all census tracts shall have fixed route service that operates on a minimum of one hour headways
- 85% (44) of all census tracts shall have at least commuter service
- 50% (26) of all census tracts shall have fixed route service that operates on a minimum of thirty minute headways during peak periods
- 50% (26) of all census tracts shall have fixed route service with at least one hour headways on weekends/holidays

Vehicle Assignments

All revenue vehicles are assigned to routes on a rotating basis. Most routes are interlined so buses assigned to a block will be used on all routes. Buses are not assigned to a particular route therefore buses are evenly distributed throughout the entire service area on a random basis. 90% of all route blocks shall include at least two different routes.

Transit Security

All revenue vehicles are equipped with video surveillance and DriveCam® systems. Additionally, all are equipped with GPS and an emergency alarm notification system. ECCTA's dispatch office monitors vehicle location/status and is able to deploy local police forces to a specific location if necessary.

ECCTA Productivity Guidelines

<u>Service Evaluation Standards</u>	<u>Red Flags</u> ¹	<u>Current level</u>	<u>Standard</u>
Passenger per hour (all fixed routes)	15.	15.1	15
Passenger per hour (established fixed route ²)	10	Route 200 (10.0) Route 201 (19.1) Route 300 (15.2) Route 379 (13.2) Route 380 (16.6) Route 383 (11.2) Route 384 (9.6) Route 385 (12.0) Route 386 (6.0) Route 387 (17.7) Route 388 (15.0) Route 389 (14.7) Route 390 (9.9) Dimes (8.1) Route 391 (16.8) DX Dublin (9.0) Route 392 (15.1) Route 393 (15.7) Route 394 (10.8)	15
Passenger per hour (new fixed route ³)	7.0	N/A	8
Passenger per hour (Dial-a-Ride – all routes)	1.9	2.1	3

¹ If an evaluation standard falls below this level, a plan for improvement will be developed and presented to the ECCTA Board of Directors

² established route = a route that has been operating more than 12 months

³ new route = a route that has been operating less than 12 months

ECCTA Productivity Guidelines

<u>Service Evaluation Standards</u>	<u>Red Flags</u>	<u>Current level</u>	<u>Standard</u>
Passenger per hour (Dial-a-Ride – individual routes)	1.0	2.1	N/A
Farebox recovery (fixed route)	14.0%	15.8%	20%
Farebox recovery (Dial-a-Ride)	10%	12.6%	5%
ADA ride refusals	1 per month	0 per month	0 per month
Vehicle load factor (per peak period trip)	150% 3 times/week for a particular trip	150% 1 time/week for a particular trip	150% 2 times/week for a particular trip
Vehicle load factor (per off-peak period trip)	150% 3 times/week for a particular trip	150% 1 time/week for a particular trip	150% 2 times/week for a particular trip
On-Time performance	80%	80%	90%



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RESOLUTION #111116

Service Standards and Productivity Guidelines

Resolution #111016 adopts updated service standards and productivity guidelines that guard against discriminatory service design or operational decisions.

WHEREAS, EASTERN CONTRA COSTA TRANSIT AUTHORITY (ECCTA) currently accepts federal funds; and

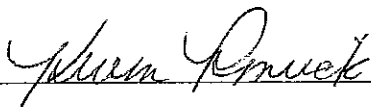
WHEREAS, ECCTA desires to file a Title VI report with the Federal Transit Administration; and

WHEREAS, service standards and productivity guidelines are required to guard against discriminatory service designs or operations decisions;

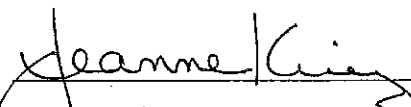
NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Eastern Contra Costa Transit Authority to adopt Resolution #111016a adopting updated service standards and productivity guidelines.

PASSED AND ADOPTED THIS 16th day of November 2011, by the following votes:

EASTERN CONTRA COSTA TRANSIT AUTHORITY



Kevin Romick, Chair



Jeanne Krieg, CEO

AYES:		<u>9</u>
NOES:	<u>0</u>	
ABSENT:	<u>2</u>	
ABSTENTIONS:	<u>0</u>	

EASTERN CONTRA COSTA TRANSIT AUTHORITY TITLE VI MONITORING PROCESS

Updated – December 2011

The Eastern Contra Costa Transit Authority (ECCTA) works to ensure that it is complying with its responsibilities under Title VI of the Civil Rights Act of 1964, as amended, and the Department of Transportation implementing regulations, 49 CFR Part 21. ECCTA works to ensure compliance with Executive Order 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) as well as Executive Order 13166 (“Limited English Proficiency”). Accordingly, ECCTA seeks to ensure that concerns for civil rights, environmental justice, and limited English proficiency are integrated into transportation decisions. When changes to service and/or fares are considered, an analysis is conducted to ensure that the proposed changes are distributed equitably.

Background

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that “No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Relevant definitions and the required policies and procedures for complying with Title VI can be found in FTA Circular 4702.1, Program Guidelines for Federal Transit Administration Recipients.

Executive order 12898 contains three fundamental principles: 1) To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations; 2) To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and 3) To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low income populations.

Executive Order 13166 affirms the obligation to eliminate Limited English Proficiency (LEP) as an artificial barrier to full and meaningful participation in all federally assisted programs and activities.

Title VI/Environmental Justice Analysis

- 1) What service changes are proposed? Describe the nature of the change, the bases or rationale for the change, the modes of service impacted, the estimated number of riders affected by the change, and the communities affected by the change.**

Service changes include, but are not limited to, route extensions, route deletions, route additions, changes in hours or days of operation, changes due to contracting transit services, and changes in headways and fares.

2) What are the impacts of the service changes on minority and/or low-income communities?

The bus lines subject to the proposed changes are classified as either “minority” or “non-minority” routes. Circular 4702.1 defines a minority route as “a route that has at least one-third of its total route mileage in a census tract(s) or traffic analysis zone(s) with a percentage of minority population greater than the percentage of minority population in the transit service area.” The circular also provides definitions for minority individuals and communities.

It is determined whether the bus and/or rail lines serve predominantly low-income communities. “Low income” is defined as a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines. A route that serves predominantly low income communities is one that has at least one third of its total route mileage in a census tract(s) or traffic analysis zone(s) with a percentage of the low income population greater than the percentage of the low income population in the transit service area.

3) What are the transit alternatives available for riders who would be impacted by proposed service changes?

The service changes proposed are to reduce the number of trips on a route or route elimination is not proposed for the service reductions unless no other options are available. The adverse effect will be for passengers wanting a trip start time of a trip that will be eliminated. The passenger would be required to start the trip earlier or later. Trips times, distance, and transfers will not be effected.

4) If the service changes will have an adverse and disproportionate impact on low income and/or minority riders and communities, what alternatives to the proposed changes should be considered?

Route and service changes proposed did not have a disproportionate effect on low income and minority communities. ECCTA’s service area is 92% minority and no service changes are to the non-minority communities. However impacts for each community are identified as changes are examined.

5) If the service changes will have an adverse and disproportionate impact on low income and/or minority riders and communities, what measures should the Authority take to avoid, minimize and/or mitigate these impacts?

Route and service changes proposed that have a disproportionate effect on low income and minority communities are examined for mitigation to the effected area. Mitigating these reductions is done by single trip eliminations thus increasing the headways and not

eliminating the route entirely, realigning the route in question, or adding service from another route to serve the area.

- 6) For fare increases, what method was utilized to determine the type of increase (flat or percentage), the amount of the increase, and the fare instruments affected, or to be affected, by the change?**

A flat fare increase would be used for all fares. In order to reduce the impact of the increase, a two year staged increase would be proposed. Multi-use fare instruments would not be discontinued, however a larger discount may be proposed. In order to increase the discount for multi-day fare media, a larger increase for express bus service would be proposed.

- 7) What mode(s) of service were affected by the fare increase?**

All modes of service were affected.

- 8) What steps were taken to determine the impacts of the fare increase on each major protected group in the service area? What impacts, if any, were identified? Were alternatives to avoid or substantially limit the impacts considered?**

A fare increase was initiated and ways to increase revenue/reduce expenses were examined. If no fare increase was proposed, a further level of service reduction would be required. If single trip elimination was not proposed, a higher level of fare increase would be required. A target level of funding was identified and many scenarios were reviewed to reach the identified target level of funding. The proposed fare increase and service reduction were proposed as the least intrusive to all the residents of the ECCTA service area.

**Title VI Compliance Monitoring
December 2011**

Minority Transit Routes (Circular 4702.1, May 26, 1988): “means a route that has at least 1/3 of its total route mileage in a census tract (s) or traffic analysis zone (s) with a percentage of minority population greater than the percentage of minority population in the transit service area.”

Environmental Justice/Low Income Transit Routes (rooted in Executive Order 12898, February 11, 1994): “Low income” is defined as a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines. A route that serves predominantly low income communities is one that has at least 1/3rd of its total route mileage in a census tract (s) or traffic analysis zone (s) with a percentage of the low income population greater than the percentage of the low income population in the transit service area.

LEP is defined as a census tract with a percentage of LEP population greater than the percentage of LEP population in the transit service area.

Route-by-Route Determination

Route Number	Minority Route?	LEP Route?	Low Income Route?
200	Yes Within service area	Yes Within service area	Yes
201	Yes	Yes	Yes
300	Yes	No	No
379	Yes	No	No
380	Yes	No	Yes
383	Yes	Yes	No
384	Yes	No	No
385	Yes	Yes	No
386	Yes	No	Yes
387	Yes	Yes	Yes
388	Yes	Yes	Yes
389	Yes	Yes	Yes
390	Yes	Yes	Yes
391	Yes	Yes	Yes
Weekend 392	Yes	Yes	Yes
Weekend 392	Yes	Yes	Yes

Weekend 394	Yes	Yes	Yes
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Title VI/Environmental Justice Analysis Service Change Review Assessment

1) What service changes are proposed? Describe the nature of the change, the basis or rationale for the change, the modes of service impacted, the estimated number of riders affected by the change, and the communities affected by the change.

Unproductive trips with less than five riders per trip are scheduled for elimination or change. Increase the cost of a full fare and senior day passes.

The adjacent table summarizes the recommended changes / improvements, and their associated costs. Increase the cost of the full fare and senior day passes

2006 Proposed Service Changes - Cost and Revenue Estimate, Annual Basis

Route	Measure	Revenue Hour Difference	Estimated Ridership Impact	Internal Cost	Fully Allocated Cost	Anticipated Fare Revenue	Net Internal Cost	Net Full Cost
MB	Full Fare increase	0	-25,000	\$ -	\$ -	\$400,000	\$ -	\$ 400,000
MB	Senior Fare Increase	0	-3,000			\$22,500	\$ -	\$ 22,500

Total				\$ -	\$ -	\$ 422,500.00	\$ -	\$ 422,500.00
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Final Recommended Fare Increases

ECCTA proposed a fare structure inclusive of new fare media and a new fare structure. These changes included the following:

- Increase the full fare day pass from \$3.35 to \$4.00
- Increase the senior day pass from \$1.35 to \$1.70
- Re-evaluate fares to ensure fare equity

ECCTA will conducted public hearings on the new fare structure and fare media. All options will be presented at the public hearings and the ECCTA Board of Directors meeting. Options presented will included the following:

- Do not raise fares and continue to pull money from ECCTA reserves for the continued operation
- Eliminate routes to reduce operating costs

2) What are the impacts of the service changes on minority and/or low-income communities?

Minimal impacts as trip reduction are on trips with five or less passengers. Passengers will be required to alter trip patterns by selecting another trip. ECCTA offers trip planning for passengers to explore alternatives to their current trips patterns.

3) What are the transit alternatives available for riders who would be impacted by proposed service changes?

Trips scheduled for elimination are low productive trips or routes not producing the minimum levels of the adopted productivity standards.

4) If the service changes will have an adverse and disproportionate impact on low income and/or minority riders and communities, what alternatives to the proposed changes should be considered?

Most trips scheduled for elimination are low productive trips or low productive routes.

5) If the service changes will have an adverse and disproportionate impact on low income and/or minority riders and communities, what measures should the Authority take to avoid, minimize and/or mitigate these impacts?

Single trip elimination process allows for service to remain in the area. The headways will be increased offsetting trips to some areas during the same time. Route elimination will be reviewed and route may be adjusted to try to increase productivity. Each route or trip will be evaluated on a case by case basis.

6) For fare increases, what method was utilized to determine the type of increase (flat or percentage), the amount of the increase, and the fare instruments affected, or to be affected, by the change?

The method used was an analysis of ECCTA's projected budget shortfall of \$1,800,000 for fiscal year 2011/2012. The day passes are being used at a far greater rate than anticipated and a fare inequity is being seen. Passenger who pay a cash fare are being charged less than the passenger taking two or more trips. The fare increase on the day pass will equalize the two fare trips and passengers who ride more than two trips will be getting a discount.

7) What mode(s) of service were affected by the fare increase?

Fixed route mode (MB) is affected by the increase. Savings are still available with pre-paid fare media.

8) What steps were taken to determine the impacts of the fare increase on each major protected group in the service area? What impacts, if any, were identified? Were alternatives to avoid or substantially limit the impacts considered?

The only fare increase proposed is for the cost of day passes. Currently the cost of the day pass does not cover the cost of two round trips on a cash by trip basis. The cost of the day passes should be at least the cost of two round trips and any more than two round trips are free to the passenger.

Title VI Statement of Policy

Eastern Contra Costa Transit Authority (ECCTA), a federal grant recipient, is required by the Federal Transit Administration (FTA) to conform with Title VI of the Civil Rights Act of 1964 and its amendments. Title VI of the Civil Rights Act of 1964 requires that no person in the United States, shall, on the grounds of race, color or national origin, be excluded from, be denied the benefits of, or be subjected to discrimination, under any program or activity receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with Limited English proficiency. The rights of women, the elderly and the disabled are protected under related statutes. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

ECCTA is committed to enforcing the provisions of Title VI and protecting the rights and opportunities of all persons associated with ECCTA or affected by its programs. ECCTA's commitment includes vigorously enforcing all applicable laws and regulations that affect ECCTA and those organizations, both public and private, which participate and benefit through ECCTA's programs.

ECCTA will take positive and realistic affirmative steps to ensure that all persons and/or firms wishing to participate in ECCTA's programs are given an equal and equitable chance to participate.

ECCTA's subrecipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services.

ECCTA's Office of Civil Rights is responsible for providing leadership, direction and policy to ensure compliance with Title VI of the 1964 Civil Rights Act. Any person(s) or firm(s) who feel that they have been discriminated against is encouraged to report such violations to the ECCTA's Office of Civil Rights:

Office of Civil Rights
Eastern Contra Costa Transit Authority
801 Wilbur Avenue
Antioch, CA 94509
(925) 754-6622
(925) 757-2530 (fax)

Title VI Complaint Procedures

This document outlines the Title VI complaint procedures related to providing programs, services, and benefits. It does not deny the complainant the right to file formal complaints with the California Department of Transportation, the Secretary of the US Department of Transportation, Equal Employment Opportunity Commission (EEOC), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color or national origin, be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Procedure

1. Any person who believes that they have been subjected to discrimination may file a written complaint with the Eastern Contra Costa Transit Authority District-Office of Civil Rights. Federal and State law requires complaints be filed within one-hundred eighty (180) calendar days of the last alleged incident.

2. The complainant may download the complaint form from www.trideltatransit.com or request the complaint form from the Office of Civil Rights (OCR). The complainant may also submit a written statement that contains all of the information identified in Section 3 a through f below.

3. The complaint will include the following information:
 - a. Name, address, and telephone number of the complainant.
 - b. The basis of the complaint i.e., race, color, national origin, sex, elderly or disabled.
 - c. The date or dates on which the alleged discriminatory event or events occurred.
 - d. The nature of the incident that led the complainant to feel discrimination was a factor.
 - e. Names, addresses, and telephone numbers of persons who may have knowledge of the event.
 - f. Other agencies or courts where complaint may have been filed and a contact name.
 - g. Complainant's signature and date.
 - h. If the complainant is unable to write a complaint, OCR staff will assist the complainant. If requested by complainant, OCR will provide a language or sign interpreter.

- i. The complaint may be sent or faxed to the following address:

Office of Civil Rights
Eastern Contra Costa Transit Authority
801 Wilbur Avenue
Antioch, CA 94509
(925) 754-6622
(925) 757-2530 (fax)

- j. The complaint may be sent via email to: sponte@eccta.org
- k. Complainants have the right to complain directly to the appropriate federal agency however, they must do so within one-hundred eighty (180) calendar days of the last alleged incident.

4. OCR will begin an investigation within fifteen (15) working days of receipt of a complaint.

5. OCR will contact the complainant in writing no later than thirty (30) working days after receipt of complaint for additional information, if needed to investigate the complaint. If the complainant fails to provide the requested information in a timely basis, OCR may administratively close the complaint.

6. OCR will complete the investigation within ninety (90) days of receipt of the complaint. A written investigation report will be prepared by the investigator. The report shall include a summary description of the incident, findings, and recommendations for disposition.

7. The Department Manager of OCR will review the report. A closing letter and exit interview will be provided to the complainant. The respondent will also receive a copy of the closing letter. Each will have five (5) working days from receipt of the report to respond. If either party responds negatively or has additional information to provide, an informal meeting will be arranged by the Department Manager of OCR. If neither party responds, the complaint will be closed.

8. The investigation report with recommendations and corrective actions taken will be forwarded to the appropriate federal agency, the complainant, and the respondent.

9. OCR will advise complainants of their appeal rights to the appropriate federal agency.

Eastern Contra Costa Transit Authority
Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Two Executive Orders extend Title VI protections to Environmental Justice, which also protects persons of low income, and Limited English Proficiency (LEP).

Please provide the following information in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to: Eastern Contra Costa Transit Authority, 801 Wilbur Avenue, Antioch CA, 94509. Alternatively it can be faxed to (925) 757-2530 or emailed to sponte@eccta.org.

1. Complainant's Name: _____

2. Address: _____

3. City : _____ State: _____

Zip Code: _____

4. Telephone No. (Home): _____ (Business): _____

5. Person discriminated against (if other than complainant)

Name: _____

Address: _____

City: _____ State: _____

Zip Code: _____

6. What was the discrimination based on? (Check all that apply):

Race/Color

Sex

National Origin

Disability

Low Income

Elderly

Limited English Proficiency

7. Date of incident resulting in discrimination: _____

8. Describe the discrimination. What happened and who was responsible? For additional space, attach additional sheets of paper or use back of form.

9. Did you file this complaint with another federal, state, or local agency, or with a federal or state court? (Check appropriate space) Yes No

If answer is yes, check each agency complaint was filed with:

Federal Agency _____ Federal Court _____ State Agency _____

State Court _____ Local Agency _____ Other _____

10. Provide contact person information for the agency you also filed the complaint with:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Date Filed: _____

11. Sign the complaint in space below. Attach any documents you believe supports your complaint.

Complainant's Signature

Signature Date

APPENDIX A

URBAN MASS TRANSPORTATION ADMINISTRATION CIVIL RIGHTS ASSURANCE

The ECCTA HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The ECCTA will compile, maintain, and submit in a timely manner Title VI information required by UMTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The ECCTA will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Urban Mass Transportation Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

Anne E. Muzzini
(NAME AND TITLE OF AUTHORIZED OFFICER)

DATE: 2/25/94

Anne E. Muzzini, General Manager
(SIGNATURE OF AUTHORIZED OFFICER)

APPENDIX B

DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

The ECTA (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the FTA, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its FTA funded projects:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FTA funded projects and, in adapted form in all proposals for negotiated agreements,

The ECTA, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under FTA funded projects; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under FTA funded projects.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the FTA and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the FTA. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED: 2/25/94

ECCTA
(Name of Recipient)
by Anne G. Muzzoni
(Signature of Authorized Official)

Attachments:
Appendices A, B, and C

[APPENDIX A TO TITLE VI ASSURANCE]

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the ECCTA or the F.T.A. to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the ECCTA, or the F.T.A. as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the ECCTA shall impose contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies; and/or

(b) cancellation, termination, or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the ECCTA or the E.T.A. may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier, as a result of such direction, the contractor may request the ECCTA to enter into such litigation to protect the interests of the ECCTA, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(APPENDIX B TO TITLE VI ASSURANCE)

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the ECCTA will accept title to the lands and maintain the project constructed thereon, in accordance with the Joint Penn 45 Agreement - PUC, the Regulations for the Administration of FTA programs and the policies and procedures prescribed by the FTA of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the ECCTA all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto ECCTA and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the ECCTA, its successors and assigns.

The ECCTA, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that the ECCTA shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

- * Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

(APPENDIX C TO TITLE VI ASSURANCE)

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the ECCTA pursuant to the provisions of Assurance 7(a).

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this [deed, license, lease, permit, etc.] for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the [grantee, licensee, lessee, permittee, etc.] shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, ECCTA shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, ECCTA shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of ECCTA and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by ECCTA pursuant to the provisions of Assurance 7(b).

The [grantee, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in case of deeds, and leases add "as a covenant running with the land"] that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise

subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, ECCTA shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, ECCTA shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of ECCTA and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.