

# **SANDAG 2021 TITLE VI PROGRAM UPDATE**

SEPTEMBER 2021

Developed in Accordance with FTA Circular 4702.1B, October 1, 2012

**SANDAG**

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# ABSTRACT

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TITLE: SANDAG 2021 Title VI Program

AUTHOR: San Diego Association of Governments

DATE: September 2021

SOURCE OF COPIES: San Diego Association of Governments  
401 B Street, Suite 800  
San Diego, CA 92101  
(619) 699-1900

ABSTRACT: This report describes the activities, programs, and policies of the San Diego Association of Governments in its role as a Metropolitan Transportation Planning Organization in compliance with Title VI of the Civil Rights Act of 1964 in accordance with FTA Circular C 4702.1B, October 1, 2012.

**APPROVING THE SANDAG 2021 TITLE VI PROGRAM AND THE  
SUBMITTAL TO THE FEDERAL TRANSIT ADMINISTRATION**

WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq (Act) and Title 49 CFR Part 21, the United States Department of Transportation, Federal Highway Administration, and the Federal Transit Administration (FTA) prohibit discrimination on the basis of race, color, or national origin; and

WHEREAS, as a recipient of federal funds, SANDAG is required to comply with the requirements of the Act and applicable implementing regulations; and

WHEREAS, pursuant to FTA Circular 4702.1B, SANDAG is required to submit its Title VI Program to its governing body for approval; and

WHEREAS, SANDAG has considered and determined to approve its 2021 Title VI Program and policies, including but not limited to, disparate impact and disproportionate burden policies, and the Language Assistance Plan, all of which are set forth in the "SANDAG 2021 Title VI Program;" NOW THEREFORE

BE IT RESOLVED, that the SANDAG Board of Directors does hereby approve the SANDAG 2021 Title VI Program; and

BE IT FURTHER RESOLVED, that the SANDAG Board of Directors authorizes the Executive Director or his designee to submit the SANDAG 2021 Title VI Program to FTA and take any other steps necessary to give effect to this Resolution, including responding to any follow-up requirements from the FTA.

PASSED AND ADOPTED this 23rd of July 2021.

  
\_\_\_\_\_  
**Chair**

Attest:

  
\_\_\_\_\_  
**Secretary**

**Member Agencies:** Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista, and County of San Diego.

**Advisory Members:** California Department of Transportation, Metropolitan Transit System, North County Transit District, Imperial County, U.S. Department of Defense, Port of San Diego, San Diego County Water Authority, Southern California Tribal Chairmen’s Association, San Diego County Regional Airport Authority, and Mexico.

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# CHAPTER 1: BACKGROUND

# 1. Introduction

This report describes the activities, programs, and policies of the San Diego Association of Governments (SANDAG) in compliance with Title VI of the Civil Rights Act of 1964 (Title VI) as a Metropolitan Planning Organization (MPO) and in its roles in setting transit fares and constructing transit infrastructure for the region.

Title VI states, “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 subjected to discrimination under any program or activity receiving federal financial assistance” (42 U.S.C. Section 2000d).

As a recipient of federal funding, SANDAG is required to prove that it complies with Title VI and associated civil rights and environmental justice laws, executive orders, and regulations. In 2012, the Federal Transit Administration (FTA) issued guidance to assist recipients of federal funds with this requirement (FTA 4702.1B, October 1, 2012) (the Circular); this Program update follows the instructions, guidance, and examples set forth in the Circular. The last Title VI Program update for SANDAG was submitted in 2018.

Two transit agencies, North County Transit District (NCTD), and Metropolitan Transit System (MTS), are responsible for transit-related operational decisions regarding routes, rolling stock, and paratransit in the region; they also evaluate major service changes according to the FTA Circular as needed. Under the San Diego Regional Transportation Consolidation Act, known as California Senate Bill 1703 (Peace, 2002) (SB 1703), some of the functions previously carried out by NCTD and MTS were consolidated under SANDAG. As a result, SANDAG carries out development and construction of major capital projects on behalf of NCTD and MTS. Following SB 1703, SANDAG, MTS, and NCTD also agreed by Memorandum of Understanding (MOU) that SANDAG would be responsible for setting regional transit fares, which resulted in SANDAG’s development and implementation of a Comprehensive Regional Fare Ordinance. SANDAG does not, however, operate transit itself. Accordingly, this Title VI Program update includes information about SANDAG’s fare setting responsibilities, as well as details about SANDAG’s Title VI considerations during site selection for construction of the two transit agencies’ projects, but does not address Title VI responsibilities that remain within the purview of the transit operators.

MTS and NCTD are direct recipients of FTA funding and therefore have Title VI responsibilities independent of SANDAG. The MOU between SANDAG, MTS, and NCTD provides that SANDAG will assist NCTD and MTS with their triennial Title VI Program updates. Title VI Program updates consistent with the Circular were prepared and adopted by the transit operators separately from this document in May 2021; those Title VI Programs are contained in Appendix A.

A series of bills grant SANDAG the authority to award transportation funding in the region. Under the 2005 transportation authorization bill, entitled Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 5310 funds were apportioned to the state, and Caltrans was responsible for administering the program. In 2012, the transportation authorization bill, Moving Ahead for Progress in the 21st Century (MAP-21), replaced SAFETEA-LU, and improved efficiency by consolidating programs, including specialized transportation programs historically administered by SANDAG: FTA Section 5316 JARC and Section 5317 New Freedom. Projects formerly eligible under the Job Access and Reverse Commute Program (JARC) are now eligible under Section 5307 Urbanized Area Formula Grants, and MAP-21 repealed New Freedom and folded it into the Section 5310 program, which is now entitled Enhanced Mobility of Seniors and Individuals with Disabilities.

On April 23, 2014, Governor Jerry Brown designated SANDAG as the recipient of Section 5310 funds for the San Diego urbanized area. The Fixing America’s Surface Transportation Act (FAST Act) was signed into law in 2015 and continued many of the programs initiated with MAP-21. Under the FAST Act, funds are apportioned to the large urbanized areas and federal guidance allows for more flexibility in the appointment of a designated recipient. SANDAG continues to monitor

projects awarded funding under the former JARC and New Freedom programs and administers the FTA Section 5310 grant program.

SANDAG policies, procedures, and programs are consistent with federal and state laws, executive orders, and regulations, including Title VI and Executive Orders 12898 and 13166, and reflect the principles of social equity and environmental justice. Social equity means ensuring that all people are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally underrepresented groups are not left behind. Environmental justice means ensuring that plans, policies, and actions do not disproportionately affect low-income and minority communities. Ensuring the meaningful involvement of low-income (those earning 200% of the federal poverty level and below), minority, disabled, senior (those 75 years and older), and other traditionally underrepresented communities is a key component of SANDAG public participation policy and activities. The Social Equity Handbook (see Appendix P) provides guidance and tools to help all SANDAG staff carry out their work in a way that advances racial equity, civil rights, and environmental justice.

In February 2021 the Board of Directors adopted the following Commitment to Equity statement:

We hold ourselves accountable to the communities we serve. We acknowledge we have much to learn and much to change; and we firmly uphold equity and inclusion for every person in the San Diego region. This includes historically underserved, systemically marginalized groups impacted by actions and inactions at all levels of our government and society.

We have an obligation to eliminate disparities and ensure that safe, healthy, accessible, and inclusive opportunities are available to everyone. In 2021, SANDAG will develop an equity action plan that will inform how we plan, prioritize, fund, and build projects and programs; frame how we work with our communities; define how we recruit and develop our employees; guide our efforts to conduct unbiased research and interpret data; and set expectations for companies and stakeholders that work with us.

We are committed to creating a San Diego region where every person who visits, works, and lives can thrive.

This commitment provides a foundation for the actions SANDAG intends to take to incorporate diversity, equity, and inclusion in all programs, projects, and policies. The commitment informs and guides this Title VI Program update.

A note on terminology: according to federal guidance, populations protected by Title VI regulations on the basis of race, color, or national origin are referred to as “minority” populations; the U.S. Census Bureau follows this convention as well. However, the community served by SANDAG is majority “minority” and so the term is not the most descriptive or useful. In this document, the narrative sometimes refers to these protected populations and communities as “people of color” or “communities of color,” terms that are used interchangeably with “minority.”

## **2. Required Components of the Program Update**

Three chapters of the FTA Circular include instructions for the completion of the Title VI Program as they apply to the SANDAG: Chapter III, General Requirements; Chapter VI, MPO requirements, and Chapter IV, Section 7b, Fare Policy. All of these requirements are responded to in this document.

According to the Circular, Title VI programs must be updated every three years. Because this report relies on data gathering and reporting, and because sufficient time must be allowed for review by the Board of Directors, this 2021 Title VI Program covers Title VI-related activities, practices, and data through May 31, 2021.

### 3. Background and Role of SANDAG in the Region

San Diego County is home to more than 3.35 million people, and SANDAG serves as the forum for regional decision-making. As SANDAG's Mission Statement says, "We are the regional agency that connects people, places, and innovative ideas by implementing solutions with our unique and diverse communities." SANDAG builds consensus; makes strategic plans; obtains and allocates resources; plans, engineers, and builds public transportation projects; and provides information on a broad range of topics pertinent to the region's quality of life.

The Board of Directors is the governing body responsible for establishing the agency's policies and programs. It is composed of representatives from the 18 incorporated cities in the region and the county government. Directors are elected officials – mayors, city councilmembers, and county supervisors – selected by their peers from the incorporated cities and the county. Voting is based upon membership and the population of each jurisdiction, providing for an accountable and equitable representation of the region's residents. Most matters are decided by a simple tally vote; however, under some circumstances, the Board may take a weighted vote based on percent of the population represented that can supersede the tally vote.

Supporting these voting members are advisory representatives from Imperial County, the U.S. Department of Defense, Caltrans, the Port of San Diego, the Metropolitan Transit System, the North County Transit District, the San Diego County Water Authority, the Southern California Tribal Chairmen's Association, Mexico, and the San Diego County Regional Airport Authority. SANDAG recognizes the value of working collaboratively with tribal governments and local, state, and federal agency staff to achieve regional goals. Through working agreements with local, state, and tribal governments, as well as federal agencies, SANDAG and its member local governments have the opportunity to ensure the consistency of individual agency plans and programs regionwide.

Designated as the MPO by the governor under federal law, and as the regional transportation planning agency by both state and federal governments, SANDAG serves as a technical and informational resource for the region.

SANDAG has responsibility to look into the future and propose plans that best satisfy the diverse transportation needs and concerns of the San Diego region. Planning efforts that serve as the foundations for transportation planning and programming include the 2015 and the 2019 Regional Plans and the 2021 Regional Transportation Improvement Program (RTIP). The Regional Plan is the long-range transportation plan for the region, which includes a Sustainable Communities Strategy (SCS) and the Regional Comprehensive Plan (RCP), the long-term planning framework for the San Diego region. The Regional Plan is intended to integrate local land use and transportation decisions and is developed in accordance with both state and federal laws. The RTIP is the five-year programming of state, federal, and other regionally significant transportation funds. SANDAG also prepares an annual Regional Short-Range Transit Plan (SRTP) and Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan), which guide short-term services changes.

CHAPTER 2:  
GENERAL REPORTING REQUIREMENTS  
APPLICABLE TO SANDAG

## General Reporting Requirements for All Applicants

SANDAG complies with the following requirements as indicated in Chapter III of the Circular to ensure that its programs, policies, and activities meet all applicable Title VI and associated civil rights laws, executive orders, and regulations.

### 1. Requirement to Provide an Annual Title VI Certification and Assurance

The annual Title VI Certification and Assurances are provided to the FTA via an update in the FTA's web-based Transit Award Management System (TrAMS). The most recent certifications and assurances were signed on April 29, 2021, by the designated SANDAG official (see Appendix B).

### 2. Requirement to Notify Beneficiaries of Protection under Title VI

The requirement to notify beneficiaries of their rights under Title VI includes: A) a statement that the agency operates programs without regard to race, color, and national origin; B) a description of the procedures that members of the public should follow in order to request additional information on the recipient's nondiscrimination obligations; C) a description of the procedures that members of the public should follow in order to file a discrimination complaint.

As stated in Board Policy No. 009 (Appendix D):

*It is SANDAG policy to comply with state and federal laws and regulations including the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964 (Title VI) and other federal and state discrimination laws. SANDAG prohibits discrimination by its employees, contractors, and consultants. SANDAG does not discriminate on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, veteran status, or sexual orientation in conducting government business. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations required by law, have the right to use this grievance procedure.*

This policy is publicized on the SANDAG website, posters in various shared spaces in the workplace, Board and committee agendas, and other media. The brochure version of the notice is provided in SANDAG reception areas and can be downloaded from the SANDAG website in English or Spanish. A copy of the brochure can be found in Appendix C – Notice to Public, in Spanish and English.

### 3. Requirement to Develop Title VI Complaint Procedures and Complaint Form

Board Policy No. 009 – Discrimination Complaint Procedures, describes SANDAG's procedures for receiving, investigating, and tracking Title VI complaints. Procedures for filing a complaint and the complaint form are available on its website at [sandag.org/index.asp?publicnoticeid=20&fuseaction=notices.detail](https://sandag.org/index.asp?publicnoticeid=20&fuseaction=notices.detail). The complaint procedures and forms are available in English and Spanish. The SANDAG complaint procedure, attached in Appendix D, was last amended in 2017. Appendix D includes English and Spanish language complaint procedures and complaint forms.

## 4. Requirement to Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits

No Title VI lawsuits occurred during the reporting period. One Title VI complaint was received, and SANDAG staff are following Board Policy No. 009 to investigate the complaint and communicate with the complainant. Table 2.1 shows the current tracking log.

*Table 2.1: Title VI Complaint Tracking Log*

	Date Complaint Filed with SANDAG	Complaint No.	Summary of Allegations	Status of Complaint	Responsive Actions by SANDAG
<b>Complaints</b>					
1.	6/14/2020	001	Racial/ethnic bias by SANDAG employees in subcontracting work	Under investigation	Email and teleconference communication between SANDAG & complainant
2.					
<b>Investigations</b>					
1.					
2.					
<b>Lawsuits</b>					
1.					
2.					

## 5. Promoting Inclusive Public Participation

As a part of its overall agencywide policies, SANDAG seeks out and considers the viewpoints of people of color, low-income, and Limited English Proficient (LEP) populations by conducting inclusive and meaningful public outreach and engagement. The agency’s public participation strategy offers early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions through a variety of mechanisms (detailed in Chapter 3 of this report).

SANDAG public outreach efforts are guided by its Public Participation Plan Policy, Board Policy No. 025 (see Appendix E), which was last amended in 2018. This policy establishes processes for communicating with and obtaining input from the public concerning agency programs, projects, and program funding. The strategies and tactics outlined in the policy guide the agency’s public outreach and involvement efforts for highway projects; transit fare changes and construction; smart growth, environmental, and planning efforts; growth forecasts; the 2015 Regional Plan; Regional Transportation Improvement Program; Tribal Consultation; and other initiatives.

The SANDAG Language Assistance Plan (LAP) outlines how SANDAG reaches out to and provides meaningful access to persons and communities with limited English proficiency. More information on the LAP is included in the following section on meaningful access to LEP persons.

SANDAG communications staff and consultants work with project managers to put together outreach and/or public involvement plans (PIP) that guide a project from inception through completion. These efforts include developing outreach materials, working with community-based organizations, and more. Best practices are followed, including holding

meetings during convenient times for the community, using locations that are accessible by public transportation and are compliant with the Americans with Disabilities Act of 1990 (ADA), providing materials in languages other than English, and having bilingual staff or interpreters available when necessary. Staff follow the steps outlined in the PPP and LAP and utilize other in-house resources, including a Social Equity Data Viewer web application.

It should be noted that in early 2020, due to stay-at-home orders and other social distancing protocols related to the COVID-19 pandemic, all in-person public meetings were canceled. While this initially affected SANDAG's ability to conduct public engagement, and also impacted the public's ability and willingness to be involved, SANDAG took steps to find ways to communicate with and receive input from the public through virtual meetings, which could be accessed by computer or phone, and many of which included quick captioning. Notices about the meetings included information in languages other than English about how to request translated agenda materials or interpreters. SANDAG has increased participation in its public meetings as a result and will continue to use these new practices after the pandemic is over.

## 6. Requirement to Provide Meaningful Access to LEP Persons

Along with the FTA Title VI Circular, SANDAG follows the U.S. Department of Transportation *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons* (U.S. DOT LEP Guidance) to provide meaningful assistance to persons who do not speak English very well. Using that guidance, and considering input from the region's transit operators, MTS and NCTD, SANDAG developed a Language Assistance Plan (LAP) to address the needs of LEP populations in San Diego County for all its programs, plans, and projects. The LAP was most recently updated in 2019 (see Appendix F), and can be found on the SANDAG website at [sandag.org/LAP](http://sandag.org/LAP).

The U.S. DOT LEP Guidance directs recipients to first conduct a "Four Factor Analysis" – a summary of which follows. It should be noted that while preparing this Title VI Program update, staff found that the analysis relied on an outdated definition of a person with LEP as someone who speaks English "less than well"; instead, the definition that should have been used is a person who speaks English "less than very well." Staff have begun the process of preparing to refresh the analysis and update any content in the LAP affected by changed findings. Staff plans to have an updated LAP by the end of 2021 or early in 2022.

**Factor 1:** The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee

SANDAG used multiple sources of information, including from the U.S. Census American Community Survey, California Department of Education English Learner Data, and San Diego County Department of Behavioral Health Services to determine the number of LEP individuals in San Diego County. Factor 1 analysis findings indicate that almost fifteen percent (14.63%) of the population speaks English less than very well. The top five languages spoken by persons with LEP other than English are Spanish, Vietnamese, Tagalog, Chinese, and Arabic. Applying an updated LEP definition should return higher counts of persons with LEP, however, the order of languages spoken by persons with LEP is expected to remain the same.

Using the previous definition, the Factor 1 analysis found that eleven other languages are spoken by more than 1,000 persons with LEP in the County. The combined 15 languages comprise the list of "Safe Harbor" languages, speakers of which are protected by Title VI. It is anticipated that this list of languages will expand following the updated analysis.

**Factor 2:** The frequency with which LEP individuals come in contact with the program



Based on focus groups with LEP individuals conducted through current community-based organization (CBO) partners, it was determined that LEP individuals regularly come in contact with SANDAG programs and services, especially public transportation. Focus group findings indicated some awareness of other SANDAG programs and services.

**Factor 3:** The nature and importance of the program, activity, or service provided by the recipient to people's lives

The analysis of Factor 3 in the LAP further explores Factor 2 research. Findings suggest that access to SANDAG programs, activities, and services are important for persons with LEP.

**Factor 4:** The resources available to the recipient and costs

The Four Factor analysis details language assistance efforts currently in place and the corresponding resources available to provide strategies to reach LEP populations. SANDAG has four standing on-call contracts, two for translation and two for interpretation services. In addition, the SANDAG Communications department has a part-time English/Spanish document translator, who oversees language assistance. Suggestions for additional LEP outreach measures are outlined in the LAP's Factor 4 along with a consideration of the resources available for these efforts. Findings indicate that SANDAG currently has many resources and strategies for reaching LEP populations, and that increased efforts should continue in order to reach and engage larger numbers of LEP persons.

In addition to identification of LEP individuals, the LAP outlines SANDAG's language assistance measures, staff training, how notice is provided to LEP persons, and plan monitoring and updating information.

A list of language assistance measures was compiled by surveying SANDAG staff and reviewing relevant material and through focus groups with LEP individuals conducted by CBO partners. The SANDAG Public Participation Plan and Board Policy No. 025 establish policies to provide services to LEP persons. Current language assistance measures are detailed for Board and Policy Advisory Committee meetings; regional and corridor planning efforts; 511 website, phone system, and mobile app; Freeway Service Patrol and highways; public transit efforts; iCommute; and general SANDAG activities. The efforts include: providing translated materials, protocols for streamlining staff's requests for translation services, access to interpretation services and/or bilingual English/Spanish staff; developing fact sheets, fliers, brochures and comment cards in other languages in areas with high concentrations of LEP persons; Google Translate toolbar on website; bilingual English/Spanish interactive voice recognition phone system and Roadside Assistance operators; and more. Staff and community member recommendations for future language assistance measures also are presented.

The report details how staff are trained to understand their responsibilities to provide language assistance, and tools to support that effort. LEP Procedures provide information about providing language assistance in face-to-face, phone, and correspondence contacts, along with how to handle any complaint related to language access. Social Equity training containing detailed information about Title VI, staff responsibilities for providing access and information to LEP persons, and more is implemented for staff throughout the agency. All staff have access via an intranet page to Social Equity training materials. SANDAG's goal is to provide in-person or virtual real-time training to staff; sessions which will provide refresher training as well as respond to new federal mandates are planned for the Summer 2021 and will continue on an ongoing basis.

The LAP describes how SANDAG provides notice to persons with LEP about the availability of language assistance. Many of these are referenced in the description of language assistance measures mentioned above. They include translated content, presence of interpreters and/or bilingual staff at community events, distribution of information via ethnic media, web

translations, “I Speak” cards for use at the reception desk, providing notice of the availability of translation services in agenda materials, and notice of language services available in multiple languages for project managers to add to materials that are not translated.

Vital Document Guidelines provide employees direction about what documents require translation. The “vital” nature of a document depends on the importance of the information or service involved, particularly the consequence to the LEP person if the information is neither accurate nor timely. SANDAG Vital Documents have been identified as follows:

1. Any document that is critical for obtaining services and benefits,
2. Any document that describes legal rights or responsibilities, and/or
3. Any document that is required by law to be translated.

Based on the Four Factor Analysis, SANDAG has determined that, with due consideration to resource and time constraints, all vital documents will be translated into Spanish. Notices about the availability of language assistance measures and the Title VI complaint procedures and rights will be translated into Vietnamese, Tagalog, and Chinese, which are the next top three languages spoken in San Diego County, as identified by the U.S. Census Bureau. On a case-by-case basis, content may be translated into additional languages when justified by the nature of the document and the document’s target audience.

Finally, the LAP outlines how SANDAG monitors and updates language assistance efforts. The Four Factor Analysis and the LAP are reviewed regularly, typically in conjunction with the Title VI Program update, and changes are incorporated based on the input provided from staff, CBOs, and LEP persons.

## **7. Minority Representation on Transit-Related Planning and Advisory Bodies**

According to the FTA Title VI Circular, recipients with “transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.”

SANDAG values the racial diversity of the public it serves. Accordingly, SANDAG encourages the participation of people of color on its committees when filling a vacancy. It is the goal of SANDAG that these groups represent the racial diversity of the region. Methods that SANDAG uses to promote participation may include, but are not limited to, one or more of the following:

- Notifying partner agencies of the vacancy and underrepresentation
- Making presentations at SANDAG Board of Directors, Policy Advisory Committees, and Working Groups
- Posting the vacancy in eRegion electronic newsletter, the SANDAG website, Twitter, LinkedIn, and other media outlets
- Outreach to civic, cultural, or human service organizations known to serve people of color, persons with disabilities, and other protected populations to inform them of the opportunity

There is a difference between SANDAG selecting the “membership” (identifying which entities or interests should be represented on a working or advisory group) rather than the “members” of a committee (individual persons who sit on a working or advisory group). Typically, SANDAG creates a charter for working and advisory groups in which SANDAG determines the membership, but not the members, and in all of the advisory groups below, agencies and organizations outside of SANDAG chose the individual members. As such, data collected from advisory group members is provided for

information only. In addition, the SANDAG Board of Directors and Transportation Committee have transit-related responsibilities; however, the membership of these groups has been defined by the Legislature in statute rather than by SANDAG, and members are not selected by SANDAG. An overview of SANDAG committees and working groups is presented in Appendix L. Out of 259 valid responses, 151 (58%) working group members self-identified as being white only and 110 (42%) identified as persons of color.

Table 2.2: Minority Representation on Working Groups and Advisory Councils

Committee/Working Group	Total Members (note 1)	Respondents (note 2)	White	Latino/a or Hispanic	Black or African American	Asian	American Indian or Alaska Native	Native Hawaiian or Pacific Islander	Other
2020 Census Complete County Stakeholder Working Group	6	5	1	5			1		
2021 Regional Plan Social Equity Working Group	13	13	3	7	3				1
Active Transportation Working Group	32	25	15	4		3		2	1
Bayshore Bikeway Working Group	13	9	4	5	1				
Cities/County Transportation Advisory Committee	21	26	17	6		2			1
Committee on Binational Regional Opportunities	18	12	5	7	1				
Environmental Mitigation Program Working Group	11	6	4	1			1		
Freight Stakeholders Working Group	22	19	12	6	2		1		
Interagency Technical Working Group on Tribal Transportation Issues	15	9	1	2			6		
Regional Digital Divide Taskforce	40	30	17	6	2	3	1	1	5
Regional Energy Working Group	19	9	8			1			
Regional Planning Technical Working Group	28	24	19	3		2		1	1
San Diego Region Conformity Working Group	24	9	6		3				
San Diego Regional Military Working Group	15	12	10	1		1			
San Diego Regional Traffic Engineers Council	22	16	10	2	1	2			1
Shoreline Preservation Working Group	13	8	5	3	1		1		
Social Services Transportation Advisory Council	26	22	17	5	1	1			
TransNet Independent Taxpayer Oversight Committee	7	5	4	1			1		1

Total (note 3)		259	159	64	15	15	12	4	12
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Note 1: Because participation in these groups is determined by the organizations or agencies identified in the group charter, the actual member roster is not static.

Note 2: Two invalid responses were received in addition to 259 valid responses

Note 3: Because respondents were permitted to select more than one answer, the total number of responses is greater than the number of respondents.

## 8. Providing Assistance to Subrecipients

SANDAG has a number of grant programs it administers pursuant to the *TransNet* Extension Ordinance, Transportation Development Act, and other sources, however, only one grant program has federally-funded subrecipients – the Section 5310 grant program. Subrecipients under the former Job Access and Reverse Commute and New Freedom programs and the current Section 5310 program, which are components of the Specialized Transportation Grant Program (STGP), are required to develop and submit to SANDAG a Title VI plan prior to the execution of a grant agreement with SANDAG. Subrecipients are additionally required to update their Title VI plans every three years based on the resolution date.

SANDAG employs a multi-faceted approach in providing assistance to subrecipients developing their Title VI plans, individualizing the assistance based on the subrecipients' level of need. Title VI requirements are first introduced at the STGP Grant Workshop held during the competitive process to ensure applicants are aware of the requirements before applying. Additionally, potential applicants are provided the grant agreement template with their applications (see Appendix G), including the terms and conditions requiring subrecipients to comply with Title VI and Equal Employment Opportunity requirements and pass through these contract provisions to third-party contractors at any tier.

SANDAG holds a second workshop after the close of competitive processes for those applicants whose projects were approved by the SANDAG Board of Directors to receive federal funds. At the Successful Applicant Workshop, SANDAG staff provides successful applicants with project management and grant implementation training, which includes instruction on complying with federal requirements, including Title VI.

The Program Management Plan (PMP) guides the management of the STGP. The PMP is designed to provide program guidance to potential and successful applicants; provide public information on SANDAG administration of the STGP grant programs; and ensure that all applicable SANDAG policies and federal, state, and local statutes and regulations are fulfilled (see Appendix H). The PMP was last updated in 2020.

All subrecipients are provided with a Guide to Developing a Title VI Plan for FTA Subrecipients (see Appendix I), which was updated in July 2020 and also is available online at [sandag.org/stgps](http://sandag.org/stgps). The Guide outlines federal requirements and provides step-by-step instructions on how to develop a Title VI Plan, including a Language Assistance Plan. The Guide includes templates that grantees may use to develop their own Title VI notice, complaint procedures and complaint forms, and other required Title VI documents. SANDAG translated and made these templates available to subrecipients in Spanish. SANDAG includes step-by-step instructions for obtaining demographic data from the U.S. Census Bureau at [data.census.gov](http://data.census.gov). Subrecipients may request additional one-on-one assistance from SANDAG staff. Staff reviews draft Title VI plans, checking them for compliance and offers revisions and additional resources to subrecipients as appropriate.

Finally, Title VI-related issues are addressed routinely through scheduled site visits and/or desk reviews, which generally occur after the initial six months and twelve months of project implementation and annually thereafter. SANDAG works closely with its subrecipients to ensure Title VI Plans are updated triennially, all Title VI-related issues are resolved, and corrective action is taken in a timely manner, and subrecipients are required to maintain compliance with applicable federal regulations.

## 9. Monitoring Subrecipients

Subrecipients are required to submit the following documents to SANDAG at least 30 days prior to execution of a grant agreement.

- Title VI Plan
- Title VI Program Resolution
- Certificate of Civil Rights Assurances
- Equal Employment Opportunity Certificate

SANDAG uses the 30-day period between Title VI document submission and grant agreement execution to review programs for compliance. Subrecipients are required to update their Title VI plans every three years. Additionally, subrecipients are required to begin collecting client demographic data at grant execution, submitting to SANDAG their client demographic data one year later and annually thereafter. SANDAG has developed a Client Voluntary Demographic Data Survey that subrecipients may use to determine the populations that are served through their project and the frequency with which these populations access project services. The Client Voluntary Demographic Data Survey template is available at [sandag.org/stgps](http://sandag.org/stgps).

SANDAG staff coordinates with subrecipients to receive all required documents within a timely manner and tracks and stores subrecipient Title VI plans and other relevant documents electronically. SANDAG staff also store records that verify that subrecipients' Title VI notice, Complaint Procedures, and Complaint Forms are available on each subrecipient's respective website in English and any other languages identified through the subrecipient's Language Assistance Plan.

Additionally, SANDAG regularly monitors subrecipients' implementation of their Title VI programs and general Title VI compliance through its grant monitoring program. SANDAG staff uses the Monitoring Checklist (see Appendix J) at site visits to monitor subrecipient performance, including compliance with Title VI requirements and subrecipient's Title VI plan. For example, at site visits, SANDAG staff verify that the subrecipient's Title VI notice, Complaint Procedures, and Complaint Forms are posted on federally-assisted transit vehicles and in common office areas as applicable and are available in English and any other languages identified in the subrecipient's Language Assistance Plan. Site visits and/or desk reviews generally occur after the initial six months and twelve months of project implementation and annually thereafter.

Subrecipients are required to inform SANDAG of any Title VI complaint that has resulted in an investigation or lawsuit against the subrecipient or that relates to their transportation program within 72 hours of receiving the complaint so that SANDAG can determine whether it needs to carry out its own investigation. Subrecipients must establish and implement procedures to ensure timely resolution of complaints, and sufficiently document steps taken to investigate and address complaints. Subrecipients must make these records available to SANDAG for inspection upon request. SANDAG works closely with its subrecipients to resolve all Title VI-related issues and follows up on the implementation of corrective actions.

## 10. Determination of Site or Location of Facilities

As a result of SB 1703, SANDAG was given responsibility for carrying out the majority of the project development and construction needs for MTS and NCTD, while leaving responsibilities for operations with the transit operators. In essence, other than smaller maintenance projects, all regional-level transportation planning, project development, and construction, especially in the public transit arena, are now the responsibility of SANDAG. SANDAG collaborates on the design elements with the transit operators and other entities if the project is multi-modal in nature. After construction is completed, the facilities and operational responsibilities are transitioned to Caltrans, a municipality, MTS, and/or NCTD.

The FTA Title VI Circular requires that when SANDAG is determining the site or location of facilities, it may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination. Title 49 CFR Part 21, Appendix C, Section (a)(3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters, as these are amenities, nor does it include transit stations, power substations, or other facilities that are evaluated during the project development and environmental analysis process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc.

When determining the site or location of applicable facilities, SANDAG completes an environmental justice and Title VI analysis during the planning and environmental stage to ensure the location is selected without regard to race, color, or national origin. SANDAG also engages in outreach to persons potentially impacted by the siting of facilities, before the selection of a preferred site, to ensure that the analysis compares the equity impacts of various alternatives. When evaluating locations of facilities, SANDAG considers cumulative adverse impacts that might result. SANDAG analyses are performed at the census tract, block group, or on even smaller geographic areas where appropriate to ensure that proper perspective is given to localized impacts.

SANDAG has developed a [Social Equity Data Viewer](#) and other tools to conduct this type of Title VI analysis; those tools also support other analyses, such as for transit fare changes and to understand program level funding allocations, using Title VI principles. The SANDAG Social Equity Handbook (see Appendix P) provides further assistance in understanding possible equity implications of projects, as described by the Social Equity Impact Assessment Process Outline in the handbook.

As part of the evaluation, SANDAG must determine whether an inequity exists and whether it is significant enough to be considered to have a disparate impact on protected populations. Specifically, it looks at whether minority populations would experience more adverse effects than non-minority populations, and further explores whether the difference on the two populations would surpass the disparate impact threshold set by the Board for finding a discriminatory outcome. Board Policy No. 018, discussed in Chapter 4 of this Program below, lays out the thresholds for finding discriminatory impacts on minority and low-income populations.

If SANDAG were to determine that the location of a project would result in a disparate impact on the basis of race, color, or national origin, it would proceed with that location only if there was a substantial legitimate justification for locating the project there and if there were no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. SANDAG would document how both tests were met and would do so by considering and analyzing alternatives.

SANDAG did not make any new site decisions and did not construct any operations centers or storage facilities during this reporting period. There are two projects underway in the region for which SANDAG is either leading the Title VI analysis or providing technical assistance.

First, following a Title VI equity analysis and an inclusive public participation process, the Board selected a preferred location for a Bus Stopover and Multiuse Facility Project to be operated by the transit operator MTS in June 2016 and subsequently voted to approve the purchase of two parcels on the preferred site in June 2018. Due to the length of time since the initial equity assessment, conducted in 2012, SANDAG staff are conducting an update to the analysis (anticipated to be completed summer, 2021) to support a possible future acquisition of property for this project.

Second, MTS is identifying possible sites for its Division 6 Bus Maintenance Facility. SANDAG is assisting MTS in preparing an equity analysis following the FTA Title VI Circular, anticipated to be completed in summer, 2021.

A description of these projects and the Title VI assistance provided by SANDAG is included in Appendix K.

## **11. Requirement to Provide Additional Information Upon Request**

SANDAG will comply with any requests made by FTA to investigate complaints of discrimination, for additional information, or to resolve concerns about possible noncompliance with Title VI.

CHAPTER 3:  
PROGRAM-SPECIFIC REQUIREMENTS FOR  
SANDAG AS A METROPOLITAN  
PLANNING ORGANIZATION



Chapter VI of the Circular details the requirements specified under the “program-specific guidance” for MPOs. As the MPO for the region and a recipient of Federal Transit Administration (FTA) funds, Chapter VI of the Circular applies to SANDAG. The following sections review SANDAG’s planning and capital programming efforts completed during the time horizon of this Title VI Program.

Following federal regulations, SANDAG is required to develop a Regional Transportation Plan (RTP) every four years. San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP) is the most recently adopted RTP; it is the primary long-range transportation plan referenced in this document and is used to demonstrate SANDAG’s continuous, cooperative, and comprehensive planning practices. The 2021 Regional Plan is in the development stage as of the development of this Title VI Program; the initial stages of the 2021 Regional Plan and 2019 Federal RTP overlapped, and public involvement for these two plans was combined for efficient use of resources and effective public engagement.

MPOs are also required to develop Transportation Improvement Programs (TIP) at least every four years. During this review period SANDAG developed two TIPs, in 2018 and 2021. SANDAG refers to these as Regional Transportation Improvement Programs (RTIPs). In addition to content from the RTP and RTIPs, this section includes a sample of recently completed significant capital projects. These include South Bay *Rapid*, Chesterfield Drive to Santa Fe Drive Undercrossing Segment, and the San Diego River Bridge on the Los Angeles-San Diego-San Luis Obispo Corridor.

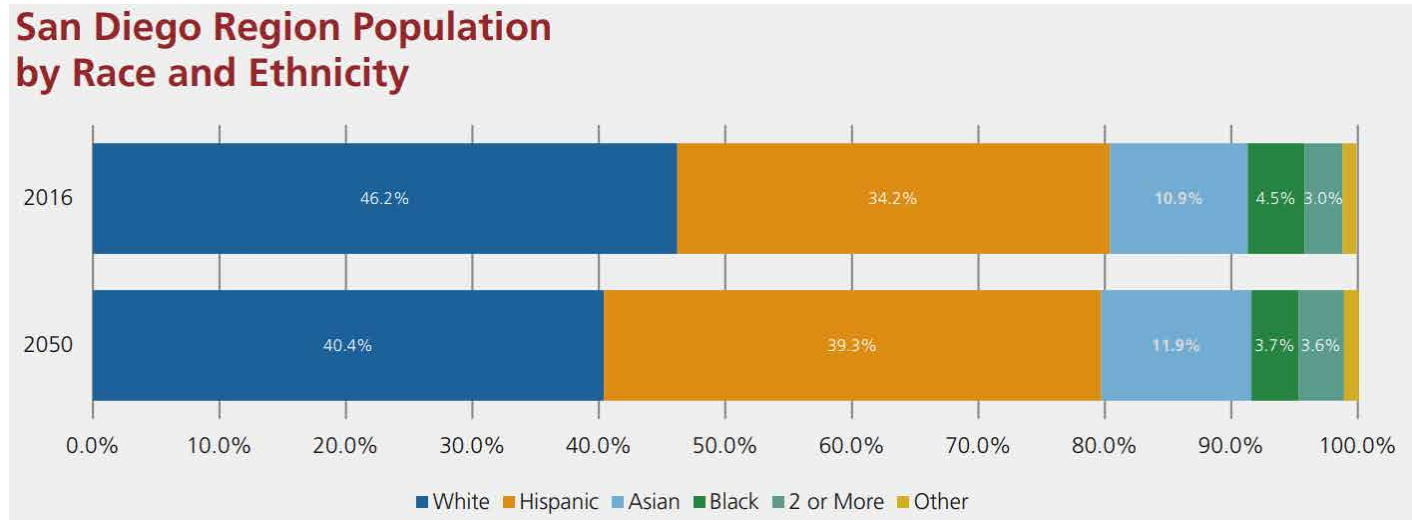
The 2019 Federal RTP is provided as Appendix R; the document may be viewed in its entirety at [sdforward.com/2019-federal-rtp](https://sdforward.com/2019-federal-rtp). The most recent (2021) RTIP is provided as Appendix S; that document may be viewed in its entirety at [sandag.org-RTIP](https://sandag.org-RTIP).

## **1. Demographic Profile of the San Diego Region that Identifies the Locations of Minority Populations in the Aggregate**

Current planning documents, including the 2019 Federal RTP, recognize that the San Diego region is an ethnically and racially diverse region. The 2010 Census confirmed that the region has become a “majority minority” county. This means that no single race or ethnic group comprises more than 50 percent of the region’s total population. As the region continues to grow, its racial and ethnic composition will continue to change.

Figure 3.1 displays the projected regionwide changes in population from 2016 to 2050 for six racial/ethnic groups: (1) Hispanic, (2) non-Hispanic White, (3) Asian, (4) Black, (5) Two or More Races, and (6) Other. By 2050 the Hispanic population is expected to increase by more than 5 percent, and Hispanics are predicted to account for more than 39% of the total population. The number of non-Hispanic Whites is expected to decline by less than 6 percent, from 46% in 2016 to about 40% in 2050.

Figure 3.1: 2050 Regional Forecast: The Region's Race and Ethnic Mix Will Change



Source: 2019 Federal RTP, Appendix H: Social Equity: Engagement and Analysis

It is estimated that there will be virtually no change between 2016 and 2050 in the percentage of the following non-Hispanic race groups: Black, Hawaiian/Pacific Islander, Asian, Other, American Indian, and Two or More Races.

Figure 3.2 illustrates the location of low-income populations relative to the planned transit network in the 2019 Federal RTP. Figure 3.3 provides the same information for the minority populations.

Figure 3.2: Low-Income Population Data and Planned 2050 Transit Network

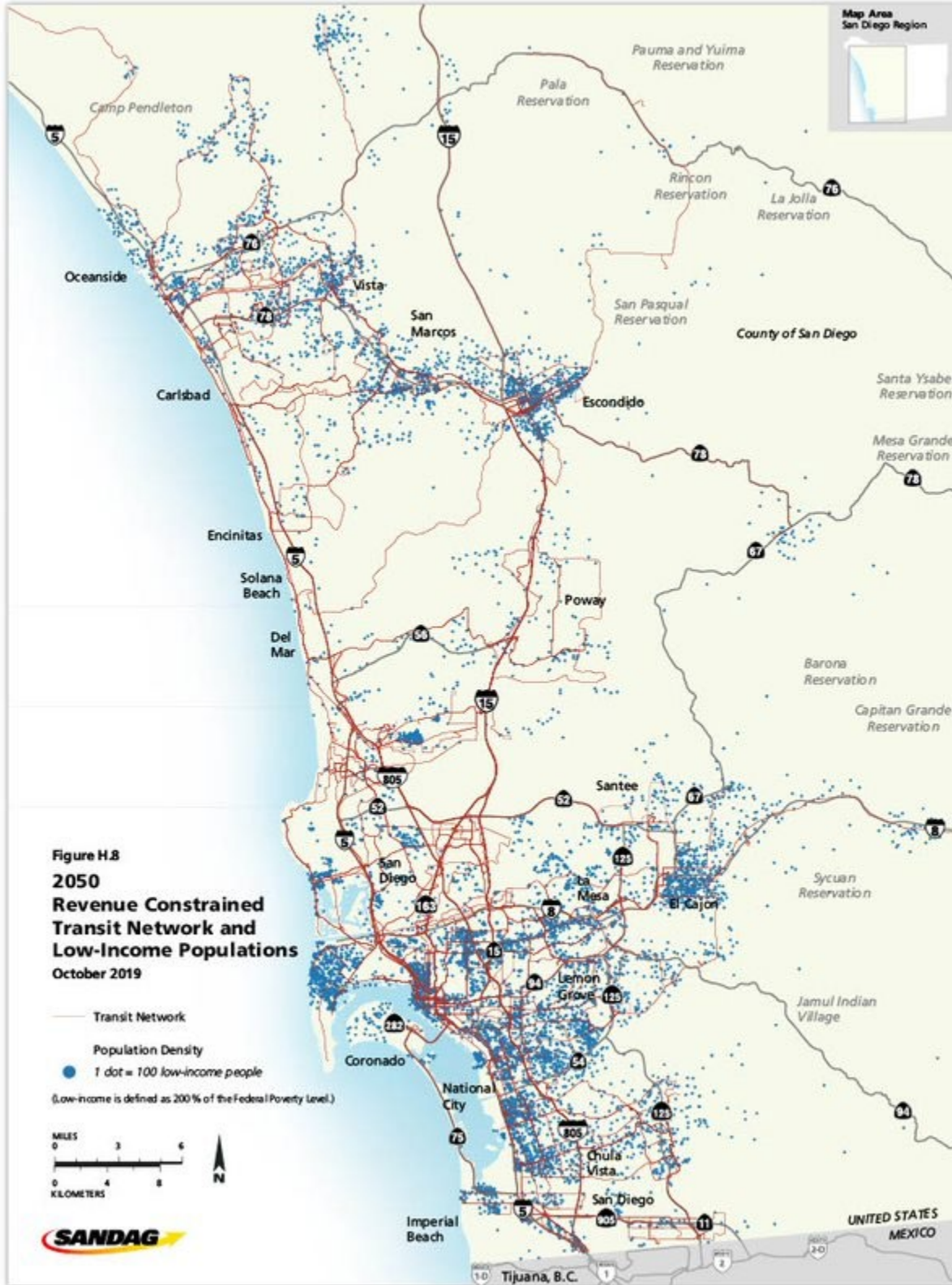
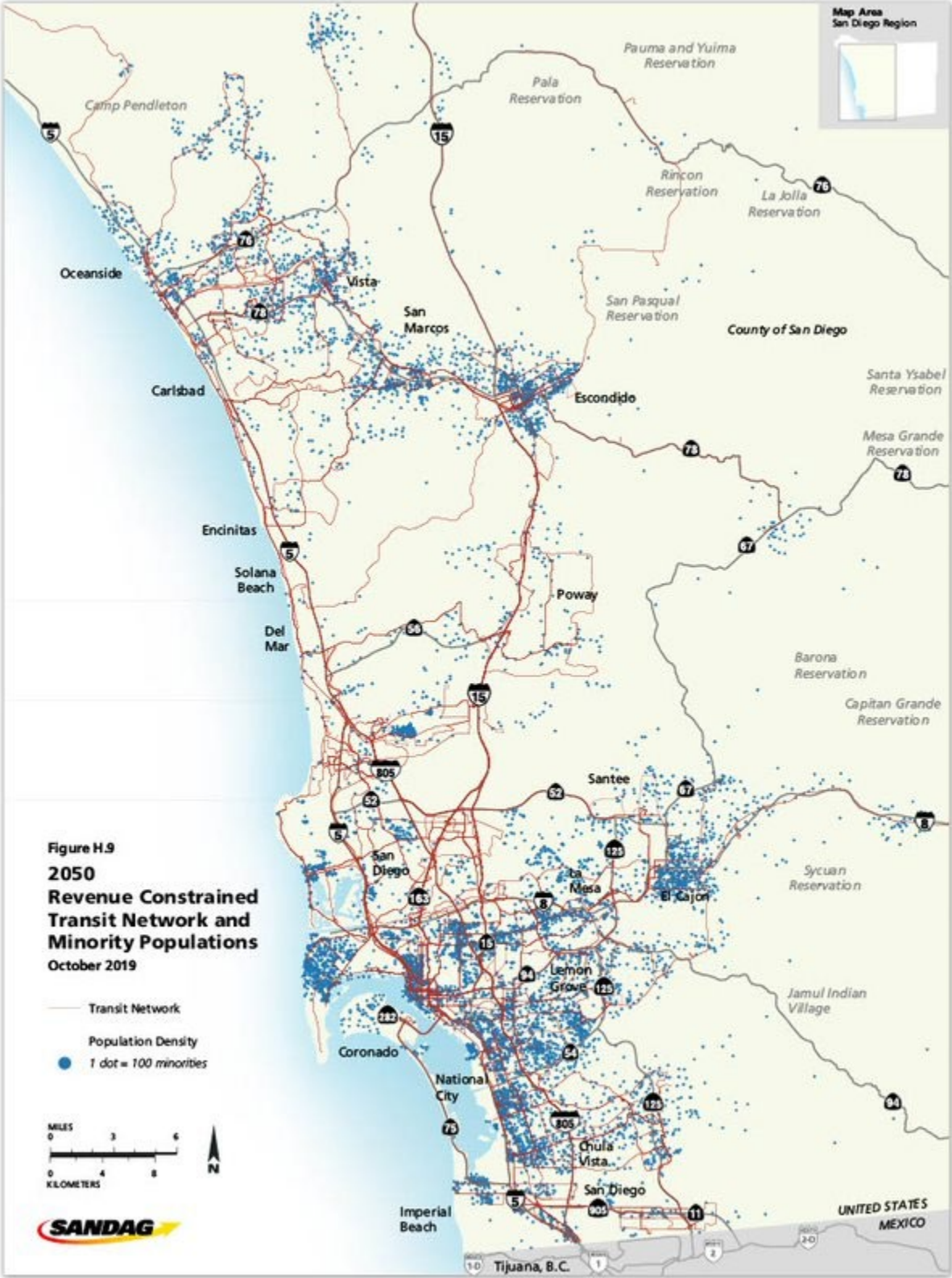


Figure 3.3: Minority Population Data and Planned 2050 Transit Network



SANDAG, as the state-designated Regional Census Data Center for the San Diego region, is well positioned to support the mapping, demographic, and data requirements of MTS and NCTD for Title VI-related service quality analysis. SANDAG also has an extensive estimates program that provides updates of the data between censuses. All census and estimate data for the region, including demographic information such as racial and ethnic background and income characteristics, are available through SANDAG and can be displayed on maps or in other formats at the request of the local jurisdictions, transit operators, businesses, community organizations, and other stakeholders. Additionally, as the region’s MPO, SANDAG has detailed data about planned and existing transit service and infrastructure. Merging those data sources using Geographic Information Systems (GIS), SANDAG is able to provide detailed accounts of the effects of both proposed service changes and infrastructure changes on communities protected by Title VI regulations.

## **2. How the Mobility Needs of Minority Populations Were Identified and Considered During the Planning Process**

### ***Public Participation Policies and Plans***

The SANDAG Program Budget and Overall Work Program (OWP) function together as the annual agency budget and demonstrate the agency’s commitments and priorities; these are informed by stakeholder engagement. SANDAG relies on a mix of committees, working groups, public hearings, workshops, surveys, web-based information, social media, and publications to inform, gauge, and respond to public concerns regarding regional issues. Encouraging the direct involvement of community members and organizations representing all segments of the population, including traditionally underrepresented and underserved populations, such as low-income, and minority (i.e., Black, Hispanic, Asian American, American Indian/Alaskan Native, and Pacific Islander) populations, as well as the elderly and disabled, ensures that plans and programs reflect the diverse interests within the region.

SANDAG public outreach efforts ([sandag.org/ppp](http://sandag.org/ppp)) are guided by the Public Participation/Involvement Policy, Board Policy No. 025 (see Appendix E). This policy establishes a process for obtaining input from and providing information to the public concerning agency programs, projects, and program funding in order to ensure that the public has opportunities to provide SANDAG with input, so plans can reflect the public’s feedback. Board Policy No. 025 is reviewed for updates annually.

Board Policy No. 025 addresses public participation policies and public information efforts in the following areas:

- A. Overall Public Participation Plan
- B. Short Range Program – Regional Transportation Improvement Program
- C. Development Planning
- D. Design and Construction
- E. Fare Changes
- F. Short Range Transit Planning
- G. Tribal Consultation

The Public Participation Plan policy (PPP) establishes a process for communicating with and obtaining input from the public concerning agency programs, projects, and program funding. The PPP is consistent with the requirements of Public Utility Code Section 132360.1(e) concerning SANDAG development of the Regional Comprehensive Plan under California law. That section reads as follows:

*(e) The consolidated agency shall engage in a public collaborative planning process. The recommendations resulting from the public collaborative planning process shall be made available to and considered by the*

*consolidated agency for integration into the draft regional comprehensive plan. The consolidated agency shall adopt a procedure to carry out this process including a method of addressing and responding to recommendations from the public.*

The strategies and tactics outlined in the PPP guide the agency's public outreach and involvement efforts for highway projects; transit fare changes and construction; smart growth, environmental review, and planning efforts; growth forecasts; the Regional Plan; RTIP; Tribal Consultation; and other initiatives. The PPP addresses Title VI and related nondiscrimination requirements and reflects the principles of social equity and environmental justice. Included in the PPP are procedures, strategies, and outcomes in federal regulations for MPO's consultation (Title 23 CFR Part 450.316). The PPP also fulfills various state and federal public involvement requirements. It reflects the agency's commitment to public participation and involvement to include all residents and stakeholders in the regional planning process. SANDAG reviews and updates the PPP every three years, and it was last updated February of 2018. Public Involvement Plans (PIP) are developed for every major project drawing from the guidelines of the PPP.

SANDAG communicates with community members and groups through the news media, social media, agency publications, partnerships with community-based organizations, and special presentations. Newsletters, report summaries, and news releases are used to present technical and policy issues in plain terms to a broad audience. Staff members regularly make presentations on specific issues to local community, civic, and business groups, and additional information on individual topics and copies of full reports are made available upon request through the agency's Public Information Office or via the SANDAG website at [sandag.org](http://sandag.org).

## **Organizational Structure**

The Board of Directors is the governing body responsible for establishing all the agency's policies and programs. It is composed of representatives from the region's 18 incorporated cities and the county government. Voting members on the Board are elected officials – mayors, city councilmembers, or county supervisors – selected by their peers from the incorporated cities and the county. Voting is based on membership and, if a weighted vote is called for, the population of each jurisdiction, providing for a more accountable and equitable representation of the region's residents. Most matters are decided by a simple tally vote; however, under some circumstances, the Board may take a weighted vote based on population that can supersede the tally vote.

Supporting these voting members are advisory representatives from Imperial County, the U.S. Department of Defense, Caltrans, the Port of San Diego, the Metropolitan Transit System, the North County Transit District, the San Diego County Water Authority, the Southern California Tribal Chairmen's Association, Mexico, and the San Diego County Regional Airport Authority. SANDAG recognizes the value of working collaboratively with tribal governments and local, state, and federal agency staff to achieve regional goals. Through working agreements with local, state, and tribal governments, as well as federal agencies, SANDAG and its member local governments have the opportunity to ensure the consistency of individual agency plans and programs regionwide.

## **Committees and Working Groups**

SANDAG is continually evolving its Policy Advisory Committee (PAC) structure and working groups to create more opportunities for public involvement. In response to AB 805, Board Policy No. 039 Audit Policy Advisory Committee and Audit Activities, was adopted by the Board in December 2017, and in 2018 SANDAG added a sixth PAC, the Audit Committee. In general, these PACs make policy recommendations to the full Board. All other participating groups fall into the category of "working groups." Member agency representatives as well as interested individuals and organization representatives on the working groups offer their suggestions, advice, and work products to a particular PAC for the elected officials' review. The PACs then, in turn, may offer policy recommendations to the Board. This process, however,

does not preclude a working group representative or individual member from offering public testimony directly to the Board during the monthly meetings.

Some of the SANDAG committees and working groups that report to the PACs and Board have the word “council” or “task force” in their name because that is how they are known to the public with whom they work and who they serve. However, for purposes of this Title VI Program, all of the groups that provide public input to SANDAG are collectively referenced as “committees and working groups.” Information on all SANDAG committees and working groups can be found at [sandag.org/committees](https://sandag.org/committees). SANDAG supports more than 20 different committees and working groups that advise the PACs on a variety of projects and issues related to the Overall Work Program (OWP) and the Capital Program. With the exception of the Executive Committee and Audit Committee, each PAC (Transportation, Regional Planning, Borders, and Public Safety) has a number of different committees and working groups that report to it. Appendix L includes the list of committees and working groups and their responsibilities.

These committees provide forums for public involvement and opportunities to incorporate and comply with social equity and environmental justice issues in local planning processes. Efforts to include underrepresented groups in these committees have resulted in expanded community involvement. In addition, the agency’s computerized mailing list now contains approximately 90,000 individuals and organizations.

All meetings subject to the California open meeting laws known as the Brown Act are open to the public. Agendas are posted and noticed in advance of meetings, denoting meeting times, and locations to help encourage public attendance. All meeting agendas offer translation for LEP populations and are posted to the agency website at [sandag.org](https://sandag.org). Following every meeting, meeting minutes and, when available, an audio or video recording, are posted to the website.

### ***Local, State, Tribal, and Federal Agency Participation***

SANDAG recognizes the value of direct participation and collaboration on various programs by local, state, and federal agency staff. This direct involvement means better coordination and assurance of the best local technical expertise available. It also results in plans that more accurately reflect local needs and foster support when completed. Many of the work elements outlined in the SANDAG OWP rely on input from working groups and task forces composed of residents, special interest groups, and community organizations with federal, state, and local staff participation. SANDAG regularly collaborates and coordinates with the 19 local jurisdictions that serve on the Board and with non-voting advisory members.

SANDAG’s government-to-government framework with the tribal nations in the region is based on consultation, cooperation, and collaboration. At a policy level, the Southern California Tribal Chairmen’s Association has an advisory seat not only on the Board but also on policy advisory committees. At a technical level, all tribes can participate in the Interagency Technical Working Group on Tribal Transportation Issues. Also, at a technical level SANDAG partners with other intertribal associations on specific planning projects and programs where appropriate, to conduct public participation and involvement activities to coordinate transportation and land use planning with tribal nations in San Diego County.

## **3. A Summary of Regional Planning Efforts and Outreach for Specific Projects and Programs Conducted during the Reporting Period**

Several major planning initiatives took place during the reporting period. These included the 2019 Federal RTP, 2018 and 2021 RTIPs, and other planning efforts. This section describes each of these three efforts with a summary of public outreach and involvement activities as well as steps taken to ensure that people of color and low-income people had meaningful access to the decision-making process.

In addition to the project specific activities, during the reporting period, Board members and staff made numerous presentations to various leadership, civic, and community groups about population growth management, transportation, environmental projects, public safety programs, and other regional topics. Board members and staff proactively provided information to the general public, interested organizations, public officials and agencies, and news media; edited technical reports for readability; and prepared non-technical summaries of key issues. Public notices in general circulation and minority/community newspapers, newsletters, report synopses, and news releases were used to notify and present technical and policy issues in easy-to-understand language to various selected audiences. Special workshops and other forums were offered as needed to focus attention on individual projects and encourage the public's involvement.

Whenever possible, community participation activities and development of public information collateral materials were coordinated with federal, state, and local agencies to enhance public consideration of issues, plans, and programs, and make them more efficient and cost-effective. Major products included newsletters, monthly digests of Board actions, news releases, workshop materials, informational brochures, and website updates. Significant events included public hearings, press conferences, public workshops, briefing sessions, and public presentations to groups and organizations throughout the region.

Consistent with U.S. Department of Transportation guidance, SANDAG uses its LAP to ensure meaningful input opportunities for persons with limited English proficiency. The LAP calls for SANDAG to translate certain vital documents, such as public notices, into Spanish. The regional planning efforts and outreach for specific projects outlined below demonstrate SANDAG's implementation of the LAP.

### ***San Diego Forward: The 2019 Federal Regional Transportation Plan***

The Board makes regional transportation policy for all forms of travel encompassing walkable communities, automobiles, transit, bicycles, and intra-city railroads through the adoption of an RTP, which SANDAG refers to as "San Diego Forward." As the designated MPO for the San Diego region, SANDAG is required to develop a RTP every four years; the RTP typically is oriented around a planning horizon of at least 20 to 30 years. During the time period of this Title VI Program, SANDAG completed San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP). The 2019 Federal RTP provides policymakers and planners with an overall guide for effective coordination and orderly programming of transportation improvements among local, regional, state, and federal agencies. The RTP is the long-range planning document that forms the foundation for service and short-term planning undertaken by the San Diego region's two transit agencies, MTS, and NCTD.

The 2019 Federal RTP was adopted in October 25, 2019 with a planning horizon of 2050. The 2019 Federal RTP contains a robust transportation network with a diversity of transportation projects. Building upon its predecessor, the 2019 Federal RTP focuses on transit by calling for improvements to the region's public transit network by improving the existing system and introducing new access to other areas.

### **Developing the PIP for San Diego Forward: The 2019 Federal Transportation Regional Plan**

In an effort to establish a comprehensive public involvement and engagement process for the 2019 Federal RTP, SANDAG developed a [Public Involvement Program](#) (PIP). The PIP established a process and outlined specific activities for communicating with the public throughout the 2019 Federal RTP development process, creating a variety of opportunities for individuals, organizations, agencies, and other stakeholders to provide meaningful input, per Government Code Section 65080(b)(2)(F).

On February 22, 2019, the Board approved an action plan to develop a bigger and bolder vision for the subsequent 2021 Regional Plan, currently planned to be considered for adoption by the Board in late 2021. The 2019 Federal RTP serves as the long-term planning framework for the San Diego region while development of the 2021 Regional Plan continues, and



it addresses all federal RTP requirements for the MPO. The state of California has additional planning requirements for large urban areas such as San Diego, which will be addressed by the subsequent 2021 Regional Plan. The initial stages of these two planning efforts overlapped and as a result the PIP was designed to address the needs of both plans.

While the overall Public Participation Plan policy for SANDAG provided guidelines for drafting the PIP, creation of this PIP was based on expertise obtained through development of prior Regional Plan efforts, feedback from the Board, Policy Advisory Committees, working groups, tribal governments, surveys, a wide variety of communications experts, and regional stakeholders and partners, including a network of Community Based Organizations (CBOs).

The PIP provides a menu of options for SANDAG to gather input on the various anticipated components of the plan, including sustainability and land use goals; priorities for transportation projects, programs, and services; transportation networks; infrastructure recommendations; funding alternatives; policies and programs; performance measures; techniques for meeting greenhouse gas emission targets; and other related issues. A [tribal consultation work plan](#) was developed in parallel. A short summary of the PIP objectives, strategies, implementation techniques and activities, public information, face-to-face interactions, the community-based partnership network, and more follows.

### *Objectives: The following objectives were established in the PIP to help reach the goals of the outreach process.*

- Raise awareness of the plan as the region’s updated blueprint that will guide the way as our region grows to 2050 and beyond.
- Gain meaningful input from a broad range of individuals, organizations, agencies, and local governments throughout the Regional Plan development and decision-making process.
- Make proactive efforts to involve communities and members of the public that have traditionally not participated in public planning efforts.
- Meet or exceed local, state, and federal guidelines and requirements for public involvement in the development of the Regional Plan.
- Create an inclusive process that leads to broad support for policies, projects, and programs outlined in the Regional Plan.

### *Strategies: The following PIP strategies were identified to help achieve the objectives.*

- Project videos, TV news coverage about the plan and public involvement process, and videos of public meetings (if available).
- Public comments and ideas that SANDAG can keep track of through the use of hashtags. Facebook and Instagram can be used for more content-rich posts and to promote events and opportunities for public involvement.
- Boosted posts can help ensure that the information is shared with a wider audience.
- Micro-targeting of select groups (transit riders or corridor users, for example) can help reach specific audiences to help tailor messaging and customize interactions.
- Track stakeholder engagement to inform effective strategies and methods (videos, infographics, images, etc.).
- Useful information about existing transportation services (i.e., commute times, construction impacts, etc.) to build social media audience. Those audiences can later be accessed to share information specific to the Regional Plan.

### *Implementation techniques and activities*

The PIP included five main approaches for implementing the strategies in coordination with key milestones in the development of the plan: public information, face-to-face interactions, community-based partnership network, web-based interactive communications, and media. Special attention was paid to PIP elements that are applicable to federal regulations pertaining to public outreach and consultation (23 CFR 450.316 and 450.324).

- Public Information (Section 2.4.2): project fact sheet, public notices, frequently asked questions, and dedicated 2019 Federal RTP phone line and email address.
- Face-to-face Interactions (Section 2.4.3): presentations to the Board, policy advisory committees, and working groups; public workshops/open houses; discussions with mayors, supervisors, and councilmembers; and outreach to partner agencies.
- Community-Based Organization (CBO) Network (Section 2.4.4): CBOs and collaboratives provide culturally relevant structures for community discussions and input. CBOs are provided with resources to engage their communities in the planning process and are tasked with implementing outreach programs appropriate to their community context. CBOs provide a social equity perspective on planning efforts and support the Title VI and social equity analyses for the 2019 Federal RTP.
- Web-Based Interactive Communications (Section 2.4.5): 2019 Federal RTP webpage, email updates, social media, and visualizations.
- Media (Section 2.4.6): Media kit, outreach via trade publications, and stakeholder email updates.

### *Public Information*

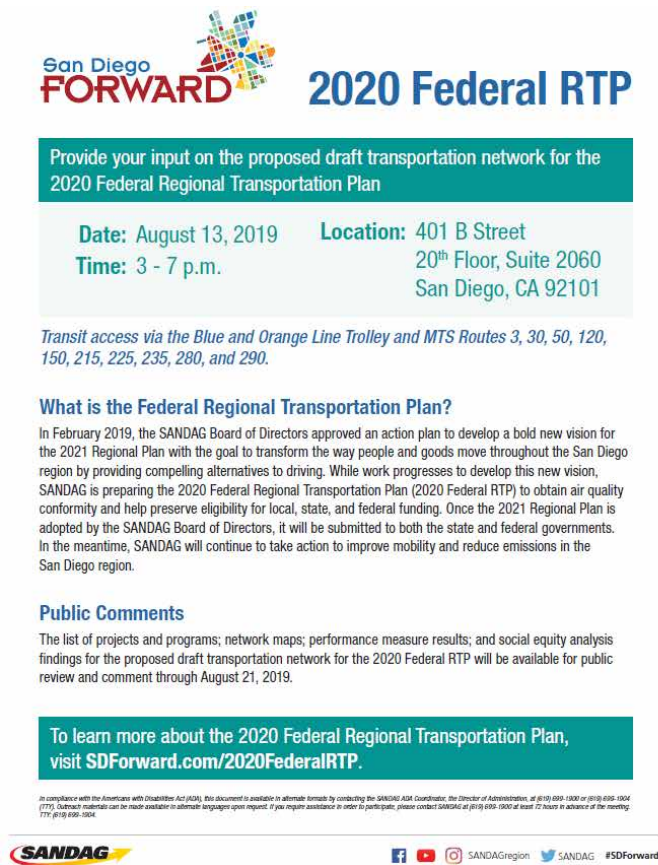
An important tactic was to create and distribute clear, concise, and engaging information to support public involvement efforts, and to provide materials with a consistent look and feel, reflecting the branding developed for the plan. The potential range of resources included written materials, interactive website, e-newsletters, public notices, presentations, a project fact sheet, videos from public workshops, a dedicated phone and e-mail account, and rider alerts. [SDForward.com](http://SDForward.com) was the dedicated webpage for the 2019 Federal RTP which provided easy access to the materials, contact information, and other engagement efforts related to the plan.

### *Face-to-Face interactions*

The PIP recognized that face-to-face interaction was important and emphasized the need to create opportunities for SANDAG to interact directly with stakeholders in a variety of formats. These included presentations to the Board, policy advisory committees, and working groups, stakeholder interviews and briefings, small group meetings, community events, an open houses, translation services/multi-lingual staff members, tribal coordination, and presentations to local city councils, the Board of Supervisors, planning commissions, and other planning-related organizations.

On August 13, 2019, SANDAG held a public open house to gather input on the proposed draft transportation network from the public. Spanish interpretation services were available as were staff from several divisions within SANDAG to take comments and help answer questions.

Figure 3.4: 2019 Federal RTP Open House Flier



**San Diego FORWARD 2020 Federal RTP**

Provide your input on the proposed draft transportation network for the 2020 Federal Regional Transportation Plan

**Date:** August 13, 2019      **Location:** 401 B Street  
**Time:** 3 - 7 p.m.                      20<sup>th</sup> Floor, Suite 2060  
 San Diego, CA 92101

*Transit access via the Blue and Orange Line Trolley and MTS Routes 3, 30, 50, 120, 150, 215, 225, 235, 280, and 290.*

**What is the Federal Regional Transportation Plan?**

In February 2019, the SANDAG Board of Directors approved an action plan to develop a bold new vision for the 2021 Regional Plan with the goal to transform the way people and goods move throughout the San Diego region by providing compelling alternatives to driving. While work progresses to develop this new vision, SANDAG is preparing the 2020 Federal Regional Transportation Plan (2020 Federal RTP) to obtain air quality conformity and help preserve eligibility for local, state, and federal funding. Once the 2021 Regional Plan is adopted by the SANDAG Board of Directors, it will be submitted to both the state and federal governments. In the meantime, SANDAG will continue to take action to improve mobility and reduce emissions in the San Diego region.

**Public Comments**

The list of projects and programs; network maps; performance measure results; and social equity analysis findings for the proposed draft transportation network for the 2020 Federal RTP will be available for public review and comment through August 21, 2019.

To learn more about the 2020 Federal Regional Transportation Plan, visit [SDForward.com/2020FederalRTP](http://SDForward.com/2020FederalRTP).

In compliance with the Americans with Disabilities Act (ADA), this document is available in alternate formats by contacting the SANDAG ADA Coordinator, the Director of Administration, at (619) 699-1900 or (619) 699-1904 (TTY). Subsequent materials can be made available in alternate languages upon request. If you require assistance in order to participate, please contact SANDAG at (619) 699-1900 at least 72 hours in advance of the meeting. TTY: (619) 699-1904

**SANDAG**      SANDAGregion      SANDAG      #SDForward



**San Diego FORWARD RTP Federal 2020**

Proporcione su opinión sobre el borrador de la red de transporte para el Plan Regional de Transporte Federal 2020

**Fecha:** 13 de agosto de 2019      **Ubicación:** 401 B Street  
**Hora:** 3 - 7 p.m.                      20<sup>th</sup> Floor, Suite 2060  
 San Diego, CA 92101

*Acceso en transporte público a través de las líneas Azul y Naranja del Trolley y de las rutas de autobús MTS 3, 30, 50, 120, 150, 215, 225, 235, 280 y 290.*

**¿Qué es el Plan Regional de Transporte Federal?**

En febrero de 2019, la Mesa Directiva de la Asociación de Gobiernos de San Diego (SANDAG, por sus siglas en inglés) aprobó un plan de acción para desarrollar una nueva y audaz visión para el Plan Regional 2021 con el objetivo de transformar la forma en que las personas y los bienes se movilizan en la región de San Diego al ofrecer alternativas atractivas a la conducción. Mientras el trabajo avanza para desarrollar esta nueva visión, SANDAG está preparando el Plan Regional de Transporte Federal 2020 (RTP Federal 2020) para obtener la conformidad de la calidad del aire y ayudar a preservar la elegibilidad para recibir fondos locales, estatales y federales. Una vez que el Plan Regional 2021 sea adoptado por la Mesa Directiva de SANDAG, se presentará ante los gobiernos estatales y federales. Mientras tanto, SANDAG continuará tomando medidas para mejorar la movilidad y reducir las emisiones en la región de San Diego.

**Comentarios Públicos**

La lista de proyectos y programas, mapas de la red, resultados de las medidas de rendimiento y las conclusiones del análisis de equidad social para la propuesta del borrador de la red de transporte para el RTP Federal 2020 estarán disponibles para revisión y comentarios públicos hasta el 21 de agosto de 2019.

Para más información sobre el Plan Regional de Transporte Federal 2020, visite [SDForward.com/2020FederalRTP](http://SDForward.com/2020FederalRTP).

En cumplimiento de la Ley de Estadounidenses con Discapacidades (ADA), por sus siglas en inglés, este documento está disponible en formatos alternativos al comunicarse con el Coordinador de ADA de SANDAG, el Director de Administración, al (619) 699-1900 o al (619) 699-1904 (TTY). Los materiales de divulgación pueden estar disponibles en otros idiomas a solicitud. Si necesita ayuda para participar, comuníquese con SANDAG al (619) 699-1900 al menos 72 horas antes de la reunión. TTY: (619) 699-1904

**SANDAG**      SANDAGregion      SANDAG      #SDForward

Note that the 2019 Federal RTP was originally anticipated to be completed in 2020 – as referenced in these fliers – however, SANDAG was able to finalize the plan in late 2019. The RTP’s final name was updated to reflect the year the plan was adopted, 2019.

### Community-Based Partnership Network

The Regional Plan PIP incorporated a number of techniques for SANDAG to reach low-income and minority groups and others who may face challenges participating in the planning process (such as non-English speakers, individuals with disabilities, and the elderly) to ensure that benefits and burdens are distributed equitably in the region. These techniques included multilingual outreach, public participation conducted in collaboration with community-based partner organizations, and community planning events that reach out to communities with high concentrations of low-income or minority residents. SANDAG is committed to ensuring that no person is excluded from participation in, denied the benefits of, or discriminated against under its projects, programs or activities on the basis of race, color, creed, national origin, sex, age, income status or disability as provided in state and federal law.

The PIP recognized that due to their convening capacities, “community collaboratives” or “community-based organizations” (CBOs) would be critical to the ability of SANDAG to reach out to underrepresented low income and minority populations who might not otherwise become involved in the planning process.

CBOs provide a culturally relevant structure for developing local protocols, crossing language barriers, and structuring meetings. To help ensure diverse and direct input into the Regional Plan, the PIP included a strategy for SANDAG to continue to broaden its partnership network with CBOs through competitive contracts awarded by SANDAG. The primary

goal was to engage and encourage diverse, inclusive, and active public participation from stakeholders in specific communities who traditionally may not have been involved in regional planning processes (e.g., low-income, seniors, minorities, persons with disabilities, and other identified populations).

### *Partnering with community-based organizations*

SANDAG believes that trust-building is a crucial component in ensuring meaningful public involvement and that can only be established when stakeholders have been engaged early and consistently in the process. With the 2019 Federal RTP, SANDAG engaged affected communities in the planning process through an innovative collaborative effort with CBOs and other collaboratives from around the region. SANDAG incorporated issues and concerns identified by these groups into the design and decision-making process, the definition of disadvantaged communities, and the development of social equity project evaluation criteria and performance measures. The goal of these efforts is for low-income and minority communities to share equitably in the benefits of the transportation investments without bearing a disparate impact or disproportionate burdens.

Thirteen CBOs and collaboratives from around the San Diego region were selected to partner with SANDAG to create a community-based network. They had two roles: first, to educate their communities about the Regional Plan process and ensure that their communities received content about the Plan in a timely and meaningful way; second, to bring the perspective of their community to a public forum through the creation of a Working Group chaired by a SANDAG Board member. These CBO Partners already built a foundation with their constituents, and therefore could be highly instrumental in bridging the gap between SANDAG decision-makers and traditionally under-represented communities, and the partners facilitated the timely and meaningful involvement of these communities in the process to develop the 2019 Federal RTP. The CBO Partners selected share several important qualities, including: (a) a well-established and trusted role in their respective communities with a reputation for consistency and excellence in service; (b) institutional capacity – the resources, staff, and time – to handle various outreach tasks such as survey distribution, community workshops, and others activities, in addition to their regular services; (c) a capacity to convene large groups of community members, especially low-income, minority, newcomers with limited English, youth, and senior populations, and catalyze significant public involvement from these groups; and (d) representation of the different geographic areas in the region in order to maximize the amount and variety of people reached. Each of the CBOs conducted outreach using strategies and techniques they developed, and which they felt were most effective in reaching out to residents and stakeholders in the communities they serve. An overview of each of the CBOs, and a map showing the areas of their geographic coverage is included in the Social Equity: Engagement and Analysis appendix to the 2019 Federal RTP. The following is a list of the 13 CBOs that participated in the development of the Regional Plan.

- Alliance for Regional Solutions
- Bayside Community Center
- Barrio Logan College Institute
- Casa Familiar
- City Heights Community Development Corporation
- Chula Vista Community Collaborative
- El Cajon Collaborative
- National Latino Research Center
- Nile Sisters Development Initiative
- Olivewood Gardens & Learning Center
- Operation Samahan
- Urban Collaborative Project
- Vista Community Clinic

## Web-based Interactive Communications

Given the important role of the internet in people’s everyday lives, the PIP identified opportunities for basic web-based communications to provide information and solicit public input in the plan development process, as well as for more innovative interactive web-based opportunities. These included a dedicated website, extensive social media, e-newsletters, internet-based surveys, “virtual” public workshops, and visualizations.

## Dedicated Website with Interactive Elements

SANDAG created a dedicated web page at [SDForward.com](http://SDForward.com) for the 2019 Federal RTP. The website served as the information portal for all news, community events, and reports related to the plan.

Figure 3.5: Dedicated 2019 Federal RTP Website



## Media

Finally, the PIP identified opportunities for SANDAG to use print, broadcast, and online media to communicate information to a broad audience and promote opportunities for the public to get involved. These included earned media, media partnerships, and paid media, including reporter briefings, distribution of regular press releases and media alerts to local

and regional media, press conferences, editorial opportunities, paid media when appropriate, cultivating a partnership with the media, using SANDAG Board members as media ambassadors, and outreach via trade publications and stakeholder newsletters.

### *Summary of Results of 2019 Federal RTP Outreach*

- Advertisements for public comment were communicated through the SANDAG and San Diego Forward websites, social media channels, via email to the 2019 Federal RTP and 2021 Regional Plan stakeholder email lists, and in regional newspapers: Union Tribune (English language), Daily Transcript (English language), and El Latino (Spanish language).
- The SANDAG CBO network shared information about the 2019 Federal RTP with their respective communities and conducted events to facilitate dialogue and comments leading up to and throughout the comment period.
- An open house with bilingual staff and an interpreter (in English and Spanish) presented copies of the draft 2019 Federal RTP, as well as materials explaining the draft transportation network and planning process. Refreshments and children's activities were provided at the open house.
- A Working Group forum with ten SANDAG working groups and members of the public solicited input on the draft 2019 Federal RTP.
- Fourteen regular working group meeting presentations on the proposed draft network and draft plan were given, including to the CBO Working Group.
- Presentations were given to the Southern California Tribal Chairmen's Association, the Interagency Technical Working Group on Tribal Transportation Issues, and the *TransNet* Independent Taxpayer Oversight Committee.
- Presentations were given to the policy advisory committees, including the Audit Committee, and to the Board of Directors.
- Presentations were given to community groups.
- Draft documents were made available online.
- The project established a presence on social media, including SANDAG's Facebook, Twitter, and YouTube pages.
- Members of the public were provided with opportunities for interaction via social media, including Facebook and Twitter.
- Members of the public were given opportunities to subscribe to E-newsletters.
- A dedicated project website, [sdforward.com](http://sdforward.com), was created.

All of the public comments on the proposed draft transportation network and draft plan received during the comment periods are included in the [Public Involvement Program](#).

### ***Regional Transportation Improvement Program***

The Regional/Federal Transportation Improvement Program (RTIP) is a multi-billion-dollar, five-year program of major transportation projects funded by federal, state, and local revenues, as well as other local and private funding. The RTIP is a prioritized program designed to implement the region's overall strategy for providing mobility and improving efficiency and safety of the transportation system, while also reducing transportation-related air pollution in support of efforts to attain federal and state air quality standards for the region. Each RTIP also incrementally implements the region's adopted Regional Transportation Plan. The RTIP, which includes an analysis of the air quality emissions for all regionally significant projects, requires approval by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). During this reporting period, SANDAG prepared and adopted the 2021 RTIP, which includes programming for fiscal years

2021-2025. The 2021 RTIP implements policies and projects from the 2019 Federal RTP and the 2018 RTIP, which includes programming for fiscal years 2018-2024, and follows the policies and projects from the 2015 Regional Plan. The following section reviews the public participation process followed for the most recent 2021 RTIP.

### *Public Participation*

It is the SANDAG policy to encourage public participation in the transportation planning and programming processes. The public involvement program for the RTIP consisted of (1) public participation at various SANDAG working groups, (2) opportunities to comment at SANDAG Board of Directors (Board) meetings and public hearings; and (3) through the SANDAG public communications program.

The public was provided opportunities to participate at SANDAG Board and committee meetings, SANDAG public notices of document availability and public hearings, and through the SANDAG public communications program. Presentations were provided to the Technical Working Group (TWG) on Tribal Transportation Issues and Community Based Organizations (CBO) requesting comments. Additional details are described below. The projects in the 2021 RTIP build upon the public outreach efforts from the 2019 Federal RTP.

Pursuant to 23 U.S.C. 134(i), the SANDAG Board approved the release of the draft 2021 RTIP for public review and comment at its meeting on December 18, 2020, ending January 18, 2021 and held a public hearing on February 5, 2021. The public hearing also satisfied the public participation process requirement pertaining to the development of the Program of Projects for the FTA Section 5307, and 5339 programs including time for public notice and time established for public review and comment.

Examples of public outreach efforts and ongoing participation efforts included the following:

### *Independent Taxpayer Oversight Committee*

In conformance with the regional transportation sales tax *TransNet* Ordinance, a citizen advisory committee, the Independent Taxpayer Oversight Committee (ITOC), was established. It oversees projects funded through the *TransNet* program. As the document through which SANDAG identifies *TransNet*-funded projects, the RTIP is reviewed by the ITOC, and the ITOC's comments on the *TransNet* Program of Projects are conveyed to the SANDAG Transportation Committee, and ultimately to the Board of Directors.

### *Social Equity*

For the development of the 2021 RTIP, SANDAG utilized the social equity analyses from the development of the 2019 Federal RTP. For these processes SANDAG used performance measures to aid in making decisions intended to ensure compliance with Title VI requirements and environmental justice principles. For the 2021 RTIP, SANDAG conducted additional outreach to low-income and minority areas and tribal organizations to solicit their input. The social equity analysis conducted can be found in Chapter 4 and Appendix H of the 2019 Federal RTP.

### *Public Workshops/Outreach*

SANDAG provided information about the 2021 RTIP and solicited feedback on the projects included in the draft 2021 RTIP to CBOs through the CBO Working Group. In October 2020, information also was provided to the Interagency TWG on Tribal Transportation Issues for solicitation and feedback on tribal funding, and to review the project information provided. In addition, as part of the development of the 2019 Federal RTP, multiple public workshops were provided in which SANDAG provided information regarding the RTIP. A series of subregional open houses and workshops, community-based outreach events, and an online comment tool provided a foundation to start developing the plan.

An open house at SANDAG was held on October 15, 2019, to give the community an opportunity to view maps, talk with planners, and provide comments on the draft 2019 Federal RTP. Staff was also available at the open house to explain the RTIP and discuss the schedule for developing the next update.

### *Electronic Notifications*

In addition to the current list of external industry professionals, SANDAG continually strives to expand the notifications to other citizen-involved working groups. This practice continued with the 2021 RTIP including the English/Spanish notice for the public hearing posted on the SANDAG web page. SANDAG continues to utilize social media outlets such as Facebook and Twitter to ensure maximum outreach.

In an effort to make the RTIP more accessible to the public, a public website was developed through ProjectTrak; an online application used by member agencies to enter projects and propose changes to the RTIP. This public website allows users to view and search the most up-to-date versions of federally approved projects included in the SANDAG RTIP and can be accessed at [projecttrak.sandag.org](http://projecttrak.sandag.org).

Appendix I of the RTIP describes the SANDAG public participation process and references the Public Participation Policy (Board Policy No. 25), containing a section specifically addressing the RTIP development and amendment process.

### *Public Participation Plan*

The Public Participation Plan Policy reflects the commitment of SANDAG of public participation and involvement to include all residents and stakeholders in the regional planning and decision-making process. The PPP was developed in accordance with 23 CFR 450.316, the guidelines established by the FHWA for metropolitan transportation planning. It fully complies with Title VI, related nondiscrimination requirements, and reflects the principles of social equity and environmental justice. Included in the PPP are procedures, strategies, and outcomes associated with the ten requirements listed in 23 CFR 450.316.

### *Other Planning Efforts*

Since the last reporting period, SANDAG has undertaken planning and construction for several transportation projects. For each major project a PIP was developed to ensure critical community concerns and technical issues are identified and potential options to address those concerns were provided. Below is a sampling of a few of these projects with a summary of engagement and outreach efforts. Materials and information for these projects were made available on a website ([www.keepsandiegomoving.com](http://www.keepsandiegomoving.com)).



Figure 3.6: South Bay Rapid Spanish Fact Sheet

*South Bay Rapid*

The South Bay *Rapid* route functions like a Bus Rapid Transit (BRT) service. It includes 12 stations along a 26-mile route from the Otay Mesa Port of Entry to Downtown San Diego via eastern Chula Vista, connecting to employment and activity centers in Downtown San Diego and South County. At the heart of the project is the dedicated transit guideway – a nearly six-mile-long transit-only lane constructed in the median of East Palomar Street and along Eastlake Parkway in Chula Vista. The final segment of construction within the City of Chula Vista along East Palomar Street between I-805 and Heritage Road was completed in 2020.

Materials and information for this project were made available on a website. Key documents were translated into Spanish such as the Project Fact Sheet shown in Figure 3.6. Three open houses at various phases of the project were conducted to solicit feedback and provide information. Other engagement efforts included posting of fliers, doorhangers with construction notices and engagement opportunities, public notices were also published local English and Spanish language publications.



Enero 2019

**Descripción**

Después de varios años de planificación y colaboración con las comunidades del Condado Sur, South Bay *Rapid* lanzó las operaciones del servicio completo el 27 de enero de 2019. El proyecto es una iniciativa de \$130 millones, incluyendo \$128 millones provenientes de TransNet y \$11 millones en fondos de los derechos de emisión, cuyo objetivo es proveer a los viajeros una opción de transporte frecuente y confiable. Esta nueva ruta de 26 millas conecta importantes centros de trabajo y actividades entre la Garita de Otay Mesa y el centro de la Ciudad de San Diego a lo largo del este de Chula Vista.

**Carril guía para el transporte público**

El núcleo del Proyecto es el carril guía exclusivo para el transporte público –un carril de seis millas de largo exclusivo para el transporte público que está siendo construido en la mediana de East Palomar Street y a lo largo de Eastlake Parkway, en Chula Vista. El carril guía para el transporte público está equipado con moderna tecnología de semáforos que dan prioridad al transporte público que reducirán los retrasos y mejorarán el cumplimiento con el horario de servicio.



**Estaciones del Rapid**

El South Bay *Rapid* operará en una docena de estaciones del *Rapid* ubicadas a lo largo de la ruta de 26 millas, incluyendo cinco en el centro de la Ciudad de San Diego. Siete estaciones fueron construidas en el este de Chula Vista y Otay Mesa como parte de este proyecto. Estas estaciones incluyen nuevas y modernas paradas, plataformas elevadas para abordar más fácilmente y mejores facilidades, incluyendo información de llegada del próximo vehículo en tiempo real, áreas verdes, mejoras en el pavimento y tratamientos estructurales. Todas las estaciones están ubicadas en la servidumbre pública y fueron diseñadas para proveer acceso seguro a los peatones en las intersecciones.



KeepSanDiegoMoving.com/SouthBayRapid



*Figure 3.7: Chesterfield Drive to Santa Fe Drive Undercrossing Segment*



*Chesterfield Drive to Santa Fe Drive Undercrossing Segment*

This project is a 1.3-mile segment of the Coastal Rail Trail in Encinitas that opened to the public in May 2019. It provides a multi-use biking and walking path along the east side of the railroad tracks near San Elijo Avenue, from Chesterfield Drive to the Santa Fe Drive undercrossing. Caltrans constructed the project in conjunction with ongoing railroad improvement work in the corridor area. Crews began preliminary construction activities along San Elijo Avenue in April 2018 and the project opened to the public in May 2019.

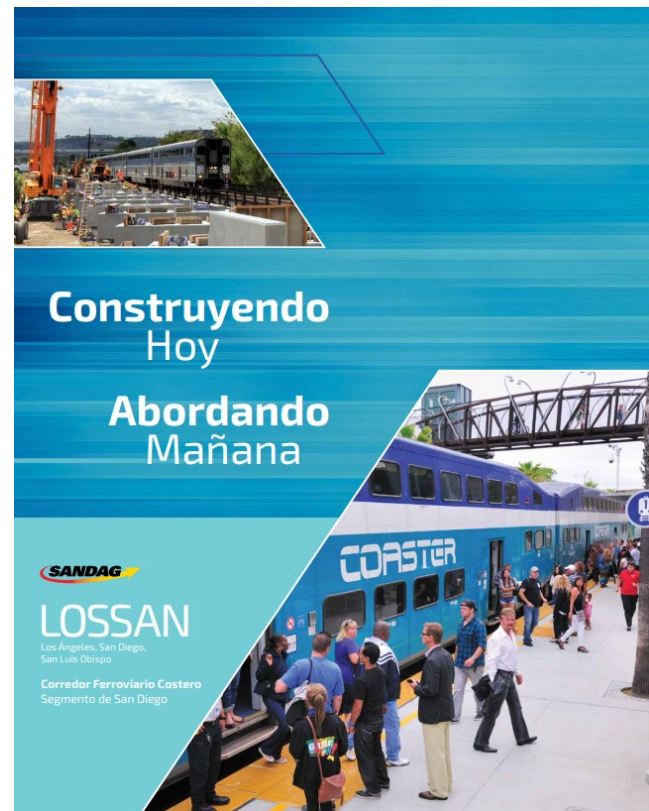
Materials and information for this project were made available on an easy-to-understand website. Notices included e-blasts, door hangers, and press releases. Public meetings covering this project included three city council meetings, a SANDAG Transportation Committee and a California Coastal Commission meeting.

Figure 3.8: San Diego River Bridge Spanish Fact Sheet

### San Diego River Bridge on LOSSAN Corridor

The San Diego River Double Track Project (SDRDT) is along the San Diego County segment of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor. This project involves the addition of a second main track between Control Point (CP) Tecolote (where Tecolote Road crosses the rail corridor) and CP Friar (north of the Old Town Transit Center). The new 0.9-mile track will connect to existing double track at each end, resulting in a continuous 7-mile double track segment for the southernmost portion of the LOSSAN corridor from CP Morena to Santa Fe Depot. The project includes double tracking across the San Diego River with a new double track bridge, construction of associated site improvements, and signal modifications.

Materials and information for this project were made available on the website including the project fact sheet pictured in Figure 3.8. Outreach for this project included eblasts, work notices, public workshops at key stages of development.



## **4. Analysis of Regional Transportation System Investments that Identifies Disparate Impacts, Including Maps Showing Impacts of Distribution of Transportation Funding**

The FTA requires that MPOs develop analytical processes to identify the benefits and burdens of metropolitan transportation system investments for minorities and different socioeconomic groups, identifying imbalances, and responding to the analyses' findings. This section responds to the requirement to provide demographic maps that analyze minority and non-minority populations, and charts that analyze the impacts of distribution of state and federal funds for public transportation purposes, including federal funds managed by SANDAG as a designated recipient. This analysis was conducted as part of the 2019 Federal RTP and demonstrated there were no disparate impacts on the basis of race, color, or national origin.

The 2019 Federal RTP continued the robust regionwide social equity analysis carried out for the preceding regional plan. For that effort SANDAG engaged affected communities in the planning process through an innovative collaborative effort with CBOs and collaboratives from around the region. SANDAG incorporated their issues and concerns into the design and decision-making process, the definition of disadvantaged communities, and the development of social equity project evaluation criteria and performance measures. The goal of these efforts is for minority and low-income communities to share equitably in the benefits of the transportation investments without bearing a disparate impacts or disproportionate burdens.

### ***Identifying the San Diego region's disadvantaged populations***

The first step in the SANDAG social equity analysis was to identify the population groups that are vulnerable or disadvantaged. Pursuant to Title VI, Executive Order 12898, and the 1999 Department of Transportation Memorandum "Implementing Title VI Requirements in Metropolitan and State Planning," SANDAG must provide information on the effects of the 2019 Federal RTP on minority and low-income populations.

SANDAG went beyond this minimum by asking the public what other disadvantaged groups should be analyzed in addition to these required populations. Several workshops were held in the beginning of the process in March of 2013 to consider this question. The core participants of these workshops were the CBOs; however, these workshops were open to any and all stakeholders interested in the issue. The CBOs recruited many other stakeholder groups from their communities and advocacy organizations. Following this process, a consideration of the planning efforts on senior (and non-senior) populations was added to the analysis; although not mandated by the FTA Title VI Circular, analyses which consider the impacts of plans on seniors are included below where available.

For the 2019 Federal RTP, SANDAG utilized its second-generation Activity-Based Model (ABM), which analyzes traveler behavior at the household level instead of by generalizing travel at the Transportation Analysis Zone (TAZ) level like Travel Demand Models used in earlier RTP cycles. With the ABM model, traveler characteristics (such as age, ethnicity, and income) are modeled at the household level so the information is more detailed and allows for the identification and consideration of minority and low-income households located throughout the region.

### ***The 2019 Federal RTP Social Equity Analysis***

In developing the 2019 Federal RTP, SANDAG used performance measures and other evidence to make decisions intended to ensure compliance with Title VI requirements and environmental justice principles. As pointed out by the National Cooperative Highway Research Program (NCHRP), however, "the fact that federal policy mandates consideration of environmental justice should not be the only driving force behind considering it; a more compelling argument is that it

makes for good transportation planning.” (See NCHRP, Effective Methods for Environmental Justice Assessment. Report 532. Washington, D.C.: Transportation Research Board. 2004.)

## Framework

The 2019 Federal RTP utilized performance measures informed by the vision and goals of the Board, which provide the overall policy framework for the RTP. In May 2012, the Board, approved the goals of Innovative Mobility and Planning, Vibrant Economy, and Healthy Environment and Communities. These goals also were used in San Diego Forward: The 2015 Regional Plan and build upon the core values from previous RTPs and the Regional Comprehensive Plan. The performance measures compare the Revenue Constrained Scenario across the three plan phase years 2025, 2035, and 2050, existing conditions as of 2016, and No-Build scenarios for the plan phase years.

Through the process of developing the performance measures, a subset of measures was identified as a framework for the social equity analysis in which data would be produced comparing the three vulnerable populations against their respective “non-population” (minority versus non-minority, low-income versus non-low-income, and senior versus non-senior).

## Defining performance measures for social equity

A separate comprehensive social equity analysis was conducted as part of the 2019 Federal RTP, in compliance with Title VI and Environmental Justice guidelines.

The analysis process for the 2019 Federal RTP also leveraged the development work from the preceding 2015 Regional plan which included several workshops with CBOs and other interested stakeholders to help identify performance measures that could be analyzed from a social equity perspective. Input from affected communities was incorporated into the performance measures that were ultimately recommended to the Board.

The specific social equity analysis and additional specific measures can be found in the Social Equity: Engagement and Analysis attachment to the RTP. Eight social equity performance measures were identified to provide an indication of benefits and burdens to disadvantaged populations. These measures, shown in table 3.1, compare the three vulnerable populations with their respective non-population (e.g., minority versus non-minority), and include an additional environmental burden measure, which analyzes PM10 and PM2.5 emission data for each of the protected populations.

Table 3.1: Social Equity Performance Measures

2019 Federal RTP Social Equity Performance Measures	
1	Average Travel Time
2	Change in percent of income consumed by out-of-pocket transportation costs
3	Percent of population within 0.5 mile of high frequency transit stops
4	Percent of population within 0.5 mile of a transit stop
5	Percent of population within 0.25 mile of a bike facility
6	Access to jobs/higher education
7	Percentage of population within 15 minutes of goods/services (retail, medical, parks, and beaches)
8	Average particulate matter (PM <sub>10</sub> and PM <sub>2.5</sub> )

### Existing Conditions in Disadvantaged Communities in the Region

To analyze the impact of the transportation investments, definitions for disadvantaged communities were based on indicators that were possible to forecast to 2050. It also, however, is important to understand vulnerable communities in the region in terms of existing conditions, and information from the public input from the 2015 Regional Plan was leveraged to support this inquiry. Snapshots of current socio-economic and population characteristics were therefore included into the regional planning social equity analysis. These snapshots show the cumulative impacts of past planning and development which make some communities more vulnerable than others. Indicators included educational attainment, linguistic isolation, poverty, and unemployment. Maps illustrating each of these indicators, and profiles for each of the communities identified are included in the Social Equity: Engagement and Analysis attachment of the 2019 Federal RTP.

### Baseline Mapping

To create a point of reference for analyzing how the distribution of transportation investments may affect disadvantaged populations, and to aid discussions by stakeholders, a set of baseline maps was created. Each map shows the 2050 population with the 2050 Preferred Revenue Constrained Transit Network.

### Results for Social Equity Performance Measures

An analysis of the 2050 Revenue Constrained Network was conducted to determine whether the benefits and burdens of the projects in the scenario would be equitably distributed between minority and non-minority, as well as low-income and non-low-income populations. In addition, a similar social equity analysis was conducted for seniors 75 or older and non-seniors.

The result of the social equity analysis is a determination that no statistically significant differences were found between the No-Build Scenario and the 2050 Revenue Constrained Network for any of the protected populations. The summary of findings below is based on each of the social equity calculation tables shown for each performance measure. In most cases, there were some differences; however, no result came close to 20 percentage points difference that SANDAG used as a threshold for a potential disparate impact or disproportionate effect. Most social equity calculations were within five percentage points and often the benefit was to the disadvantaged population rather than the non-disadvantaged population.

Table 3.2: Social Equity Analysis Findings

Summary of Findings from Social Equity Analysis			
Performance Measure	Low-Income	Minority	Seniors
Average Peak Period Travel to Work – all modes	✓	✓	✓
Change in percent of income consumed by out-of-pocket transportation costs	✓	✓	✓
Percentage of population within 0.5 mile of high frequency transit stops	✓	✓	✓
Percentage of population within 0.5 mile of transit stops	✓	✓	✓
Percentage of population within 0.25 mile of a bike facility	✓	✓	✓
Percentage of population within 30 minutes of jobs/higher education (auto/transit)	✓	✓	✓
Percentage of population within 15 minutes of goods/services (auto/transit):			
Access to Retail	✓	✓	✓
Access to Healthcare	✓	✓	✓
Access to Active Parks	✓	✓	✓
Access to Beaches	✓	✓	✓
Exposure to Particulate Matter (PM)			
Exposure to PM <sub>10</sub>	✓	✓	✓
Exposure to PM <sub>2.5</sub>	✓	✓	✓

### Social Equity Disparity Analysis Steps

The modeling results for the social equity performance measures show that the 2019 Federal RTP improves conditions for disadvantaged populations, compared with the 2050 No-Build Scenario. SANDAG conducted separate analyses of low-income, minority, and senior populations and modeled the impacts on these populations separately. The discussion in the following section highlights some of the disaggregated data for each performance measure result. Tables and the corresponding social equity calculation tables are provided for each performance measure to facilitate understanding the results. For some of these metrics, maps provide a graphic display of the performance of the 2050 Revenue Constrained Network for transit access to key amenities.

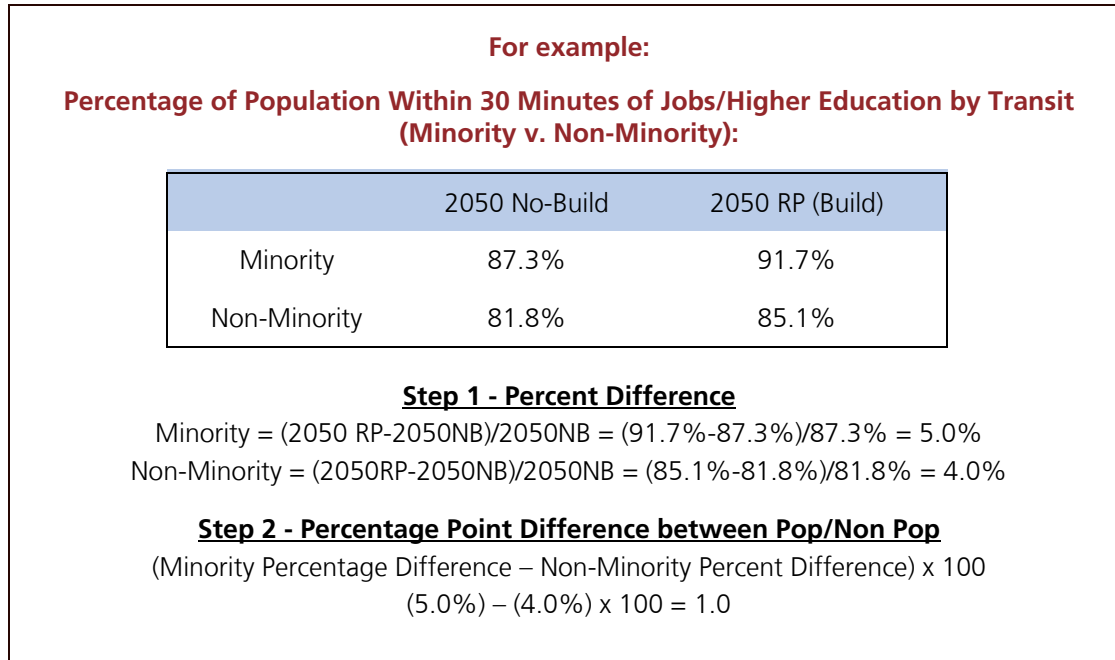
For each performance measure, the social equity calculation was conducted as follows:

**Step 1:** For each disadvantaged population and its respective non-disadvantaged population (e.g., minority and non-minority), the percent difference was calculated between the No-Build Scenario and Preferred Scenario for 2025, 2035, and 2050 to determine how each group fared.

**Step 2:** The percentages for the disadvantaged populations were compared with the respective non-disadvantaged populations to determine the percentage point difference between the groups. With the exception of travel times and the

change in percent of income spent on out-of-pocket transportation costs, when the social equity calculation is a positive number such as 1.0, it indicates that the disadvantaged population is projected to receive a larger benefit relative to the “non-population” over the time period of the Plan. When the social equity calculation is a negative number, it indicates that the disadvantaged population is projected to receive less of a benefit than the non-population over the time period of the Plan. A social equity calculation of 0 would be parity. An example is included in Figure 3.9.

Figure 3.9: Social Equity Analysis Demonstration



**Step 3:** Percentage differences of more than 20 points in the Step 2 social equity calculation would be considered to have a potential disparate impact or disproportionate effect. If a potential disparate impact or disproportionate effect had been found, SANDAG would have considered alternatives and mitigations to reduce the negative effect.

### Average Peak-Period Travel Time to Work

For all vulnerable populations, average peak travel time to work across all modes, and particularly for the drive alone mode, remains constant with no disparate impact or disproportionate effect for any of the populations (low-income, minority, and seniors). Travel times to work by transit do improve based on a comparison between the No-Build Scenario and the Revenue Constrained Network. For example, the low-income population travel time to work by transit improves from 59 minutes in 2025 to 53 minutes in 2050 for the Revenue Constrained Network while the No-Build Scenario improves very slightly, going from 60 minutes in 2025 to 59 minutes in 2050. Results are similar for minority populations. In terms of disparity between how each disadvantaged population fared in relation to its respective non-population, the data showed no disparate impacts or disproportionate effects. For low-income populations relative to non-low income, the percentage point difference was very low. The average peak-period travel time to work analysis did not include senior and non-senior population due to the small sample size of senior population travel to work. (Note that for this performance measure, a negative result in the social equity calculations indicates that the protected population is benefitting relative to the non-protected population.)



Table 3.3: Travel Time to Work

### Average Peak-Period Travel Time to Work

Minutes

Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
<i>All Modes, Combined (Minutes)</i>							
Low-Income	25	24	25	25	25	25	26
Non-Low-Income	27	27	28	29	27	28	28
Minority	27	27	28	28	27	28	28
Non-Minority	26	26	27	28	26	27	27
<i>Auto, Drive Alone (Minutes)</i>							
Low-Income	22	21	21	22	21	21	21
Non-Low-Income	26	26	26	27	26	26	26
Minority	25	25	25	26	25	25	25
Non-Minority	25	25	26	26	25	25	26
<i>Auto, Carpool 2 (Minutes)</i>							
Low-Income	21	21	21	22	21	23	22
Non-Low-Income	24	24	24	25	24	25	25
Minority	23	23	23	24	23	24	24
Non-Minority	23	23	23	24	23	24	24
<i>Auto, Carpool 3 (Minutes)</i>							
Low-Income	22	21	22	22	21	21	21
Non-Low-Income	24	24	24	25	24	23	23
Minority	23	23	24	24	23	23	23
Non-Minority	23	23	24	24	23	23	23
<i>Transit (Minutes)</i>							
Low-Income	61	60	59	59	59	56	53
Non-Low-Income	63	61	61	61	61	56	54
Minority	61	61	60	60	60	56	54
Non-Minority	63	62	60	61	61	56	54

## Average Peak-Period Travel Time to Work (continued)

Minutes

Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
<i>Bike (Minutes)</i>							
Low-Income	18	18	19	19	19	19	20
Non-Low-Income	24	25	25	25	26	26	27
Minority	21	23	23	23	23	24	25
Non-Minority	21	21	21	22	21	22	23
<i>Walk (Minutes)</i>							
Low-Income	23	22	22	22	22	22	22
Non-Low-Income	25	22	22	22	22	22	22
Minority	24	23	23	22	23	23	22
Non-Minority	22	20	21	21	21	21	21

Table 3.4: Social Equity Calculation for Travel Time to Work

<b>Social Equity Calculation for Average Peak-Period Travel Time to Work</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
<i>Low-Income vs. Non-Low-Income</i>			
All Modes	0.8	1.6	2.6
Drive Alone	0.1	-0.3	-0.3
Carpool	-0.6	1.6	1.9
Transit	0.0	0.6	0.8
Bike	1.0	-3.7	-3.4
Walk	-0.2	0.8	0.0
<i>Minority vs. Non-Minority</i>			
All Modes	0.0	0.4	0.3
Drive Alone	-0.2	-0.3	-0.5
Carpool	-0.2	-0.7	-1.1
Transit	0.3	0.1	0.9
Bike	-0.1	-3.3	-1.2
Walk	-2.4	0.7	0.7

## Change in Percentage of Income Consumed by Out-of-Pocket Transportation Costs

The change in percent of income spent on out-of-pocket transportation costs stays relatively constant for all populations throughout the term of the 2019 Federal RTP. There is no significant gap in the percentage point differences for any of the disadvantaged groups over all phases of the 2019 Federal RTP. In other words, although low-income populations spend a larger percent of their income on out-of-pocket transportation than non-low-income populations, the percentage gap between the two groups remains low enough that no disproportionate effect results over the life of the 2019 Federal RTP.

Table 3.5: Out-of-Pocket Transportation Costs

<b>Change in the Percent of Income Consumed by Out-of-Pocket Transportation Costs</b>							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
Low-Income	N/A	2.9%	1.8%	1.6%	2.9%	1.8%	1.6%
Non-Low-Income	N/A	0.6%	0.1%	0.0%	0.6%	0.1%	0.0%
Minority	N/A	1.1%	0.0%	-0.6%	1.2%	0.0%	-0.6%
Non-Minority	N/A	1.0%	0.3%	0.0%	1.0%	0.3%	0.0%
Senior	N/A	0.7%	0.0%	-0.2%	0.7%	-0.1%	-0.3%
Non-Senior	N/A	1.3%	0.5%	0.1%	1.3%	0.5%	0.1%

Table 3.6: Social Equity Calculation for Out-of-Pocket Transportation Costs

<b>Social Equity Calculation for Change in Percent of Income Consumed by Out-of-Pocket Transportation Costs</b>			
Percentage Point Difference - Build vs. No-Build			
	2025	2035	2050
Low-Income vs. Non-Low Income	1.6	2.3	1.7
Minority vs. Non-Minority	-0.7	0.1	-0.3
Senior vs. Non-Senior	-0.4	-0.6	-0.6

## Access to High Frequency Transit Stops

Access to high frequency transit stops improves significantly for all disadvantaged populations in the 2050 Revenue Constrained Network. For the low-income population, access goes up from 46.4% to 57.0% in 2025 and from 49.0% to 63.9% in 2050 as compared to the No-Build Scenario. There is a difference in the improvements between low-income and non-low-income populations, but it is not considered significant. For 2025 the difference in percentage points is -7.17, -12.2 in 2035, and -12.48 in 2050. Although the trend is not going in the preferred direction, the difference is not considered significant and SANDAG will continue to monitor this trend to ensure it does not increase enough to indicate a disproportionate effect. The non-low-income population begins with far less access in the base year of 2016 with 27.4%

access, while 40.7% of the low-income population had access in 2016. For minority populations, there is also a significant improvement in access to high frequency transit stops going from 42.2% to 52.6% in 2025 and from 44.0% to 60.2% in 2050 comparing the 2050 Revenue Constrained Network to the No-Build Scenario. Compared to the non-minority population, the minority population shows a difference of -6.9 percentage points in 2025 and -4.8 percentage point difference in 2050. This means that the improvement rate of access to high frequency transit stops for minorities is lower than non-minorities. For seniors, access to high frequency transit stops also improves significantly, going from 32.2% to 41.8% in 2025 and from 38.0% to 52.8% in 2050. There are slight differences between seniors and non-seniors over the life of the RTP. Indeed, by 2050 the percentage point difference between seniors and non-seniors is a negligible 0.4. (Note that for this performance measure, a negative result in the social equity calculations indicates that the protected population is benefitting relative to the non-protected population.)

*Table 3.7: Population Near High Frequency Transit*

<b>Percent of Population Within 0.5 Miles of a High-Frequency Transit Stop</b>							
15 Minute or Less Peak and Midday Transit Stop							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
Low-Income	40.7%	46.4%	48.1%	49.0%	57.0%	62.0%	63.9%
Non-Low-Income	27.4%	32.0%	34.0%	35.8%	41.6%	47.9%	51.1%
Minority	38.6%	42.2%	43.0%	44.0%	52.6%	58.2%	60.2%
Non-Minority	23.6%	29.2%	31.2%	32.6%	38.4%	43.5%	46.1%
Senior	28.5%	32.2%	34.8%	38.0%	41.8%	48.0%	52.8%
Non-Senior	31.9%	36.8%	38.4%	39.6%	46.8%	52.5%	54.9%

*Table 3.8: Social Equity Calculation for Population Near High Frequency Transit*

<b>Social Equity Calculation for Percentage of Population Within 0.5 Miles of a High-Frequency Transit Stop</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
Low-Income vs. Non-Low-Income	-7.1	-12.2	-12.4
Minority vs. Non-Minority	-6.9	-4.1	-4.8
Senior vs. Non-Senior	2.5	1.3	0.4

## Access to Transit Stops

Access to transit stops for disadvantaged populations remains relatively constant. For the Revenue Constrained Network, access for low-income populations increases slightly from 77.2% to 78.3% between 2025 and 2050. Compared to the No-Build Scenario, access for low-income populations remained almost the same, increasing only from 76.6% to 76.8%. The same pattern appears for seniors. There are no significant differences between disadvantaged populations and non-populations when comparing the No-Build Scenario with the Revenue Constrained Network for each phase (2025, 2035, 2050). Indeed, the social equity calculation for minorities versus non-minorities shows no disparate impacts in access in 2025. Furthermore, minority access improves over non-minority access in 2035 (+0.3 percentage point difference) and 2050 (+0.7 percentage point difference).

Table 3.9: Population Near Transit

<b>Percent of Population Within 0.5 Miles of a Transit Stop</b>							
Performance Measure	2016	2025NB	2035NB	2050NB	20250RC	2035RC	2050RC
Low-Income	76.7%	76.6%	76.8%	76.8%	77.2%	77.8%	78.3%
Non-Low-Income	62.1%	62.0%	62.7%	63.6%	63.8%	65.4%	66.9%
Minority	72.1%	71.0%	70.6%	70.6%	72.2%	73.1%	73.8%
Non-Minority	60.6%	60.8%	61.5%	61.9%	62.4%	63.4%	64.2%
Senior	63.8%	62.6%	63.6%	65.5%	64.0%	65.7%	68.4%
Non-Senior	67.0%	66.9%	67.2%	67.4%	68.2%	69.5%	70.2%

Table 3.10: Social Equity Calculation for Population Near Transit

<b>Social Equity Calculation for Percentage of Population Within 0.5 Miles of a Transit Stop</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
Low-Income vs. Non-Low-Income	-2.2	-2.9	-3.2
Minority vs. Non-Minority	-0.9	0.3	0.7
Senior vs. Non-Senior	0.2	0.1	0.1

## Access to Bike Facilities

As the Regional Bike Network for the RTP is implemented, disadvantaged populations will have more access to bike facilities. The percentage of people within a quarter mile of a bike facility for all disadvantaged populations improves compared with the No-Build Scenario projections and is comparable or better than the respective non-populations. For example, 64.3% of low-income populations will have access to a bike facility within a quarter mile in 2025, increasing to 67.5% in 2035 and 69.5% in 2050. The No-Build Scenario access is 61.5% in 2025, and that increases to 62.3% in 2050. The low-income population is expected to gain more access relative to the non-low-income population by 2050, therefore the difference was positive (greater benefit to low-income populations) in this performance measure. The same pattern resulted for minority populations. For the Revenue Constrained Network, 66.3% of minorities had access to a bike facility in 2025 increasing to 68.5% in 2035 and 69.7% in 2050, with minority populations deriving greater benefit than non-minorities in 2035 and 2050.

Table 3.11: Population Near a Bike Facility

<b>Percent of Population Within 0.25 Miles of a Bike Facility</b>							
Class I and II, Cycletrack, and Bike Boulevard							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
Low-Income	59.8%	61.5%	62.1%	62.3%	64.3%	67.5%	69.5%
Non-Low-Income	64.4%	65.0%	63.9%	63.1%	66.3%	67.7%	68.7%
Minority	62.6%	63.7%	63.5%	62.9%	66.3%	68.5%	69.7%
Non-Minority	63.3%	64.1%	63.4%	63.0%	64.9%	66.4%	67.7%
Senior	61.6%	63.4%	63.7%	63.7%	64.8%	67.6%	69.6%
Non-Senior	63.0%	63.9%	63.4%	62.8%	65.8%	67.6%	68.8%

Table 3.12: Social Equity Calculation for Population Near a Bike Facility

<b>Social Equity Calculation for Percentage of Population Within 0.25 Miles of a Bike Facility (Class I and II, Cycletrack, and Bike Boulevard)</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
Low-Income vs. Non-Low-Income	2.4	2.9	2.7
Minority vs. Non-Minority	2.7	3.2	3.4
Senior vs. Non-Senior	-0.6	-0.7	-0.2

## Access to Jobs and Higher Education

Overall access to jobs and higher education for disadvantaged populations begins relatively high and remains constant or improves slightly. In the 2016 base year, nearly 88% of low-income populations already had access to jobs and higher education via transit. For the No-Build Scenario their access decreases slightly. In the 2050 Revenue Constrained Network, transit access for low-income populations is projected to remain almost the same by 2050. There is no significant difference between low-income populations and non-low-income populations. The percentage point difference remains virtually the same with -2.7 in 2025 and -3.0 in 2050.

For minority populations, the percentage of people with transit access to jobs and higher education is not quite as high as low-income populations, with 85.6% having access in 2016. The No-Build Scenario projects access decreasing to about 84.8% in 2025 and remaining there through 2050. The 2050 Revenue Constrained Network is projected to improve access to 86.9% in 2025 and 87.1% in 2050. In terms of a gap for minorities compared with non-minorities, the percentage point difference between minorities and non-minorities goes from -0.9 in 2025 to positive 0.2 in 2050. This means that while minorities will derive less benefit in 2025 for transit access to jobs and higher education compared with non-minorities, minorities are projected to derive greater benefit in 2050. It should be noted that, as with most other transit access measures, low-income and minority populations start with significantly higher access in the 2016 base year than their respective non-populations and continue to achieve higher access rates through the phase years.

Table 3.13: Population Access to Jobs and Higher Education

<b>Percent of Population Within 30 Minutes of Jobs and Higher Education Enrollment</b>							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
<i>Auto</i>							
Low-Income	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Non-Low-Income	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Minority	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Non-Minority	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Senior	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Non-Senior	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
<i>Transit</i>							
Low-Income	87.5%	87.6%	87.4%	87.2%	88.5%	88.3%	88.4%
Non-Low-Income	78.9%	78.7%	79.0%	79.3%	81.6%	82.0%	82.7%
Minority	85.6%	84.8%	84.4%	84.1%	86.9%	86.8%	87.1%
Non-Minority	77.4%	77.3%	77.2%	77.2%	79.9%	79.6%	79.8%
Senior	79.9%	78.7%	79.1%	80.3%	81.0%	81.6%	83.3%
Non-Senior	81.6%	81.6%	81.7%	81.5%	83.9%	84.1%	84.3%



Table 3.14: Social Equity Calculation for Population Access to Jobs and Higher Education

<b>Social Equity Calculation for Percent of Population Within 30 Minutes of Jobs and Higher Education Enrollment</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
<i>Low-Income vs. Non-Low Income</i>			
Auto	0.0	0.0	0.0
Transit	-2.7	-2.7	-3.0
<i>Minority vs. Non-Minority</i>			
Auto	0.0	0.0	0.0
Transit	-0.9	-0.3	0.2
<i>Senior vs. Non-Senior</i>			
Auto	0.0	0.0	0.0
Transit	0.0	0.3	0.3

## Access to Goods and Services

Access to key amenities is critical for everyone. We need to be able to count on the transportation system to take us to the store, to the doctor, to school, to our jobs, to the park to get exercise or fresh air, or to the beach. The following are the results of the indicators for other key amenities that show us how the system performs for disadvantaged populations. The results for access by driving alone or transit are in the tables below, but the narrative below focuses on the results for access by transit because access by drive alone was almost 100 percent for all populations. The meaningful measure is transit access to key amenities.

### Retail

Low-income access to retail via transit in the base year 2016 is at 67.6%. Projected access for the No-Build Scenario improves slightly through 2050. The Revenue Constrained Network is projected to provide slightly more access at 68.9% in 2025 increasing to 70.4% in 2050. There is no significant difference in access benefits for low-income populations and non-low-income populations. For minority populations, transit access in the baseline year of 2016 is slightly less than for low-income populations with 63.7% having access. For minorities, the No-Build Scenario projects access dropping to 62.8% in 2050. The Revenue Constrained Network causes slight improvement, going from 64.1% in 2025 to 65.5% with access to retail via transit in 2050. In terms of disparity, minorities start with slightly less benefit than non-minorities with the percentage point difference at -1.1 in 2025 and changing to a positive 1.0 (greater benefit) by 2050.

Table 3.15: Population Access to Retail

<b>Percent of Population Within 15 Minutes of Retail</b>							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
<i>Auto</i>							
Low-Income	99.7%	99.7%	99.8%	99.8%	99.7%	99.8%	99.8%
Non-Low-Income	99.8%	99.9%	99.8%	99.8%	99.9%	99.8%	99.9%
Minority	99.8%	99.9%	99.9%	99.9%	99.9%	99.9%	99.9%
Non-Minority	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%
Senior	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%
Non-Senior	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%
<i>Transit</i>							
Low-Income	67.6%	68.2%	69.1%	69.2%	68.9%	69.7%	70.4%
Non-Low-Income	53.1%	53.6%	54.9%	55.3%	54.9%	56.9%	58.1%
Minority	63.7%	63.1%	63.3%	62.8%	64.1%	65.3%	65.5%
Non-Minority	50.8%	51.7%	53.0%	53.5%	53.0%	54.3%	55.3%
Senior	54.8%	54.3%	56.0%	57.8%	55.4%	57.6%	60.2%
Non-Senior	58.0%	58.4%	59.3%	59.2%	59.5%	61.0%	61.6%

Table 3.16: Social Equity Calculation for Population Access to Retail

<b>Social Equity Calculation for Percent of Population Within 15 Minutes of Retail</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
<i>Low-Income vs. Non-Low-Income</i>			
Auto	0.0	0.0	0.0
Transit	-1.4	-2.8	-3.4
<i>Minority vs. Non-Minority</i>			
Auto	0.0	0.0	0.0
Transit	-1.1	0.7	1.0
<i>Senior vs. Non-Senior</i>			
Auto	0.0	0.0	0.0
Transit	0.2	0.1	0.0

### Healthcare

Transit access to healthcare is a very important indicator of social equity, especially for seniors when they lose the option of driving. For seniors, baseline access to healthcare via transit is 55.9% in 2016. The No-Build Scenario projects a slight increase to 58.8% in 2050. The Revenue Constrained Network projects improved access for seniors from 56.1% in 2025 to 61.1% in 2050 and derives slightly higher benefit relative to the non-senior population with a percentage point difference of 0.2 in 2025, reducing to -0.1 by 2050. For low-income populations, 68.8% have transit access to healthcare facilities as a baseline. The projected access for the No-Build Scenario increases to 70% in 2050. The Revenue Constrained Network provides slightly more benefit than the No-Build: in 2025, 69.8% have access, increasing to 71.4% by 2050. There is no significant difference found when compared with non-low-income populations. For minority populations, the 2016 baseline access via transit is 65.2%. The No-Build Scenario is projected to drop to 64.0% in 2050. The Revenue Constrained Network increases slightly from 65.3% in 2025 to 66.7% in 2050. The difference is not significant between minority populations and non-minority populations, from -0.8 percentage points in 2025 (slightly less benefit) to a positive 1.0 (slightly greater benefit) in 2050.

Table 3.17: Population Access to Healthcare

<b>Percent of Population Within 15 Minutes of Healthcare</b>							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
<i>Auto</i>							
Low-Income	99.7%	99.7%	99.8%	99.8%	99.7%	99.8%	99.8%
Non-Low-Income	99.8%	99.9%	99.8%	99.8%	99.9%	99.8%	99.9%
Minority	99.8%	99.9%	99.9%	99.9%	99.9%	99.9%	99.9%
Non-Minority	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%
Senior	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%
Non-Senior	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%	99.8%
<i>Transit</i>							
Low-Income	68.8%	69.4%	70.0%	70.2%	69.8%	70.6%	71.4%
Non-Low-Income	54.2%	54.6%	55.8%	56.3%	55.7%	57.8%	59.0%
Minority	65.2%	64.5%	64.5%	64.0%	65.3%	66.4%	66.7%
Non-Minority	51.4%	52.3%	53.6%	54.2%	53.4%	54.9%	55.9%
Senior	55.9%	55.1%	56.8%	58.8%	56.1%	58.4%	61.1%
Non-Senior	59.0%	59.5%	60.3%	60.3%	60.4%	61.9%	62.6%

Table 3.18: Social Equity Calculation for Population Access to Healthcare

<b>Social Equity Calculation for Percent of Population Within 15 Minutes of Healthcare</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
<i>Low-Income vs. Non-Low-Income</i>			
Auto	0.0	0.0	0.0
Transit	-1.6	-2.7	-3.1
<i>Minority vs. Non-Minority</i>			
Auto	0.0	0.0	0.0
Transit	-0.8	0.5	1.0
<i>Senior vs. Non-Senior</i>			
Auto	0.0	0.0	0.0
Transit	0.2	0.2	0.1

### Active Parks

The percentage of low-income populations with transit access to active parks in the 2016 baseline year is 40.9%. For the No-Build Scenario, this increases to 41.8% from 2025 to 43.6% in 2050. The Revenue Constrained Network projects improvement over the No-Build Scenario, with 42.3% having access in 2025 and 46.4% by 2050. There is no significant difference between the low-income and non-low-income populations, with percentage point differences of -1.1 in 2025 and -1.4 in 2050. For minority populations, 39.5% have transit access to active parks in the baseline year. The No-Build Scenario remains about the same to 2050. The Revenue Constrained Network projects a slight improvement from 40.0% to 42.4%. There are no significant differences between minority and non-minority populations, with percentage point differences of -1.5 in 2025 and -2.3 in 2050. Finally, the percentage of seniors with transit access in 2016 is 32.0%. With the Revenue Constrained Network transit access for seniors goes from 33.2% in 2025 to 38.5% in 2050. There is no significant difference between transit access for seniors and non-seniors; the percentage point difference is 0.1 in 2025 and -1.3 in 2050.

Table 3.19: Population Access to Parks

<b>Percent of Population Within 15 Minutes of Active Park</b>							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
<i>Auto</i>							
Low-Income	98.9%	98.9%	98.6%	98.5%	98.9%	98.7%	98.6%
Non-Low-Income	99.2%	99.2%	98.9%	98.8%	99.2%	98.9%	98.9%
Minority	99.3%	99.3%	99.0%	99.0%	99.3%	99.1%	99.0%
Non-Minority	98.8%	98.8%	98.5%	98.5%	98.8%	98.5%	98.5%
Senior	98.9%	98.9%	98.7%	98.8%	98.9%	98.7%	98.8%
Non-Senior	99.1%	99.1%	98.8%	98.8%	99.1%	98.9%	98.8%
<i>Transit</i>							
Low-Income	40.9%	41.8%	42.7%	43.6%	42.3%	44.0%	46.4%
Non-Low-Income	31.4%	32.0%	33.2%	33.9%	32.8%	34.9%	36.6%
Minority	39.5%	39.5%	39.8%	39.8%	40.0%	41.3%	42.4%
Non-Minority	28.5%	29.4%	30.8%	31.6%	30.3%	32.4%	34.4%
Senior	32.0%	32.6%	34.3%	36.2%	33.2%	35.7%	38.5%
Non-Senior	34.6%	35.3%	36.2%	36.6%	35.9%	37.7%	39.3%

Table 3.20: Social Equity Calculation for Population Access to Parks

<b>Social Equity Calculation for Percent of Population Within 15 Minutes of Active Park</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
<i>Low-Income vs. Non-Low-Income</i>			
Auto	0.0	0.0	0.0
Transit	-1.1	-2.1	-1.4
<i>Minority vs. Non-Minority</i>			
Auto	0.0	0.1	0.0
Transit	-1.5	-1.3	-2.3
<i>Senior vs. Non-Senior</i>			
Auto	0.0	0.0	0.0
Transit	0.1	0.0	-1.3

### Active Beaches

Overall, access to beaches via transit or car is limited and does not significantly improve for anyone with the Revenue Constrained Network. There is no group that exceeds 6% transit access or 45% auto access to beaches in the entire population. Seniors actually have better access than the other two disadvantaged populations. The social equity calculation shows a difference of -0.4 percentage points in 2025, but trends to parity in 2035, and by 2050 the difference is 0.5, demonstrating a slightly benefit to senior transit access to active beaches. For low-income and non-low-income populations, the social equity calculation changes from -1.2 percentage point difference in 2025 to -2.0 in 2050. Minority transit access to active beaches relative to non-minorities has a social equity disparity calculation of 0.1 in 2025, meaning minorities derive slightly more benefit than non-minorities, and this trend changes to negative, but is very small, through 2050, with a percentage point difference of -0.9. There are no significant differences in benefits for disadvantaged populations compared to their 'non'-counterparts.

Table 3.21: Population Access to Beaches

Percent of Population Within 15 Minutes of Active Beach							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
<i>Auto</i>							
Low-Income	42.1%	42.8%	39.7%	37.3%	42.9%	40.6%	39.2%
Non-Low-Income	37.5%	37.8%	35.5%	33.4%	38.0%	36.2%	35.0%
Minority	36.6%	36.8%	33.6%	31.4%	36.9%	34.6%	33.2%
Non-Minority	41.8%	42.7%	40.8%	39.0%	42.8%	41.5%	40.4%
Senior	38.9%	39.1%	37.7%	35.5%	39.2%	38.5%	37.1%
Non-Senior	39.0%	39.4%	36.5%	34.3%	39.5%	37.4%	35.9%
<i>Transit</i>							
Low-Income	3.3%	3.4%	3.6%	3.6%	3.4%	3.6%	3.7%
Non-Low-Income	4.2%	4.1%	4.3%	4.4%	4.3%	4.4%	4.6%
Minority	2.4%	2.6%	2.8%	3.0%	2.7%	2.9%	3.1%
Non-Minority	5.6%	5.6%	5.8%	6.0%	5.7%	5.9%	6.2%
Senior	4.3%	4.5%	4.7%	4.7%	4.6%	4.8%	4.9%
Non-Senior	3.9%	3.9%	4.0%	4.1%	4.0%	4.1%	4.3%



Table 3.22: Social Equity Calculation for Population Access to Beaches

<b>Social Equity Calculation for Percent of Population Within 15 Minutes of Active Beach</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
<i>Low-Income vs. Non-Low-Income</i>			
Auto	-0.1	0.0	0.3
Transit	-1.2	-2.0	-2.0
<i>Minority vs. Non-Minority</i>			
Auto	0.2	1.1	1.8
Transit	0.1	-0.9	-0.9
<i>Senior vs. Non-Senior</i>			
Auto	-0.1	-0.2	-0.3
Transit	-0.4	0.8	0.5

### Exposure to PM<sub>10</sub> and PM<sub>2.5</sub>

A review of the emission data for PM<sub>10</sub> and for PM<sub>2.5</sub> for each of the disadvantaged populations (low-income, minority, and seniors) in comparison to their respective non-populations shows no significant differences. All of the percentage point differences for each phase comparing the No-Build Scenario to the Revenue Constrained Network for low-income populations in comparison to non-low-income populations show a difference of less than 1 percentage point. PM<sub>10</sub> exposure for low-income populations in the 2025 Revenue Constrained Network is 12.5 grams per person, in 2035 it is 13.9, and by 2050 it is 15.1. Almost the same pattern is shown for the non-low-income population. The same pattern also is found for minorities. For these performance measures, a negative result in the social equity calculations indicates that the protected population (minority, low-income, or senior) is benefitting relative to the non-protected population. The social equity analysis did not disclose any disparate impacts or disproportionate effects for disadvantaged populations in the region for PM<sub>10</sub> exposure.

PM<sub>2.5</sub> exposure for low-income populations in the 2025 Revenue Constrained Network is 5.3 grams per person, in 2035 it is 5.7, and by 2050 it is 6.1. The average PM<sub>2.5</sub> exposure for non-low-income population increases from 4.8 grams in 2025 to 5.5 grams in 2050. The same pattern is also shown in minority populations. The social equity analysis for PM<sub>2.5</sub> did not show any disparate impacts or disproportionate effects for disadvantaged populations in the region.

Table 3.23: Particulate Matter (PM10 and PM2.5) Exposure

<b>Average PM Exposure</b>							
Grams per Person							
Performance Measure	2016	2025NB	2035NB	2050NB	2025RC	2035RC	2050RC
<i>PM<sub>10</sub></i>							
Low-Income	16.3	12.5	14.0	15.3	12.5	13.9	15.1
Non-Low-Income	17.4	11.3	12.6	13.7	11.2	12.4	13.4
Minority	5.4	12.4	13.7	14.9	12.3	13.5	14.6
Non-Minority	4.9	10.8	12.0	13.1	10.7	11.9	12.8
Senior	10.3	11.2	12.7	14.2	11.1	12.6	13.9
Non-Senior	5.0	11.7	13.0	14.1	11.7	12.9	13.9
<i>PM<sub>2.5</sub></i>							
Low-Income	15.6	5.3	5.8	6.2	5.3	5.7	6.1
Non-Low-Income	15.0	4.8	5.2	5.6	4.8	5.1	5.5
Minority	5.1	5.2	5.6	6.1	5.2	5.6	5.9
Non-Minority	5.4	4.6	5.0	5.3	4.6	4.9	5.2
Senior	12.0	4.7	5.2	5.8	4.7	5.2	5.7
Non-Senior	10.9	5.0	5.4	5.8	4.9	5.3	5.7

Table 3.24: Social Equity Calculation for Particulate Matter (PM10) Exposure

<b>Social Equity Calculation for Average PM Exposure (Grams per Person)</b>			
Percentage Point Difference – Build vs. No-Build			
	2025	2035	2050
<i>PM<sub>10</sub></i>			
Low-Income vs. Non-Low-Income	-0.1	0.2	0.2
Minority vs. Non-Minority	-0.1	-0.1	0.1
Senior vs. Non-Senior	0.0	0.0	-0.1
<i>PM<sub>2.5</sub></i>			
Low-Income vs. Non-Low-Income	-0.1	0.2	0.2
Minority vs. Non-Minority	-0.1	-0.1	0.1
Senior vs. Non-Senior	0.0	0.0	-0.1

## Benefit-Cost Analysis

Vulnerable populations will have increased mobility and better accessibility to transportation alternatives with the investments proposed in the 2050 Revenue Constrained Network. The benefit-cost analysis (BCA) tool developed for the economic analysis uses the outputs from the transportation modeling to assess and monetize the benefits and costs of the 2050 Revenue Constrained Network versus a No-Build Scenario. This tool can also estimate benefits for sub-populations – such as minorities, low-income residents, and seniors – to gauge the effects of the RTP on social equity for these groups.

The results of this analysis are presented in Table H.14. Averaged over the time period analyzed (2016-2070), low-income (those earning 200% of the federal poverty level and below) residents make up 29.6% of the population but receive 35.6 percent of the benefits. That is, low-income San Diegans receive a disproportionately large amount of the benefits from the proposed RTP transportation network. The same holds true for minority populations; they make up an average of 56.7% of the county population but receive 65.7 percent of the benefits. For seniors (75 years and older), the benefits are less than proportional: seniors make up 10.3% of the population but receive only 9.0% of the benefits. This is to be expected, however, as most of the benefits accrue to travelers, and seniors travel much less than the population as a whole. For all disadvantaged populations, the average share of the population is 71.6% and they receive 78.7% of the benefits of the 2019 Federal RTP.

Table 3.25: Benefit Cost Analysis Table

<b>Benefits to Disadvantaged Populations</b>					
Total Benefits (million\$)*	Population	Benefits to Disadvantaged Population (million\$)	Benefits to Disadvantaged as a Percentage of Total	Benefits to non-Disadvantaged	Disadvantaged Population as Share of Total Population
\$19,741	Low-Income	\$7,034	35.6%	\$12,708	29.6%
\$19,741	Minority	\$12,963	65.7%	\$6,778	56.7%
\$19,741	Seniors	\$1,779	9.0%	\$17,962	10.3%
\$19,741	TOTAL	\$15,541	78.7%	\$4,204	71.6%

\* Not all benefit categories calculated by the BCA tool can be apportioned to specific sub-populations. Time savings for commercial vehicles, emissions benefits, safety benefits, reliability benefits, and operating costs cannot be calculated by sub-populations, and are excluded from this analysis. With those categories, total benefits are \$53.8 Billion.

## 5. Description of Procedures Used by SANDAG to Ensure Non-Discriminatory Pass Through of FTA Financial Assistance

As outlined in SANDAG Board Policy No. 009, SANDAG does not discriminate on the basis of race, color, or national origin in conducting government business, including the distribution of federal grant funds to subrecipients. Also, the contract templates SANDAG uses to pass through federal funding require subrecipients to comply with, and assure the compliance of any third-party contractors at any tier of the project, with all of the requirements under Title VI, including the provision that no person 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. In addition, SANDAG places non-discrimination clauses in its grant agreements for subrecipients of federal funding and monitors compliance with those requirements as described in Sections 8 and 9 of Chapter 2 in this Program document.

SANDAG uses the Regional Plan and RTIP processes described above, as well as the Coordinated Plan process and a process for distribution of Section 5310 funding to ensure it distributes funding in a non-discriminatory manner. The processes not already discussed above in this Program document are described in this Section.

## **Coordinated Plan**

The Coordinated Plan provides a five-year blueprint for the implementation of public transit and social service transportation concepts described in the Regional Plan. The Coordinated Plan is unique in that it combines the regional requirement for a Short-Range Transit Plan with the federal requirement for a Coordinated Plan into one concise planning document. Additionally, the combination of transit and social service transportation provides an opportunity to evaluate all available transportation services in the region. Along with the evaluation of transportation services, the Coordinated Plan establishes a unified regional strategy to provide transportation to the most sensitive population groups in the county, including seniors, individuals with disabilities, and persons with limited means, among other recognized transportation-disadvantaged population groups. While there is currently a range of transportation services available to these population groups, gaps in service remain due to geography, limitations in transit service, funding constraints, eligibility, knowledge, and training. The availability of funding programs specifically tied to the Coordinated Plan, however, enables SANDAG to help put strategies into action to help meet the identified unmet transportation needs of these population groups.

A prominent theme of the current Coordinated Plan is to further define the administration and implementation of the Fixing America's Surface Transportation (FAST) Act in regard to specialized transportation grant programs, such as Section 5310, Enhanced Mobility for Seniors, and Individuals with Disabilities. While past plans have focused on a passenger-first perspective toward planning, this plan addresses a more holistic view of what services will meet the population's needs over the five-year planning period.

For each process, all meeting locations were accessible by public transit and meeting times were scheduled to maximize accessibility by low-income and minority populations. Meeting locations which were ideally positioned to be readily accessible to low-income and minority populations via both MTS and NCTD services were utilized. Additionally, SANDAG (in compliance with the Americans with Disabilities Act) accommodates individuals who require assistance in order to participate in SANDAG sponsored meetings. Public outreach materials were provided in both English and Spanish via newspaper announcements. Additionally, press releases were sent and public meeting notices were posted.

Information documenting the public engagement and involvement may be found in the Public Involvement appendix for the 2020 Coordinated Plan (see Appendix Q). The entire Coordinated plan can be viewed and downloaded at ([sandag.org/coordinatedplan](http://sandag.org/coordinatedplan)).

## **6. Description of Financial/Technical Assistance Provided to Federal Subrecipients**

The Governor of the State of California appointed SANDAG as the designated recipient for JARC and New Freedom funds under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and Section 5310 funds under Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) for the urbanized portion of San Diego County in letters dated August 21, 2006, and April 23, 2014, respectively.

SANDAG, as the designated recipient, assumes the responsibility for the administration of the Job Access and Reverse Commute (JARC), New Freedom, and Section 5310 programs for the census-defined San Diego urbanized area (Figure 3.11) including the preparation of the Program Management Plan (PMP). The specific tasks required by the FTA for this designation are:

- Conducting an area-wide competitive selection process.

- Certifying fair and equitable distribution of funds resulting from the competitive process.
- Certifying that each project selected for funding was derived from the Coordinated Plan.
- Certifying that the Coordinated Plan was developed through a process that included representatives of public, private, and nonprofit transportation and human service providers, as well as participation by the public.

Figure 3.10: Urbanized Area of San Diego County



Pursuant to program requirements, SANDAG conducts a competitive selection process for projects seeking federal grant funds formerly through the JARC and New Freedom programs and currently through the Section 5310 program. In order to ensure an open and transparent competitive process, SANDAG involves stakeholder input and public involvement through all phases of program implementation. Eligibility and evaluation criteria for the federal grant programs are developed with input from members of the public, Social Services Transportation Advisory Council (SSTAC), and other stakeholders.

All materials for the call for projects undergo a legal review by the SANDAG Office of General Counsel, and the eligibility and evaluation criteria are reviewed by SSTAC and the SANDAG Transportation Committee before final approval by the Board.

To ensure equitable distribution of grant funding, social equity criteria are incorporated within the eligibility and evaluation criteria used to score and rank applicant projects. To be eligible for funding, an applicant must include in its civil rights assurances adequate methods for ensuring that the benefits of the project are distributed equitably among protected and non-protected population groups in its service area. Additionally, applicants' projects are evaluated on the following:

- Will the project serve a low-income or minority area?
- Does the applicant describe how it will communicate with individuals with limited proficiency in English?
- Does the applicant have an approved Title VI program?
- How comprehensive are the applicant's proposed strategies for marketing the project and promoting public awareness (specifically including outreach to low-income and minority areas as well as populations with limited proficiency in English)?
- Are there provisions within the project proposal that ensure the equitable distribution of project services?

An evaluation committee – composed of staff from non-applicant agencies or organizations such as state agencies, municipalities, and social services agencies – reviews, scores, and ranks project proposals using the approved eligibility and evaluation criteria. All evaluation materials undergo an independent review to ensure accuracy of reporting. A social equity analysis is conducted to determine whether the projects recommended for funding would result in disproportionate burdens for low-income populations or disparate impacts for minority populations. If disparate impacts are identified, project rankings are adjusted to ensure project funding recommendations would not result in disparate impacts. The project rankings and funding recommendations are then brought to the Transportation Committee for review and the Board of Directors for final approval.

## **7. Description of Procedures SANDAG Uses to Provide Assistance to Potential Subrecipients Applying for Funding, Including Efforts to Assist Applicants that Would Serve Predominantly Minority Populations**

After the solicitations for grant applicants are released for JARC, New Freedom, and now 5310, SANDAG staff holds a Grant Application Workshop to review the call for projects materials and provide potential applicants with assistance in completing and submitting a competitive project proposal. Staff from the Short-Range Transit Planning Division, Office of General Counsel, Contracts and Procurement Division, Finance Department, and *TransNet* Department is present at the meeting to answer applicants' questions. This workshop provides instruction to ensure that all potential applicants, including those that would serve predominantly minority populations, have the guidance to complete a successful application.

Approximately six weeks prior to the final grant application submittal deadline, applicants are required to submit draft applications. Staff reviews draft applications to ensure project proposals meet minimum program requirements; address all application questions; and include all required materials, such as a scope of work, budget, and performance indicator worksheet (as applicable). This step was implemented in response to a number of applicants being disqualified during the first competitive process because their application had incomplete information, or their budget was filled out incorrectly.

More information regarding SANDAG efforts to provide assistance to grant applicants and recipients is provided in Sections 8 and 9 of Chapter 2 of this Program document.



CHAPTER 4:  
CIRCULAR CHAPTER IV REQUIREMENTS  
APPLICABLE TO SANDAG

## 1. Requirement to Evaluate Fare Changes

As described in Chapter 2 of this Program, SANDAG has agreed to carry out the responsibility to maintain the Regional Comprehensive Fare Ordinance under the Memorandum of Understanding with MTS and NCTD. The Comprehensive Fare Ordinance outlines a regional fare system that is uniform and fair for users of both transit systems.

SANDAG has three board policies that guide activities when any changes to the fare ordinance are proposed to ensure that such changes are equitable, and that there is an opportunity for meaningful public participation before implementation of fare changes.

### **Board Policy No. 018 – Regional Transit Service Planning and Implementation**

SANDAG Board Policy No. 018 – Regional Transit Service Planning and Implementation (see Appendix M), outlines SANDAG responsibilities to the FTA regarding fare changes. Section 1.2 contains the SANDAG disparate impact policy concerning impacts of fare changes on minority populations:

*SANDAG will determine the existence of disparate impacts to minority populations for all Fare Ordinance changes. Pursuant to Title VI of the Civil Rights Act, disparate impacts are found when there is a difference in adverse effects between minority and non-minority areas of ten percent (10%) or more. Minority populations will be deemed adversely affected when the proportion of minority persons adversely affected by the change exceeds the average proportion of minority persons in the analysis service area.*

This section also contains the disproportionate burden policy regarding impacts of fare changes on low-income populations:

*SANDAG will determine the existence of disproportionate burdens on low-income populations for all Fare Ordinance changes. Pursuant to Executive Order 12898 (Clinton 1994), disproportionate burdens are found when there is a difference in adverse effects between low-income and non-low-income populations of ten percent (10%) or more. Low-income populations will be deemed adversely affected when the proportion of low-income persons (using a threshold of at or below 150 percent of the U.S. Department of Health and Human Services poverty guidelines) adversely affected exceeds the average proportion of low-income persons in the analysis service area.*

### **Board Policy No. 025 – Public Participation Plan Policy**

SANDAG Board Policy No. 025 – Public Participation Plan Policy (see Appendix E) establishes processes for providing information to and obtaining input from public transit riders, stakeholders, and the general public concerning agency programs, projects, and program funding to ensure the public has meaningful opportunities to share their opinions and concerns about plans.

Section E describes the procedures used to identify Title VI-protected communities about fare changes following federal requirements:

*3.1. Residential, employment, and transportation patterns of low-income, limited English speaking, and minority populations shall be identified so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed. SANDAG shall endeavor to involve the affected communities in evaluating the benefits and burdens of transportation investments.*

3.2. SANDAG shall evaluate and - where necessary - improve the public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

## **Board Policy No. 029 – Regional Fare Policy and Comprehensive Fare Ordinance**

Finally, SANDAG Board Policy No. 029 Regional Fare Policy and Comprehensive Fare Ordinance (see Appendix N), provides the regional structure for transit fares and consolidates fare levels for MTS and NCTD into a single SANDAG ordinance.

Section 2.3 of SANDAG Policy No. 029 addresses the impacts that fare changes could potentially have on people of color and low-income communities:

*SANDAG shall consider the financial and Title VI impacts of a fare change upon ridership, service provision, and operating budgets.*

Section 5.5 addresses public participation in the decision-making process:

*Public notice of fare changes shall be provided as legally required, including written notice on all public transit vehicles, and legal notices to newspapers. The public will be provided with an opportunity(ies) to comment on proposed fare changes in accordance with SANDAG Policy No .025, Public Participation/Involvement Policy.*

## **Title VI Analysis for Fare Changes**

### **2019 Fare Changes**

In December 2018, the MTS Board of Directors and NCTD Board of Directors recommended a package of fare changes to simplify the transit fare system and help fare revenues keep pace with rising operational costs while minimizing impacts to ridership. It included:

- Introduction of a combined Youth and Senior/Disabled/Medicare Regional Day Pass.
- Raising the age limit from 60 to 65 years for the senior discount across all fare types (seniors 60 or older prior to the effective date would remain eligible for reduced fares).
- Increased discounts for youth monthly passes.
- Reduced discounts for Senior/Disabled/Medicare monthly passes.
- Changes to several agency-specific fares to align with simplified Regional Fares.
- Removal of certain special passes including the separate SPRINTER/BREEZE monthly pass, Trolley transfers, and multi-day passes.

Public outreach efforts were made in accordance with SANDAG Board Policy No. 025. Six (6) public open-house meetings and 17 pop-up events were conducted in October 2018 for input on the fare changes. A Title VI fare equity analysis found that there were no disparate impacts to minority riders and no disproportionate burdens to low-income riders. In order to implement any fare change, SANDAG is required to amend the Comprehensive Fare Ordinance; a copy of the equity analysis and proof of the Board's approval of the amended ordinance on February 8, 2019 is contained in Appendix O.

### **2021 Fare Changes**

In March 2021, the MTS Board of Directors and NCTD Board of Directors proposed amendments to the Comprehensive Fare Ordinance to take advantage of new functionality in the PRONTO fare system, which provides more affordable and

easily accessible fare options. The amendments included “best-fare” functionality for certain fares, reduced youth one-way fares to align with Senior/Disabled/Medicare one-way fares, and free transfers provided on certain fares for PRONTO users.

Public comments were collected at three (3) public meetings, which were held virtually due to COVID-19 safety precautions. The proposed fare changes were also advertised through various traditional and social media outlets.

## Title VI Fare Equity Analysis

Staff conducted an equity analysis, which identified disparate impacts to minority riders and disproportionate burdens to low-income riders due to the fact that certain benefits associated with the PRONTO system would not be available to cash paying riders. According to the FTA Title VI Circular, if it is found that minority riders would bear a disproportionate share of the adverse effects of a proposed fare change, that fare change may only be implemented if there is a substantial legitimate justification for the proposed fare change, and there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the provider’s legitimate program goals.

Following this guidance, the equity analysis first established the justification for the proposed fare change: “The goal of the fare change is to allow riders to use the new PRONTO system and never be charged more in a day or a month for the pass price that is set for that day or month. This is a new benefit for those riders that could previously not afford to purchase a pass in advance and ended up paying more than that pass cost originally.”

The Circular adds that SANDAG is required to consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative. The analysis explored the possibility of providing free transfers for cash riders by reverting to a paper transfer system, however such a system was burdensome for the transit agencies, wrought with fraud abuses, and prone to malfunctioning, and the analysis found there is a substantial legitimate justification for the proposed PRONTO-only transfers option. The equity analysis also found that, because it is necessary to track dates and start times of rides in the new PRONTO software system in order to provide best-fares and free transfers, there was no alternative to implementing these fare changes without the PRONTO software system.

In order to mitigate any burdens associated with the fare change, however, the following measures will be implemented by the operators:

- The retail network will be greatly expanded, providing more access to cash users, and there will be a higher percentage of retail locations in minority and low-income areas;
- It will be possible to add cash to the PRONTO card at any retail location or ticket machine; and
- A large effort will be made to educate riders on how to load cash on the PRONTO card to allow them to take advantage of the new fare options.

The equity analysis and amended Comprehensive Fare Ordinance were approved by the SANDAG Board of Directors on April 16, 2021 (Appendix O).

## 2. Conclusion

This report includes all items required by the FTA Title VI Circular. As demonstrated in developing the 2019 Regional Plan and other planning efforts, SANDAG proactively reaches out across all segments of the community to encourage public participation in the planning process. Further, through the allocation of dedicated resources in its current program budgets and beyond, SANDAG demonstrates its commitment to full compliance with Title VI, Executive Order 12898 on environmental justice, and Executive Order 13166 on limited English proficiency. SANDAG is working diligently to address the needs of people of color and low-income

communities, tribal governments, persons with disabilities, and other persons and groups traditionally underserved by existing transportation systems, and to provide meaningful opportunities for public involvement in all decision-making related to transportation. SANDAG will continue to analyze the impact of proposed investments on low-income and minority populations.

## APPENDICES

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IMPROVEMENT PROGRAM

## APPENDICES

Please note that a link has been provided for appendices where documents are easily accessible on the SANDAG public website.

APPENDIX A:  
TRANSIT AGENCY TITLE VI  
PROGRAMS

The Title VI Triennial Program update for the San Diego Metropolitan Transit System may be found at the following link:

[https://www.sdmts.com/sites/default/files/2021-05-13\\_board\\_agenda\\_and\\_materials\\_0.pdf](https://www.sdmts.com/sites/default/files/2021-05-13_board_agenda_and_materials_0.pdf)

Proof of the MTS Board of Directors' consideration and approval of the Title VI Program follows below.

The 2021 update to the North County Transit District Title VI Program may be found at the following link:

<https://lfportal.nctd.org/WebLink/0/edoc/179926/Board%20Agenda%20Packet%2005202021%20-%20REVISED.pdf>

Proof of the NCTD Board of Director's consideration and approval of the Title VI Program follows below.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 21-6

Resolution Approving the San Diego Metropolitan Transit System's Triennial Title VI Program and its Submittal to the Federal Transit Administration

WHEREAS, Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal funding; and

WHEREAS, the Federal Transit Administration (FTA) provided guidance to and set requirements for transit agencies' Title VI compliance by issuing FTA Circular 4702.1B on October 1, 2012; and

WHEREAS, FTA Circular 4702.1B details the elements required in San Diego Metropolitan Transit System (MTS') Title VI Program, required to be submitted to the FTA every three years; and

WHEREAS, FTA Circular 4702.1B requires that the Title VI Program be approved by the MTS Board of Directors; and

WHEREAS, MTS' current Title VI Program expires July 31, 2021; and

WHEREAS, FTA Circular 4702.1B requires that the Title VI Program contain certain elements, including but not limited to the following MTS documents:

1. Title VI notice to the public
2. Title VI complaint procedures
3. Title VI complaint form
4. List of transit-related Title VI complaints, investigations, and lawsuits
5. Public Participation Plan
6. Language Assistance Plan
7. Table depicting the racial breakdown of MTS' non-elected boards and committees
8. Evidence of the Board of Director's review and approval of the Title VI Program
9. System wide service standards and policies
10. Demographic and service profile maps and charts
11. Demographic ridership and travel patterns, collected by surveys
12. Description of the public engagement process used for determining the major service change, disparate impact, and disproportionate burden policies
13. Results of service equity analyses conducted since the last Title VI Program submission and evidence of the Board of Director's awareness and approval of the equity analysis; and

WHEREAS, MTS Staff, in conjunction with the San Diego Association of Governments (SANDAG) staff, has developed a Title VI Program (provided to the MTS Board of Directors as an attachment to the May 13, 2021 Board agenda item) that contains the above listed elements and shows MTS' compliance with Title VI, for Board consideration and approval.

NOW, THEREFORE, BE IT RESOLVED, that the MTS Board of Directors does hereby adopt the MTS Title VI Program; and

BE IT FURTHER RESOLVED, that the MTS Board of Directors authorizes the Chief Executive Officer, or a designee, to:

1. Provide evidence of the Board 's consideration and approval of the final MTS Title VI Program to the FTA;
2. Submit the final MTS Title VI Program to the FTA; and
3. Take any other steps necessary to give effect to the Resolution, including responding to any follow-up inquiries from the FTA.

PASSED AND ADOPTED, by the Board of Directors this 13th day of May 2021, by the following vote:

AYES: Aguirre, Cardenas, Elo-Rivera, Fletcher, Frank, Galvez, Goble, Hall, Mendoza, Moreno, Sandke, Whitburn

NAYS:

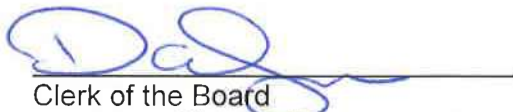
ABSENT: Arapostathis, Montgomery, Steppe, Sotelo-Solis

ABSTAINING:



Chairperson  
San Diego Metropolitan Transit System

Filed by:



Clerk of the Board  
San Diego Metropolitan Transit System

Approved as to form:



Office of the General Counsel  
San Diego Metropolitan Transit System

**STAFF REPORT**

**APPROVE THE CY2021 UPDATE TO THE NORTH COUNTY TRANSIT DISTRICT'S TITLE VI PROGRAM**

**Time Sensitive:**  **Consent:**

**STAFF  
RECOMMENDATION:**

Approve the CY2021 update to the North County Transit District's Title VI Program.

**BACKGROUND  
INFORMATION:**

As a recipient of federal funds, the North County Transit District (NCTD) conducts assessments of NCTD's activities related to Title VI of the Civil Rights Act of 1964 in order to ensure nondiscrimination of services and facilities for minority communities. These assessments and other compliance documents constitute the Title VI Program which must be submitted to the Federal Transit Administration (FTA) Regional Civil Rights Officer once every three (3) years. The current Title VI Program is set to expire in June 2021.

With the approval of Senate Bill 1703 in 2002 and the consolidation of planning and programming functions, the San Diego Association of Governments (SANDAG) entered into a Master Agreement with the respective transit operators, San Diego Metropolitan Transit System (MTS) and NCTD, and assumed the responsibility for conducting the triennial Title VI Program Update on behalf and in coordination with the transit agencies. Through this coordination, the respective Boards of NCTD and MTS are required to approve the update of the Title VI Program prior to final approval by SANDAG's Board of Directors and submission to the FTA.

The Title VI Program includes the following:

- Demographic Information (Minority Population) Pursuant to Program Specific Requirements (SANDAG responsibility)
- NCTD's Title VI Complaint Procedures
- Title VI Investigations, Complaints, and Lawsuits, if any
- NCTD's Process to Ensure Meaningful Access to Limited English Proficiency (LEP) Populations
- NCTD's Notice to Beneficiaries of Protection Under Title VI
- Provision of Additional Information Upon Request Made by FTA
- NCTD's System-wide Service Standards
- NCTD's System-wide Service Policies

The Title VI Program includes two (2) service equity analyses conducted for FLEX service elimination and COASTER service reductions.

Following a thorough analysis, there were no significant changes from the Title VI Program Plan approved by the Board in 2018.

Based on the foregoing, staff recommends that the NCTD Board of Directors approve the CY2021 update to the NCTD's Title VI Program.

**ATTACHMENT:** 10A – NCTD Title VI Program CY2021 Update  
**GOAL/STRATEGIC DIRECTION:** Legal, Regulatory, and Policy Compliance  
**FISCAL IMPACT:** This staff report has no fiscal impact.  
**COMMITTEE REVIEW:** None  
**STAFF CONTACT:** **Lori A. Winfree, General Counsel**  
E-mail: lwinfree@nctd.org Phone: 760-966-6532

Approved and/or authorized  
by the Board of Directors of the  
North County Transit District  
By:  Date: 5/21/21  
Clerk of the Board



APPENDIX B:  
CERTIFICATES  
AND ASSURANCES

**FY 2021/2022 FHWA and FTA Metropolitan Transportation Planning Process Self-Certification**

In accordance with 23 CFR part 450, the California Department of Transportation and San Diego Association of Governments (SANDAG), the designated Metropolitan Planning Organization for the San Diego, California urbanized area(s), hereby certify that the transportation planning process is being carried out in accordance with all applicable requirements including:

- 1) 23 U.S.C. 134, 49 U.S.C. 5303, and subpart C of 23 CFR part 450;
- 2) In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
- 3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- 4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- 5) Section 1101(b) of the FAST Act (Pub. L. 114-94) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- 6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- 7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- 8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- 9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- 10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

MPO Authorizing Signature

Executive Director

Title

February 24, 2021

Date

Caltrans District Approval Signature

Deputy District Director of Planning & Local Assistance

Title

April 29, 2021

Date

## APPENDIX C: NOTICE TO PUBLIC

The English version of the Title VI Notice to the Public may be found at the following link:

[https://www.sandag.org/uploads/publicationid/publicationid\\_1930\\_18920.pdf](https://www.sandag.org/uploads/publicationid/publicationid_1930_18920.pdf)

The Spanish version of the Title VI Notice to the Public may be found at the following link:

[https://www.sandag.org/uploads/publicationid/publicationid\\_1931\\_18921.pdf](https://www.sandag.org/uploads/publicationid/publicationid_1931_18921.pdf)

APPENDIX D:  
DISCRIMINATION COMPLAINT  
PROCEDURES – BOARD POLICY NO. 009

Board Policy No. 009 Discrimination Complaint Procedures may be found at the following link:

[https://www.sandag.org/organization/about/pubs/policy\\_009.pdf](https://www.sandag.org/organization/about/pubs/policy_009.pdf)

APPENDIX E:  
BOARD POLICY NO. 025

**Board Policy No. 025 Public Participation Plan Policy may be found at the following link:**

[https://www.sandag.org/organization/about/pubs/policy\\_025.pdf](https://www.sandag.org/organization/about/pubs/policy_025.pdf)



## APPENDIX F: LANGUAGE ASSISTANCE PLAN

The SANDAG 2019 Language Assistance Plan may be found at the following link:

[https://www.sandag.org/uploads/publicationid/publicationid\\_1659\\_14384.pdf](https://www.sandag.org/uploads/publicationid/publicationid_1659_14384.pdf)

## APPENDIX G: GRANT AGREEMENT TEMPLATE

**SECTION 5310 FUND TRANSFER PROGRAM**  
**FUND TRANSFER AGREEMENT**  
**BETWEEN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS**  
**AND SUBRECIPIENT NAME**

**AGREEMENT NO. INSERT NUMBER**

This Fund Transfer Agreement No. **Insert Number** (AGREEMENT), executed as of the date of the last signature shown on the signature page, is between the San Diego Association of Governments, 401 B Street, Suite 800, San Diego, California 92101 (SANDAG), and **Insert Subrecipient Name, Insert Subrecipient Address** (hereinafter referred to as "SUBRECIPIENT"). SANDAG and SUBRECIPIENT are also hereinafter collectively referred to as "the Parties."

**RECITALS**

- A.** SANDAG and SUBRECIPIENT, pursuant to the Moving Ahead for Progress in the 21st Century Act (MAP-21) and Fixing America's Surface Transportation Act (FAST Act), are authorized to enter into this AGREEMENT pertaining to federal funding committed for Section 5310 funding (collectively "Section 5310 funds") that SANDAG is responsible for allocating within its jurisdiction. Section 5310 funds are provided by the Federal Department of Transportation (DOT) agency known as the Federal Transit Administration (FTA) to SANDAG as the designated recipient, and therefore various federal requirements and certifications will apply to SUBRECIPIENT as part of this AGREEMENT.
- B.** SUBRECIPIENT has agreed to implement the **Insert Name of Project** Project (Project), subject to the terms and conditions of this AGREEMENT, which includes Project Description and Performance Measure attachments. The attached Project Description is inclusive of the Scope of Work, Project Schedule, and Project Budget.
- C.** A resolution acceptable to SANDAG, from SUBRECIPIENT's governing body, and which adopts the specific Project described above into SUBRECIPIENT's budget is attached as "SUBRECIPIENT Resolution." The SUBRECIPIENT Resolution authorizes SUBRECIPIENT to execute contracts to implement work elements specified in the Project Description.
- D.** All services performed by SUBRECIPIENT pursuant to this AGREEMENT shall be performed in accordance with all applicable federal, state, and local laws, ordinances, regulations and policies, including, but not limited to, SANDAG Board Policy No. 035 Competitive Grant Program Procedures, as amended. Board Policy No. 035 is attached to this AGREEMENT as "SANDAG Board Policy No. 035: Competitive Grant Program Procedures."
- E.** Project funding is as follows:

	<b>FUND SOURCE</b>	<b>DOLLAR AMOUNT</b>	<b>PERCENTAGE</b>
Section 5310 (Fund Limit)	MAP-21/FAST Act	\$	Fund Limit percentage with two digits after decimal (XX.XX%)
Matching funds	SUBRECIPIENT	\$	Match percentage with two digits after decimal (XX.XX%)

In consideration of the foregoing, and the mutual promises of the parties hereto, SUBRECIPIENT and SANDAG agree as follows:

## **AGREEMENT**

### **I. GRANT AWARD**

- A.** The total amount payable to SUBRECIPIENT pursuant to this AGREEMENT by SANDAG shall not exceed the amount shown on the first page of this AGREEMENT (Fund Limit).
- B.** It is agreed and understood that this Fund Limit is a ceiling and that SANDAG will only reimburse the allowable cost of services actually rendered in accordance with the AGREEMENT. The actual amount reimbursed by SANDAG may be less than the Fund Limit.

### **II. TERM OF AGREEMENT**

- A.** The effective date of this AGREEMENT is the last date on which a party executes this AGREEMENT. SANDAG authorizes RECIPIENT to begin working on the Project, and RECIPIENT agrees to undertake Project work, promptly after receiving a written Notice to Proceed from SANDAG. RECIPIENT shall not proceed with the Project, and shall not be eligible to receive payment for work performed, prior to SANDAG issuance of a written Notice to Proceed.
- B.** This AGREEMENT shall terminate on the date **number of years** years after the effective date unless it is amended in writing by the parties.

### **III. LOCAL MATCH FUNDS**

SUBRECIPIENT shall provide matching funds from a source other than federal funds, in the percentage shown on the first page of this AGREEMENT (Match Percentage) of the actual cost of the Project. If the full Fund Limit is paid by SANDAG, RECIPIENT's match amount is estimated to be the amount shown on the first page of this AGREEMENT. If the actual cost of the project exceeds the Fund Limit, RECIPIENT shall be responsible for 100 percent of the actual cost greater than the Fund Limit.

- A.** Except where expressly allowed in writing herein, reimbursement of credits for local matching funds will be made or allowed only for work performed on and after the Notice to Proceed date and prior to the termination date of this AGREEMENT, unless expressly permitted by SANDAG, in writing, as eligible local match expenditures made prior to the effective date of this AGREEMENT.
- B.** SUBRECIPIENT agrees to contribute at least the statutorily or other required Match Percentage (other than DOT funds or fare revenues), if any is specified within this AGREEMENT or in any attachment hereto, toward the actual cost of the services described in the Project Description, whichever is greater. The local matching funds may be in the form of in-kind contributions if included in the Project Description for non-vehicle projects. RECIPIENT shall contribute no less than its required Match Percentage toward the services described herein on a no less than proportional monthly or quarterly basis coinciding with its usual invoicing frequency.

### **IV. PROJECT COMPLETION AND USE OF FUNDS**

SUBRECIPIENT agrees to complete the Project as described in the Project Description and in accordance with the Performance Measures, using the awarded federal funds provided under the AGREEMENT and any matching funds committed to herein solely for the Project.

## V. NOTIFICATION OF PARTIES

SUBRECIPIENT's Project Manager is **Insert Subrecipient PM Name**.

The SANDAG Project Manager is Zachary Rivera.

All notices herein provided to be given, or which may be given, by either party to the other, shall be deemed to have been fully given when made in writing and received by the parties at their respective addresses:

SANDAG: San Diego Association of Governments  
Attention: Zachary Rivera  
401 B Street, Suite 800  
San Diego, CA 92101  
Zachary.Rivera@sandag.org

SUBRECIPIENT: **Insert Subrecipient Name**  
Attention: **Insert Subrecipient PM Name**  
**Insert Subrecipient Address**  
**Insert Subrecipient Address**  
**Insert subrecipient PM email**

## VI. SCOPE OF PERFORMANCE

- A. This AGREEMENT was awarded based on the application submitted by SUBRECIPIENT with the intention that the awarded funds would be used to implement the Project as described in the Project Description. Any substantive deviation from the Project Description must be approved in advance by written amendment if grant funds are to be used for such changes. If SUBRECIPIENT believes substantive changes need to be made to the Project, SUBRECIPIENT will immediately notify SANDAG in writing. SANDAG will then determine whether the Project is still consistent with the overall objectives of the relevant federal funding program and whether the changes would have negatively affected the Project ranking during the grant application process. SANDAG reserves the right to have AGREEMENT funding withheld or refunded due to substantive Project changes.
- B. SUBRECIPIENT shall make diligent and timely progress toward completion of the Project within the timeliness set forth in the Project Schedule, which is included in the Project Description. SUBRECIPIENT further agrees to the requirements and timeframes set forth in SANDAG Board Policy No. 035: Competitive Grant Program Procedures, and any amendments thereto.
- C. In the event SUBRECIPIENT encounters or anticipates difficulty in meeting the Project Schedule, SUBRECIPIENT shall immediately notify the SANDAG Project Manager in writing and shall provide pertinent details, including the reason(s) for the delay in performance and the date by which SUBRECIPIENT expects to complete performance. SUBRECIPIENT's notification shall be informational in character only and SANDAG's receipt of it shall not be construed as a waiver by SANDAG of a project delivery schedule or date, or any rights or remedies provided by this AGREEMENT.

## VII. MONITORING AND COMPLIANCE

SUBRECIPIENT's performance shall be monitored for consistency with the Project Description. SANDAG will utilize the "SANDAG Grant Monitoring Checklist," in substantially the same form as attached, to document compliance using both cost and non-cost performance indicators.

- A.** SUBRECIPIENT's performance will be measured against the Performance Measures during the term of this AGREEMENT. If the SUBRECIPIENT does not achieve minimum performance requirements, SANDAG will issue SUBRECIPIENT a written Notice to Complete a Recovery Plan. SUBRECIPIENT's Recovery Plan shall include a detailed description of how SUBRECIPIENT intends to come into compliance with its performance measure minimums. SUBRECIPIENT's Recovery Plan description must include an implementation schedule that reflects achievement of the performance measure minimums within six months following the issue date of the SANDAG Notice to Complete a Recovery Plan. SUBRECIPIENT must submit its Recovery Plan to the SANDAG Project Manager within 30 calendar days following the issue date of the SANDAG Notice to Complete a Recovery Plan. If SUBRECIPIENT's performance is inconsistent with that proposed in its Recovery Plan, SANDAG in its sole discretion may terminate this AGREEMENT.
- B.** SANDAG will utilize the SANDAG Grant Monitoring Checklist at regular site visits to verify compliance with provisions in this AGREEMENT and document compliance deficiencies. If SUBRECIPIENT does not comply with provisions in this AGREEMENT or meet the requirements in the Grant Monitoring Checklist, SANDAG will issue SUBRECIPIENT a written Notice to Complete a Recovery Plan. SUBRECIPIENT's Recovery Plan shall include a detailed description of how SUBRECIPIENT intends to come into compliance. SUBRECIPIENT's Recovery Plan description must include an implementation schedule that reflects compliance within three months following the issue date of the SANDAG Notice to Complete a Recovery Plan. SUBRECIPIENT must submit its Recovery Plan to the SANDAG Project Manager within 30 calendar days of the identification of the compliance deficiency and issuance of the SANDAG Notice to Complete a Recovery Plan. If SUBRECIPIENT does not take corrective action or does not come into compliance with the provisions in this AGREEMENT and the Grant Monitoring Checklist, SANDAG in its sole discretion may terminate this AGREEMENT.
- C.** RECIPIENT shall comply with the most recently adopted version of the SANDAG Specialized Transportation Program Management Plan (PMP). A copy of the PMP can be obtained from [www.sandag.org/stgp](http://www.sandag.org/stgp) the SANDAG Project Manager. In the case of a conflict between the PMP and this AGREEMENT, this AGREEMENT shall prevail.

#### **VIII. FUNDING REQUIREMENTS**

- A.** It is mutually understood between the parties that this AGREEMENT may have been written for the mutual benefit of both parties in order to avoid program and fiscal delays that would occur if the AGREEMENT was executed only after ascertaining the availability and appropriation of funds.
- B.** This AGREEMENT is valid and enforceable only if sufficient funds are made available to SANDAG by the United States Government and/or the California State Legislature for the purpose of this Project. In addition, this AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the SANDAG Board of Directors, Congress or the State Legislature that may affect the provisions, terms, or funding of this AGREEMENT in any manner.
- C.** It is mutually agreed that, if the Congress or the State Legislature does not appropriate sufficient funds for the program and Project, this AGREEMENT shall be amended to reflect any reduction in funds.
- D.** SANDAG has the option to void this AGREEMENT under the termination clause or to amend this AGREEMENT to reflect any reduction of funds. In the event of an unscheduled termination, SANDAG may reimburse or offset SUBRECIPIENT costs in accordance with the provisions of this AGREEMENT.

**IX. ALLOWABLE COSTS FOR NON-VEHICLE PURCHASES**

- A.** The method of payment for this AGREEMENT will be based upon actual allowable costs. SANDAG will reimburse SUBRECIPIENT for expended actual allowable direct and indirect costs, including, but not limited to, labor costs, employee benefits, and travel and third-party contract costs incurred by SUBRECIPIENT in performance of the Project work, not to exceed the Fund Limit set forth in this AGREEMENT. Indirect costs are reimbursable if the SUBRECIPIENT has a Federally Negotiated Indirect Cost Rate (FNICR) recognized by the federal government. SUBRECIPIENTS that have never received a FNICR, and will not receive \$35 million or more in direct federal funding in the fiscal year requested and each thereafter, may choose to use a 10 percent de minimis indirect cost rate per 2 CFR 200. The indirect cost rate to be used by SUBRECIPIENT is identified in the following attachment to this AGREEMENT: "Subaward Information." If SUBRECIPIENT is eligible to utilize the 10% de minimis indirect cost rate and has elected to do so, it must also execute the attached "Indirect Cost Rate Certification Form."
- B.** Reimbursement of SUBRECIPIENT expenditures will be authorized only for those allowable costs actually incurred by SUBRECIPIENT in the performance of the Project work. SUBRECIPIENT must have incurred the expenditures on or after receiving the SANDAG Notice to Proceed and before the Termination Date of this AGREEMENT, and also must have paid for those costs to claim any reimbursement.
- C.** Transportation and subsistence costs will be reimbursed shall at the actual costs incurred and supported by receipts, and shall not exceed the maximum amounts authorized for state employees, which are available at: <https://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>.
- D.** SANDAG will reimburse SUBRECIPIENT for vehicle expenses claimed using a mileage reimbursement rate up to the current maximum allowable by the Internal Revenue Service (IRS). SANDAG will advise the SUBRECIPIENT of changes in the IRS rate. Subject to the conditions outlined in the next paragraph, the mileage reimbursement rate shall cover all vehicle expenses, with the exception of parking fees and roadway tolls. The vehicle expenses covered by the mileage reimbursement rate include, but are not limited to, items such as fuel, oil, repairs, wear items (e.g., tires, brakes, mufflers), preventative maintenance, parts, washing, license and registration fees, and insurance.

The mileage reimbursement will only be paid for mileage reflected in a SUBRECIPIENT-maintained mileage log. The mileage log must include the vehicle identification number, date and time of trip, trip purpose, beginning odometer, ending odometer and total trip mileage. Receipts are required for parking and tolls. SANDAG may, at its discretion, audit SUBRECIPIENT's mileage logs and require SUBRECIPIENT's submission of its mileage logs with any SUBRECIPIENT invoices seeking mileage reimbursement.

- E.** SUBRECIPIENT shall submit invoices no more frequently than monthly, and no less frequently than every 90 calendar days. SANDAG will reimburse SUBRECIPIENT for all allowable Project costs no more frequently than monthly, and no less frequently than every 90 calendar days, in arrears as promptly as SANDAG fiscal procedures permit upon receipt of itemized signed invoices. The standardized SUBRECIPIENT invoice and reporting forms will be provided by the SANDAG Project Manager. Invoices shall reference this AGREEMENT, and shall be signed and submitted to SANDAG at the following address or as may be otherwise indicated by SANDAG in the event it transitions to an electronic invoicing process:

San Diego Association of Governments  
Attention: Zachary Rivera  
401 B Street, Suite 800  
San Diego, CA 92101  
[grantsdistribution@sandag.org](mailto:grantsdistribution@sandag.org)



**X. COST PRINCIPLES**

- A.** SUBRECIPIENT agrees to comply with 2 CFR 200, including but not limited to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, as applicable.
- B.** SUBRECIPIENT agrees that it, and will cause its third-party contractors to agree, that (a) Contract Cost Principles and Procedures and Federal Acquisition Regulations System under 2 CFR 200 shall be used to determine the allowability of individual Project cost items; and (b) all parties shall comply with federal administrative procedures in accordance with 2 CFR 200, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and the following attachments to this AGREEMENT: Standard Federal Provisions (Federal Transit Administration) and the Federal Provisions for the 5310 Program Enhanced Mobility of Seniors and Individuals with Disabilities.
- C.** Any Project costs for which SUBRECIPIENT has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR 200 are subject to repayment by SUBRECIPIENT to SANDAG by offset or other means approved by SANDAG. Should SUBRECIPIENT fail to reimburse moneys due SANDAG within 30 calendar days of discovery or demand, or within such other period as may be agreed to in writing between the Parties hereto, SANDAG is authorized to intercept and withhold future payments due SUBRECIPIENT from SANDAG.

**XI. REPORTS AND DATA COLLECTION**

- A.** SUBRECIPIENT shall submit written progress reports no less frequently than quarterly to allow SANDAG to determine if SUBRECIPIENT is performing to expectations, is on schedule, is within funding cost limitations, to communicate interim findings, and to afford occasions for airing difficulties respecting special problems encountered so that remedies can be developed. Grant Progress Reports including Project data establishing SUBRECIPIENT's performance as compared to the Performance Measures shall be provided by SUBRECIPIENT to SANDAG no less frequently than quarterly. The standardized SUBRECIPIENT reporting forms will be provided by the SANDAG Project Manager.
- B.** SUBRECIPIENT shall provide any requested data regarding trips, populations served, or other data as may be needed to establish SUBRECIPIENT's performance and compliance with the AGREEMENT, including but not limited to any reports required by federal funding agencies such as the performance measure reporting set forth in FTA Circular 9070.1 G.
- C.** If SUBRECIPIENT expends \$750,000 or more in Federal awards in a federal fiscal year, SUBRECIPIENT must have a single audit conducted in accordance with the Office of Management and Budget (OMB) under 2 CFR 200 unless SUBRECIPIENT elects to have a program-specific audit. If the only Federal funds expended by SUBRECIPIENT are Section 5310 funds, SUBRECIPIENT may elect to have a program-specific audit. The federal CFDA Number for the 5310 Program is 20.513. If a single audit or program-specific audit is required, SUBRECIPIENT must submit the audit to SANDAG. SANDAG will issue a management decision within six months of receipt of the single audit if there are audit findings that relate to the Section 5310 award. SANDAG will state whether or not the audit finding is sustained, and if the SUBRECIPIENT has not yet completed the corrective action, a timetable for follow-up will be given.
- D.** If a vehicle was purchased with funding from this AGREEMENT, no fewer than 90 calendar days prior to the end of the useful life of a vehicle, SUBRECIPIENT and SANDAG shall meet to discuss any outstanding Project close-out matters of concern to either party.

- E. In order to track the types of persons served by Subrecipients for Title VI, as well as provide information to SUBRECIPIENT to help it better serve its clients, SUBRECIPIENT will be required to provide client demographic information and other data to SANDAG annually, on a form to be provided by SANDAG. Data will be used to complete and annually submit the "Client Demographic Information Form".

## XII. INDEMNIFICATION AND LIABILITY

- A. Nothing in the provisions of this AGREEMENT is intended to create duties or obligations to or rights in third parties to this AGREEMENT or effect the legal liability of either party to the AGREEMENT by imposing any standard of care with respect to operation, maintenance, or repair different from the standard of care imposed by law or this AGREEMENT. In connection with the Project, SUBRECIPIENT agrees that SANDAG shall not be subject to any obligations or liabilities to any third-party contractor, or other person or entity that is not a party to this AGREEMENT. Notwithstanding that SANDAG may have concurred in or approved any third-party contract at any tier, SANDAG has no obligations or liabilities to any entity other than the SUBRECIPIENT, including any third-party contractor at any tier.
- B. Neither SANDAG nor any officer or employee thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by SUBRECIPIENT or its third-party contractors under or in connection with any work, authority, or jurisdiction arising from or related to this AGREEMENT. SUBRECIPIENT and its third-party contractors shall fully defend, indemnify, and save harmless SANDAG, its officers and employees from all claims, suits, or actions of every name, kind, and description occurring by reason of anything done or omitted to be done by SUBRECIPIENT and its third-party contractors under or in connection with any work, authority, or jurisdiction arising under this AGREEMENT.

## XIII. INSURANCE

SUBRECIPIENT shall procure and maintain, and shall cause its subrecipients and/or third party contractors to maintain, during the period of performance of this AGREEMENT, and for 12 months following the termination date of this AGREEMENT, policies of insurance from insurance companies authorized to do business in the State of California or the equivalent types and amounts of self-insurance, as follows:

- A. **General Liability.** Combined single limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate for personal and bodily injury, including death, and broad form property damage. The policy must include an acceptable "Waiver of Transfer Rights of Recovery Against Others Endorsement." The policy must name SANDAG as an additional insured in the endorsement. A deductible or retention may be utilized, subject to approval by SANDAG.
- B. **Automobile Liability.** For personal and bodily injury, including death, and property damage in an amount not less than \$1,000,000. Third-party contractor shall include SANDAG as a loss payee on its policy.
- C. **Workers' Compensation and Employer's Liability.** Policy must comply with the laws of the State of California. The policy must include an acceptable "Waiver of Right to Recover From Others Endorsement".

SUBRECIPIENT shall furnish satisfactory proof by one or more certificates that it and its third-party contractors have the foregoing insurance. These policies shall be primary insurance as to SANDAG so that any other coverage held by SANDAG shall not contribute to any loss under insurance procured and maintained by SUBRECIPIENT and/or its third-party contractor required under this Agreement. Each insurance policy shall contain a clause, which provides that the policy may not be canceled without first

giving 30 days' advance written notice to SANDAG. For purposes of this notice requirement, any material change in the policy prior to its expiration shall be considered a cancellation.

SUBRECIPIENT and its third-party contractors shall maintain sufficient insurance or a self-insurance program approved by SANDAG to cover all casualty losses and ensure the repair or replacement of federally funded Property. In the event a piece of Property is not replaced or repaired, SUBRECIPIENT agrees to transfer any insurance proceeds received to SANDAG for remitting the federal share to the FTA.

#### **XIV. Insurance Certificate Submittal**

SANDAG will use myCOI to track and verify insurance coverage. SUBRECIPIENT will receive an email from:certificaterequest@mycoisolution.com. SUBRECIPIENT shall follow the instructions contained in the email and complete the online registration. Upon completion of registration, myCOI will request proof of insurance directly from SUBRECIPIENT's insurance agents. SUBRECIPIENT shall include the AGREEMENT number on all insurance-related correspondence submitted to myCOI. SUBRECIPIENT shall not commence work and no payments shall be made to SUBRECIPIENT, unless SUBRECIPIENT is registered with myCOI and compliant Certificates of Insurances (COIs) have been received.

SUBRECIPIENT shall cause its insurance agents to comply with requests for updated information from myCOI on no less than an annual basis. SUBRECIPIENT is responsible for ensuring that its agents send SANDAG updated certificates of insurance throughout the term of this AGREEMENT via myCOI.

#### **XV. DISABLED ACCESS REVIEW**

Disabled access review by the Department of General Services (Office of State Architect) is required for the construction of all publicly funded buildings, structures, sidewalks, curbs, and related facilities. No construction contract will be awarded by SUBRECIPIENT unless SUBRECIPIENT plans and specifications for such facilities conform to the provisions of sections 4450 and 4454 of the California Government Code, if applicable. Further requirements and guidance are provided in Title 24 of the California Code of Regulations and the Americans With Disabilities Act (42 USC 12101, et seq.).

#### **XVI. NON-DISCRIMINATION**

- A.** During the performance of this AGREEMENT, SUBRECIPIENT and all of its third-party contractors, if any, shall not unlawfully discriminate, harass, or allow harassment, against any employee or applicant for employment because of race, color, religion, creed, national origin, ancestry, age (over 40), gender identity or expression, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), medical condition, physical or mental disability, genetic information, sexual orientation, marital status, military or veteran status or any other category protected under federal, state or local law. SUBRECIPIENT and its third-party contractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. SUBRECIPIENT and its third-party contractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 11000 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12990 (a-f), set forth in Chapter 5 of Division 4.1 of Title 2 of the California Code of Regulations, are incorporated into this AGREEMENT by this reference and are made a part hereof as if set forth in full. SUBRECIPIENT and its third-party contractor shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- B.** SUBRECIPIENT shall include the nondiscrimination and compliance provisions of this Section in all third-party contracts to perform work under this AGREEMENT.

- C. SUBRECIPIENT agrees to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following:
1. Nondiscrimination in Federal Transit Programs. The SUBRECIPIENT agrees to comply, and assures the compliance of each third-party contractor at any tier under the Project, with the provisions of 49 U.S.C. 5332. These provisions prohibit discrimination on the basis of race, color, religion, national origin, sex, age, and disability, and prohibit discrimination in employment or business opportunity.
  2. Nondiscrimination on the Basis of Disability. The SUBRECIPIENT agrees to comply, and assures the compliance of each third-party contractor at any tier of the project, with the applicable laws and regulations, discussed below, for nondiscrimination on the basis of disability.
    - a. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), prohibits discrimination on the basis of disability by recipients and subrecipients of federal financial assistance.
    - b. The ADA, as amended (42 U.S.C. 12101, et seq.), prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities, as well as imposes specific requirements on public and private providers of public transportation.
    - c. DOT regulations implementing Section 504 and the ADA include 49 CFR 27, 37, 38, and 39. Among other provisions, the regulations specify accessibility requirements for the design and construction of new transportation facilities and vehicles; require that vehicles acquired (with limited exceptions) be accessible to and usable by individuals with disabilities, including individuals using wheelchairs; and include service requirements intended to ensure that individuals with disabilities are afforded equal opportunity to use transportation systems.
    - d. Providers of demand responsive service must utilize accessible vehicles, as defined at 49 CFR 37.7 or meet the applicable equivalent service standard. For private and public entities, the service must be equivalent in regards to schedules, fares, response times, geographic areas of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions priorities based on trip purpose.
    - e. In addition, those who receive any AGREEMENT funds should be aware that they also have responsibilities under Titles I, II, III, IV, and V of the ADA in the areas of employment, public services, public accommodations, telecommunications, and other provisions, many of which are subject to regulations issued by other federal agencies.
  3. Nondiscrimination-Title VI. SUBRECIPIENT agrees to comply, and assures the compliance of each third-party contractor at any tier of the Project, with all of the following requirements under Title VI of the Civil Rights Act of 1964:
    - a. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), 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.
    - b. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21.

- c. FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients." This document provides those who receive AGREEMENT funds with guidance and instructions necessary to carry out DOT Title VI regulations (49 CFR 21), and DOT Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, Dec. 14, 2005).
  - d. U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (December 14, 2005). This guidance clarifies the responsibilities of those receiving Federal financial assistance from DOT and assists them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166.
  - e. FTA Circular 4703.1 "Environmental Justice Policy Guidance for Federal Transit Administration Recipients." This document provides those receiving AGREEMENT funds with guidance and instructions necessary to carry out U.S. DOT Order 5610.2 to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Order 12898 on Environmental Justice that describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles into existing programs, policies, and activities.
  - f. U.S. DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations. DOT Order 5610.2 describes the process that the Office of the Secretary of Transportation and each operating administration will use to incorporate environmental justice principles (as embodied in Executive Order 12898 on Environmental Justice) into existing programs, policies, and activities.
4. Equal Employment Opportunity. SUBRECIPIENT agrees to comply, and assures the compliance of each third-party contractor at any tier of the project, with all equal employment opportunity (EEO) requirements of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e et seq.), and with 49 U.S.C. 5332 and any implementing regulations DOT may issue. Subrecipients and third-party contractors at any tier that receive capital or operating assistance in excess of \$1 million or planning assistance in excess of \$250,000 and employ 50 or more transit-related employees must submit to SANDAG an EEO plan consistent with the requirements set forth in FTA Circular 4704.1A.
  5. Nondiscrimination on the Basis of Sex. SUBRECIPIENT agrees to comply with all applicable requirements of Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. 1681, et seq.), with DOT implementing regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25.
  6. Nondiscrimination on the Basis of Age. SUBRECIPIENT agrees to comply with all applicable requirements of the Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101, et seq.), and Department of Health and Human Services' (DHHS') implementing regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," (45 CFR 90), which prohibit discrimination against individuals on the basis of age. In addition, SUBRECIPIENT agrees to comply with all applicable requirements of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 through 634, and Equal Employment Opportunity Commission (EEOC) implementing regulations, "Age Discrimination in Employment Act" (29 CFR 1625), which prohibit employment discrimination against individuals on the basis of age.
  7. Disadvantaged Business Enterprise (DBE). To the extent required by Federal law, regulation, or directive, SUBRECIPIENT agrees to take the following measures to facilitate participation by DBEs:

- a. SUBRECIPIENT agrees and assures that it will comply with MAP-21 Section 1101(b) (23 U.S.C. 101 note), which directs the Secretary of Transportation to expend not less than 10 percent of authorized federal funds with DBEs. This 10 percent national goal is aspirational and is used by the DOT to help monitor and evaluate DBE participation in DOT-assisted contracting opportunities.
  - b. SUBRECIPIENT agrees and assures that it will comply with DOT regulation, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 CFR 26. Among other provisions, this regulation requires certain SUBRECIPIENTS of DOT Federal financial assistance, including SUBRECIPIENT, to ensure that DBE firms have a level competitive playing field and opportunity to participate in DOT-assisted contracts.
  - c. SUBRECIPIENT agrees and assures that it shall not discriminate on the basis of race, color, sex, or national origin, in the award and performance of any third-party contract supported with Federal assistance derived from DOT, or in the administration of its DBE Program, and will comply with the requirements of 49 CFR 26. SUBRECIPIENT agrees to take all necessary and reasonable steps set forth in 49 CFR 26 to ensure nondiscrimination in the award and administration of all third-party contracts supported with Federal assistance derived from DOT. As required by 49 CFR 26 and approved by DOT, SANDAG's DBE Program is incorporated by reference and made part of this Agreement. The SUBRECIPIENT agrees that implementation of this DBE Program is a legal obligation, and that failure to carry out its terms shall be treated as a violation of this AGREEMENT. Upon notification by DOT to SANDAG and notification by SANDAG to SUBRECIPIENT of a failure to implement its approved DBE Program, DOT may impose sanctions as provided for under 49 CFR 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001, and/or the Program Fraud Civil Remedies Act, (31 U.S.C. 3801, et seq.).
  - d. In connection with the performance of this AGREEMENT, SUBRECIPIENT will cooperate with SANDAG in meeting its commitments and goals with regard to the maximum utilization of DBEs and other small businesses. It is SANDAG policy that DBEs and small businesses shall have an equal opportunity to participate in the performance of contracts financed in whole or in part with FTA funds.
  - e. SUBRECIPIENT shall carry out applicable requirements of 49 CFR 26, of the Code of Federal Regulations, entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," (the Regulations) in the award and administration of this AGREEMENT.
- D.** SUBRECIPIENT shall sign and submit to SANDAG the following forms attached to this AGREEMENT, prior to, or concurrently with, this AGREEMENT: "Certificate of Nondiscrimination Assurances," and "Equal Employment Opportunity Certificate of Compliance." SUBRECIPIENT shall also submit the "Client Demographic Information Form", annually. In addition, SUBRECIPIENT shall submit documentation of its Disadvantaged Business Enterprise (DBE) status if subrecipient or any third-party contractors are certified as a DBE.

## **XVII. COMPLAINT PROCEDURES**

SUBRECIPIENT is required to record and track complaints made by employees, volunteers, clients or the general public, including complaints relating to Title VI, ADA, and service quality, or any other grievance pertaining to the Project. SUBRECIPIENT shall establish and implement procedures to ensure timely resolution of complaints, and sufficiently document steps taken to investigate and address complaints. SUBRECIPIENT shall make these records available to SANDAG for inspection during audits. Additionally, SUBRECIPIENT is required to report complaints to SANDAG on regularly submitted progress reports. If SUBRECIPIENT receives a Title VI-related or ADA-related complaint, SUBRECIPIENT must notify

SANDAG in writing within 72 hours of receiving the complaint so that SANDAG can determine whether it needs to carry out its own investigation.

## **XVIII. ELDER ABUSE REPORTING**

California Welfare and Institutions Code (WIC) §15630 provides in part: “Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that person receives compensation...is a mandated reporter.”

To the extent SUBRECIPIENT or a third-party contractor at any tier is a mandated reporter, SUBRECIPIENT agrees to comply, and assure the compliance of said third-party contractors, with the applicable provisions of the Elder Abuse and Dependent Adult Civil Protection Act (WIC §15600, et seq.). Additional information and training for mandated reporters can be found on the California Department of Social Services website: <https://www.cdss.ca.gov/inforesources/Adult-Protective-Services>.

## **XIX. PURCHASES BY SUBRECIPIENT**

### **A. All Purchases**

1. Prior authorization in writing by SANDAG shall be required before SUBRECIPIENT enters into any non-budgeted third-party contracts exceeding \$10,000 for supplies, equipment, or consultant services. SUBRECIPIENT shall provide an evaluation of the necessity or desirability of incurring such costs.
2. For the purchase of any item, service, or consulting work not covered in the Project Description and exceeding \$10,000, SUBRECIPIENT must competitively bid the work, or the absence of bidding must be adequately justified, and prior authorization must be obtained from SANDAG. SUBRECIPIENT shall maintain ownership of any real or personal property purchased using AGREEMENT funding (Property) and shall use such Property only for the purposes set forth in this AGREEMENT. The parties agree to meet and confer in good faith to ensure the continued use of the Property for the purposes intended.
3. The useful life of the Property will be specified in the Project Description.
4. SANDAG and SUBRECIPIENT agree that SUBRECIPIENT shall maintain each piece of Property in good operating order consistent with the purposes for which they were intended. SUBRECIPIENT agrees to make all maintenance records available to SANDAG and include as applicable in reports (see section entitled “Reports”, above).
5. SUBRECIPIENT shall maintain, or cause to be maintained, the Property at a high level of cleanliness, safety, and if applicable, mechanical soundness, under maintenance procedures, which SUBRECIPIENT must create and implement. SANDAG and the FTA shall have the right to conduct periodic maintenance inspections for the purpose of confirming the existence, condition, and proper maintenance of the Property.
6. Any Property purchased as a result of this AGREEMENT is subject to the following:
  - a. SUBRECIPIENT shall maintain an inventory record for each piece of non-expendable Property purchased or built with funds provided under the terms of this AGREEMENT.
  - b. The inventory record of each piece of such Property shall include, but not be limited to, the description, I.D. number, acquisition date, cost, grant-funded percentage, grant number, useful life, location, use and condition, disposition action, title holder, and/or any other information necessary to identify said Property. (2 CFR 200).

- c. Non-expendable Property so inventoried are those items of Property that have a normal life expectancy of one year or more and an approximate unit price of \$5,000 or more. In addition, theft-sensitive items of Property costing less than \$5,000 shall be inventoried. A copy of the inventory record must be submitted to SANDAG upon request by SANDAG.
7. 2 CFR 200 requires a credit to Federal funds when participating Property with a fair market value greater than \$5,000 is credited to the Project.
8. SANDAG and SUBRECIPIENT agree that if a piece of Property is utilized for transportation services it shall be provided in a nondiscriminatory manner. SANDAG agrees to provide any necessary Title VI reporting to the federal government. SUBRECIPIENT agrees to provide such technical assistance and information as necessary for the development of that Title VI report (see also the section entitled "Non-Discrimination," above).

**B. Vehicle Purchases [SUBSECTION USED FOR CAPITAL PROJECTS]**

1. The AGREEMENT calls for vehicle funding for SUBRECIPIENT. SUBRECIPIENT vehicles must be retained in service in accordance with useful life standards as set in FTA Circular 5010.1E. Subject to the section entitled "Allowable Costs for Non-Vehicle Purchases" above, SUBRECIPIENT shall be responsible at its sole cost for all normal maintenance and upkeep, insurance, taxes and registration fees related to the Property. SUBRECIPIENT also shall comply with the terms of the Vehicle Lease Agreement(s) for any vehicle purchases. Any Vehicle Lease Agreement(s) subsequently executed for the purpose of engaging a third-party contractor to operate the Vehicles purchased under this AGREEMENT is hereby incorporated by this reference.
2. On behalf of SUBRECIPIENT, SANDAG shall procure the Property in compliance with all federal requirements for competitive procurement, including, but not limited to the Buy America requirements applicable to vehicles pursuant to the Federal Transit Administration's requirements. SUBRECIPIENT shall develop appropriate plans and specifications for each piece of Property to meet SUBRECIPIENT's needs. SANDAG shall not be responsible for errors in plans or specifications provided by SUBRECIPIENT.
3. Due to FTA requirements that mandate that SANDAG maintain ownership and control of vehicles purchased with funds provided under this AGREEMENT, SUBRECIPIENT shall be required to enter into the Vehicle Lease Agreement(s) for the purchase of revenue or non-revenue vehicles. At the conclusion of the minimum useful life of the Property, or if this AGREEMENT is terminated, Property shall be disposed of consistent with FTA guidance and the terms of the Vehicle Lease Agreement(s).
4. SUBRECIPIENT agrees that a default under this AGREEMENT is a default under the Vehicle Lease Agreement with SANDAG and vice versa.
5. In the event a vehicle purchased pursuant to this AGREEMENT is damaged, lost, or stolen, and the insurance proceeds obtained by SUBRECIPIENT are insufficient to cover the loss, SUBRECIPIENT shall provide the additional funding needed to cover the difference, or forfeit the insurance proceeds to SANDAG and FTA and request an amendment to this AGREEMENT by SANDAG to reduce SUBRECIPIENT's award amount and amend the Project Description and Performance Measures as may be needed.

**XX. DRUG AND ALCOHOL TESTING**

SUBRECIPIENT agrees to provide drug and alcohol testing of its drivers to the extent it is required by federal law.



## **XXI. THIRD-PARTY CONTRACTING**

- A.** SUBRECIPIENT shall perform the work contemplated with resources available within its own organization and no portion of the work shall be completed by a third-party contractor without written authorization by SANDAG, unless expressly included (third-party contractor identified) in the Project Description. Any third-party contract entered into as a result of this AGREEMENT shall contain all the provisions stipulated in this AGREEMENT to be applicable to SUBRECIPIENT's third-party contractor. By requesting approval from SANDAG for use of a third-party contractor, RECIPIENT will be asserting to SANDAG that it has an independent contractor relationship with that third-party contractor that meets the requirements for an independent contractor relationship under California law.
- B.** SUBRECIPIENT shall not award contracts over \$10,000 on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of SANDAG. Contracts awarded by SUBRECIPIENT, if intended as Match Percentage, must meet the requirements set forth in this AGREEMENT regarding local match funds.
- C.** SUBRECIPIENT shall execute and cause its third-party contractors to execute debarment and suspension certificates stating they have not been disqualified from doing business with the federal government. SUBRECIPIENT shall provide signed debarment and suspension certificates to SANDAG in advance of utilizing any third-party contractor.
- D.** Any third-party contract entered into by SUBRECIPIENT as a result of this AGREEMENT shall mandate that travel and per diem reimbursements and third-party contract reimbursements will be allowable as Project costs only after those costs are incurred and paid for by the third-party contractor.
- E.** If local match is a requirement of these funds, SUBRECIPIENT must ensure that local match funds used for the Project meet the requirements outlined in this AGREEMENT in the same manner as is required of all other Project expenditures.
- F.** Although SUBRECIPIENT may delegate any or almost all Project responsibilities to one or more third-party contractors at any tier, SUBRECIPIENT agrees that it, rather than any third-party contractor, is ultimately responsible for compliance with all applicable laws, regulations, and this AGREEMENT.

## **XXII. ETHICS**

- A.** SUBRECIPIENT agrees to maintain a written code of conduct or standards of conduct that shall govern the actions of its officers, employees, board members, or agents engaged in the award or administration of third-party contracts supported with funding provided under this AGREEMENT. SANDAG has established policies concerning potential conflicts of interest. These policies apply to SUBRECIPIENT.
- B.** For all awards by SANDAG or SUBRECIPIENT, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks, or other unlawful considerations. SANDAG and SUBRECIPIENT staffs are specifically prohibited from participating in the selection process for a procurement when those staff have a close personal relationship, family relationship, or past (within the last 12 months), present, or potential business or employment relationship with a person or business entity seeking a contract. It is unlawful for any contract to be made by SANDAG or SUBRECIPIENT if one of their respective board members or staff has a prohibited financial interest in the contract. Staff are also prohibited from soliciting or accepting gratuities from any organization seeking funding from SANDAG or SUBRECIPIENT. Neither SANDAG nor SUBRECIPIENT's officers, employees, agents, and board members shall solicit or accept gifts,

gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.

- C. By signing this AGREEMENT, SUBRECIPIENT affirms that it has no knowledge of an ethical violation by SANDAG or SUBRECIPIENT staff. If SUBRECIPIENT has any reason to believe a conflict of interest exists with regard to the AGREEMENT or the Project, it should notify the SANDAG Office of General Counsel immediately.

### **XXIII. COMPLIANCE WITH LABOR AND OTHER LAWS**

- A. If this Project will result in the construction, alteration, modification, or maintenance of a "Public Work," as that term is defined in the Labor Code, then SUBRECIPIENT must conform to the provisions of the Labor Code applicable to Public Works as set forth in sections 1720 through 1815, all applicable regulations of the Department of Industrial Relations, and determinations of coverage as issued by the Director of Industrial Relations.
- B. SUBRECIPIENT shall include in all third-party contracts funded by this AGREEMENT which contemplate the actual construction of a Public Works project paid for by funds allocated under this AGREEMENT, a clause that requires each third-party contractor to comply with California Labor Code requirements that all workers employed on public works projects (as defined in California Labor Code 1720-1815) will be paid not less than the general prevailing wage rates predetermined by the Director of the State Department of Industrial Relations.
- C. RECIPIENT shall comply with all federal, state, and local laws and ordinances applicable to this AGREEMENT. This includes compliance with laws defining independent contractors, when applicable. Consultant shall pass all of the provisions in this section through to its third-party contractors at any tier.
- D. RECIPIENT shall be aware of the requirements of the Immigration Reform and Control Act of 1986 and shall comply with those requirements, including, but not limited to, verifying the eligibility for employment of all agents, employees, consultants, and subcontractors that are contemplated by this AGREEMENT.
- E. RECIPIENT represents and warrants to SANDAG that it has all necessary licenses, permits, qualifications and approvals, of whatever nature, that are legally required for it to operate legally. RECIPIENT further represents and warrants to SANDAG that it shall keep in effect at all times during the term of this AGREEMENT any licenses, permits, and approvals that are required for it to perform under this AGREEMENT.
- F. The State Fire Marshal adopts building standards for fire safety and panic prevention. When applicable, SUBRECIPIENT must assure that any relevant Project plans meet the standards of the State Fire Marshal to ensure consistency with fire protection standards.

### **XXIV. RECORDS RETENTION AND AUDITS**

- A. SUBRECIPIENT and its third-party contractors at any tier shall establish and maintain an accounting system and records that properly accumulate and segregate incurred Project costs and matching funds by line item for the Project. The accounting system of SUBRECIPIENT, and its third-party contractors at any tier shall conform to Generally Accepted Accounting Principles (GAAP), enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices. All accounting records and other supporting papers of SUBRECIPIENT and its third-party contractors at any tier connected with Project performance under this AGREEMENT shall be maintained for a minimum of three years from the date of the SANDAG final payment to SUBRECIPIENT and shall be held open to inspection, copying, and audit by representatives of SANDAG and auditors representing the federal

government. Copies thereof will be furnished by SUBRECIPIENT and its third-party contractors at any tier upon receipt of any request made by SANDAG or its agents.

- B.** For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of SUBRECIPIENT's third-party contracts, pursuant to Government Code section 8546.7, SUBRECIPIENT, SUBRECIPIENT's third-party contractors at any tier and SANDAG shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. SUBRECIPIENT and its third-party contractors at any tier shall make such materials available at their respective offices at all reasonable times during the entire Project period and for three years from the date of the SANDAG final payment to SUBRECIPIENT under this AGREEMENT. SANDAG or any duly authorized representative of SANDAG or the DOT shall each have access to any books, records, and documents that are pertinent to the Project for audits, examinations, excerpts, and transactions, and SUBRECIPIENT shall furnish copies thereof upon SANDAG request.
- C.** SUBRECIPIENT and its third-party contractors at any tier will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by SANDAG for the purpose of any investigation to ascertain compliance with this AGREEMENT.

#### **XXV. MEDIA AND COMMUNITY OUTREACH COORDINATION**

- A.** SUBRECIPIENT agrees to keep SANDAG up-to-date on the Project and media and community outreach efforts, including presentations to community groups, other agencies, and elected officials. SUBRECIPIENT agrees to assist SANDAG with media or community events related to the grant-funded project.
- B.** As part of the reports submitted to SANDAG, SUBRECIPIENT agrees to provide Project information to support SANDAG media and communications efforts. This includes Project photos taken throughout the project at program events or as a part of Project tasks. The photos should be high resolution (at least 4 inches by 6 inches with a minimum of 300 pixels per inch) and contain captions with Project descriptions, dates, locations, and the names of those featured, if appropriate. SUBRECIPIENT agrees to submit at least one project photo of high quality to SANDAG no less frequently than on a quarterly basis for the duration of the project.
- C.** SANDAG reserves the right to use the information provided by SUBRECIPIENT for any combination of the following: social media posts, online photo albums, videos, press releases, PowerPoint presentations, web updates, newsletters, and testimonials. In submitting photos to SANDAG, SUBRECIPIENT agrees to release the rights of the photos to SANDAG for its use. In submitting photos to SANDAG, SUBRECIPIENT asserts that the photos have been obtained with the consent of all persons featured in the photo (or that of a parent or guardian of persons under the age of 18) using the SANDAG Photo and Testimonial Release form to be provided by the SANDAG Project Manager, or a similar release form developed by the grantee and agreed upon by SANDAG, and to release the rights of the photos to SANDAG for its use.
- D.** SUBRECIPIENT agrees to include the SANDAG logo on promotional materials for services funded by this AGREEMENT. SANDAG will provide SUBRECIPIENT with the logo upon request. The SANDAG logo may not be used for any purpose not expressly authorized by SANDAG.

## **XXVI. ENVIRONMENTAL CLEARANCE**

If applicable to Project, environmental clearance of Project by SUBRECIPIENT is required prior to requesting funds for right-of-way purchase or construction. No department or agency shall request funds nor shall any department/agency board or commission authorize expenditures of funds for any project, except feasibility or planning studies, which may have a significant effect on the environment unless such a request is accompanied by an environmental impact report per California Public Resources Code section 21102, unless an exception in the law applies.

## **XXVII. CHANGES IN TERMS OR CONDITIONS**

- A.** This AGREEMENT may be amended or modified only by mutual written agreement of the Parties. SUBRECIPIENT agrees to notify SANDAG immediately, in writing, of any change in local law, conditions (including its legal, financial, or technical capacity), or any other event that may adversely affect SUBRECIPIENT's ability to perform the Project in accordance with the terms of this AGREEMENT. SUBRECIPIENT also agrees to notify SANDAG immediately, in writing, of any current or prospective major dispute, breach, default, or litigation that may adversely affect SANDAG interests in the Project or SUBRECIPIENT's ability to carry out the Project; and agrees to inform SANDAG, also in writing, before naming SANDAG as a party to litigation for any reason, in any forum. At a minimum, SUBRECIPIENT agrees to send each notice to SANDAG required by this subsection to the SANDAG Office of General Counsel.
- B.** SANDAG is obligated to notify the FTA of any change in conditions, including changes in local law or litigation which would affect performance of the project. SUBRECIPIENT agrees that, in the event such circumstances occur, it will notify SANDAG, in writing, within ten calendar days.

## **XXVIII. DISPUTES**

- A.** Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be finally decided by the SANDAG Senior Leadership Team or delegate, who may or may not consider any written or verbal evidence submitted by SUBRECIPIENT, in the Senior Leadership Team's or delegate's sole discretion.
- B.** Neither the pendency of a dispute nor its consideration by SANDAG will excuse either party from full and timely performance in accordance with the terms of the AGREEMENT.

## **XXIX. EARLY TERMINATION OF THIS AGREEMENT**

- A.** This AGREEMENT may be terminated in whole or in part by either party for any reason by giving written notice to the other party at least 30 days in advance of the effective date of such termination. In the event of termination by said notice, funds reimbursed to SUBRECIPIENT will include authorized non-cancelable obligations and eligible costs incurred prior to receipt of the notice of termination. **[FOLLOWING SENTENCE USED FOR CAPITAL PROJECTS]** SUBRECIPIENT is still bound by the terms of the Vehicle Lease Agreement(s) as it pertains to the purchase and disposition of vehicles purchased under this AGREEMENT.
- B.** Notwithstanding the foregoing subsection, if the funds provided under this AGREEMENT are used by RECIPIENT to purchase a vehicle, and RECIPIENT is required or desires to return one more vehicles to SANDAG prior to termination of the AGREEMENT for any reason, RECIPIENT shall not be entitled to a return of any of its matching funds. RECIPIENT shall work with the SANDAG Project Manager on a plan for disposition of any such vehicle. Furthermore, RECIPIENT shall be responsible to SANDAG for paying for any storage, insurance, or other costs incurred by SANDAG to take early possession or dispose of the vehicle(s), unless otherwise agreed to in writing by SANDAG.

### **XXX. PROJECT CLOSE OUT**

The termination date of this AGREEMENT refers to the last date for SUBRECIPIENT to incur valid Project costs or credits. SUBRECIPIENT has 60 days after the termination date of this AGREEMENT to make final allowable payments to third-party contractors, prepare the Project Closeout Report, and submit the final invoice to SANDAG for reimbursement for allowable Project costs. Any unexpended Project funds invoiced after 90 days post the termination date of this AGREEMENT will be forfeited and will no longer be accessible by SUBRECIPIENT to reimburse for Project expenses.

### **XXXI. RELATIONSHIP OF PARTIES**

It is expressly understood that this AGREEMENT is executed by and between two independent entities and that this is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of an independent party.

### **XXXII. INTEGRATION AND SEVERABILITY**

This AGREEMENT represents the entire understanding of SANDAG and SUBRECIPIENT as to those matters contained in it. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This AGREEMENT may not be modified or altered except in writing, signed by SANDAG. If any provision of the AGREEMENT is determined invalid, the remainder of the AGREEMENT shall not be affected if that remainder would continue to conform to the requirements of applicable laws or regulations. All Attachments to this AGREEMENT are hereby incorporated as though set forth in full herein.

### **XXXIII. FORCE MAJEURE**

Either party is excused from performance hereunder if such non-performance results from acts of God, epidemics, war, riots, acts of governmental authorities, or any other cause that could not have been overcome by the exercise of due diligence or planning by the non-performing party. In the event of the occurrence of a force majeure event, the party unable to perform shall promptly notify the other party within five calendar days and provide an explanation describing why the inability to perform is not due in whole or in part to its actions or inaction. It shall further pursue its best efforts to resume performance as quickly as possible and shall suspend performance only for such period of time as is necessary as a result of the force majeure event.

### **XXXIV. SURVIVAL**

The rights, obligations and conditions set forth in the Sections of this AGREEMENT entitled Indemnification and Liability, Insurance, Notices, Cost Principles, and any right, obligation or condition that, by its express terms or nature and context is intended to survive the termination or expiration of this AGREEMENT, shall survive until the last applicable statute of limitations expires.

### **XXXV. WAIVER**

Neither the SANDAG review, approval, or acceptance of, nor payment for, any of the work required under this AGREEMENT shall be construed to operate as a waiver of any rights under this AGREEMENT by SANDAG.

### **XXXVI. PROHIBITED INTERESTS**

As an FTA designated recipient, SANDAG is required to inform the SUBRECIPIENT of the following information:

No, member, officer, or employee of a local public body, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this AGREEMENT or the proceeds thereof. No member of or delegate to the Congress of the United States shall be admitted to a share or part of this AGREEMENT or to any benefit arising therefrom.

### **XXXVII. FTA REQUIREMENTS**

Various certification forms are required as a result of the FTA monies that will be used to fund this AGREEMENT. These forms are included as attachments to this AGREEMENT and must be executed prior to, or concurrently with, this AGREEMENT by SUBRECIPIENT.

The federal government shall not be subject to any obligations or liabilities to any third-party contractor or any other person not a party to the agreement between SANDAG and FTA. Notwithstanding any concurrence provided by the federal government in or approval of any solicitation, subagreement, or third-party contract, the federal government continues to have no obligations or liabilities to any party, including SUBRECIPIENT or any other third-party contractor.

SUBRECIPIENT recognizes that the requirements of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801, et seq., and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. 31, apply to its actions pertaining to this AGREEMENT. Accordingly, by signing the AGREEMENT, SUBRECIPIENT certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, or it may make pertaining to the AGREEMENT. In addition to other penalties that may be applicable, SUBRECIPIENT also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification, the federal government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, on SUBRECIPIENT to the extent the federal government deems appropriate. SUBRECIPIENT also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification to the federal government in connection with this AGREEMENT, the government reserves the right to impose on SUBRECIPIENT the penalties of 18 U.S.C. 1001, to the extent the federal government deems appropriate.

### **XXXVIII. ATTACHMENTS**

The following attachments are incorporated into and are made part of this AGREEMENT by this reference and attachment. In the event of conflicting provisions, the following order of precedence will apply: (1) Standard Federal Provisions (FTA); (2) Federal Provisions for the 5310 Program Enhanced Mobility of Seniors and Individuals with Disabilities (FTA); and (3) SANDAG Board Policy No. 35: Competitive Grant Program Procedures.

- Project Description (Scope of Work, Project Schedule, and Project Budget)
- Section 5310 Vehicle Procurement Schedule **[Remove if not applicable.]**
- Performance Measures
- SUBRECIPIENT Resolution
- SANDAG Board Policy No. 035: Competitive Grant Program Procedures
- Subaward Information
- Indirect Cost Rate Certification Form
- Standard Federal Provisions (Federal Transit Administration)
- Federal Provisions for Procurements in Excess of \$100,000

- Federal Provisions for the 5310 Program Enhanced Mobility of Seniors and Individuals with Disabilities
- Fiscal Year 2020 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements
- Certificate of Nondiscrimination Assurances
- Equal Employment Opportunity Certificate of Compliance
- Title VI Program Resolution
- Buy America Certificate (FTA)
- Grant Monitoring Checklist

**XXXIX. SIGNATURES**

The persons below assert that they are authorized to execute this AGREEMENT and have executed it as of the date of the last signature below. This AGREEMENT may be executed in any number of separate counterparts, each of which shall be deemed an original but all of which when taken together shall constitute one and the same instrument. The parties hereby agree to the use of electronic signatures to create mutually binding contractual agreements.

SAN DIEGO ASSOCIATION OF  
GOVERNMENTS

INSERT SUBRECIPIENT NAME

---

INSERT SIGNATORY NAME  
Insert Signatory Title

---

INSERT SIGNATORY NAME  
Insert Signatory Title

APPROVED AS TO FORM:

---

Office of General Counsel

**PROJECT DESCRIPTION  
(SCOPE OF WORK, PROJECT SCHEDULE, AND PROJECT BUDGET)**

To be inserted at time of AGREEMENT execution.



**SECTION 5310 VEHICLE PROCUREMENT SCHEDULE**

[Remove if not applicable.]

<b>Responsible Party</b>	<b>Action item</b>	<b>Timeframe</b>	
SANDAG	Solicit and verify quote(s) for vehicle(s) based on specifications provided in the grant application	2 months prior to Notice to Proceed	
SANDAG	Confirm quote details and match amount with successful applicant	1 month prior to Notice to Proceed	
SANDAG	Send invoice for matching funds	Within 1 month after Notice to Proceed	
Grantee	Provide matching funds to SANDAG	Within 2 months after Notice to Proceed	
SANDAG	Issue Purchase Order(s)	Within 8 months after Notice to Proceed	
Grantee	Receive delivered vehicle(s)	Within 6 months after date of Purchase Order(s)	
SANDAG	Verify post-delivery requirements have been met	Within 7 months after Purchase Order(s)	
Grantee	Operate vehicle(s) in accordance with AGREEMENT for the minimum useful life of vehicle(s)	Light-duty vehicle (Minivan)	at least 4 years or 100,000 miles
		Medium-sized, light-duty transit bus (approx. 25'-35')	at least 5 years or 150,000 miles
		Medium-sized, medium-duty transit bus (approx. 25'-35')	at least 7 years or 200,000 miles
Grantee	Submit vehicle appraisal to SANDAG	Within 3 months from end of useful life of each vehicle	
SANDAG	Final disposition action	Within 6 months from end of useful life of each vehicle	

**PERFORMANCE MEASURES**

To be inserted at time of AGREEMENT execution.

**SUBRECIPIENT RESOLUTION**

To be inserted at time of AGREEMENT execution.

**SANDAG BOARD POLICY NO. 035**  
**“COMPETITIVE GRANT PROGRAM PROCEDURES”**



**BOARD POLICY NO. 035**

**COMPETITIVE GRANT PROGRAM PROCEDURES**

**Applicability and Purpose of Policy**

This Policy applies to all grant programs administered through SANDAG, whether from *TransNet* or another source, including but not limited to the Smart Growth Incentive Program, Environmental Mitigation Program, Bike and Pedestrian Program, Senior Mini Grant Program, Federal Transit Administration grant programs, and Active Transportation Grant Program.

Nothing in this Policy is intended to supersede federal or state grant rules, regulations, statutes, or contract documents that conflict with the requirements in this Policy. There are never enough government grant funds to pay for all of the projects worthy of funding in the San Diego region. For this reason, SANDAG awards grant funds on a competitive basis that takes the grantees' ability to perform their proposed project on a timely basis into account. SANDAG intends to hold grantees accountable to the project schedules they have proposed in order to ensure fairness in the competitive process and encourage grantees to get their projects implemented quickly so that the public can benefit from the project deliverables as soon as possible.

**Procedures**

1. Project Milestone and Completion Deadlines
  - 1.1. When signing a grant agreement for a competitive program funded and/or administered by SANDAG, grant recipients must agree to the project delivery objectives and schedules in the agreement. In addition, a grantee's proposal must contain a schedule that falls within the following deadlines. Failure to meet the deadlines below may result in revocation of all grant funds not already expended. The final invoice for capital, planning, or operations grants must be submitted prior to the applicable deadline.
    - 1.1.1. Funding for Capital Projects. If the grant will fund a capital project, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary construction contract must be awarded within two years following execution of the grant agreement, and construction must be completed within eighteen months following award of the construction contract. Completion of construction for purposes of this policy shall be when the prime construction contractor is relieved from its maintenance responsibilities. If no construction contract award is necessary, the construction project must be complete within eighteen months following execution of the grant agreement.
    - 1.1.2. Funding for Planning Grants. If the grant will fund planning, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary consultant contract must be awarded within one year following execution of the grant agreement, and the planning project must be

complete within two years following award of the consultant contract. Completion of planning for purposes of this policy shall be when grantee approves the final planning project deliverable. If no consultant contract award is necessary, the planning project must be complete within two years of execution of the grant agreement.

1.1.3 Funding for Operations Grants. If the grant will fund operations, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary services contract for operations must be awarded within one year following execution of the grant agreement, and the operations must commence within six months following award of the operations contract. If no services contract for operations is necessary, the operations project must commence within one year of execution of the grant agreement.

1.1.4 Funding for Equipment or Vehicles Grants. If the grant will fund equipment or vehicles, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary purchase contracts for equipment or vehicles must be awarded within one year following execution of the grant agreement, and use of the equipment or vehicles for the benefit of the public must commence within six months following award of the purchase contract.

## 2. Project Milestone and Completion Deadline Extensions

2.1. Schedules within grant agreements may include project scopes and schedules that will identify interim milestones in addition to those described in Section 1 of this Policy. Grant recipients may receive extensions on their project schedules of up to six months for good cause. Extensions of up to six months aggregate that would not cause the project to miss a completion deadline in Section 1 may be approved by the SANDAG Executive Director. Extensions beyond six months aggregate or that would cause the project to miss a completion deadline in Section 1 must be approved by the Policy Advisory Committee that has been delegated the necessary authority by the Board. For an extension to be granted under this Section 2, the following conditions must be met:

2.1.1. For extension requests of up to six months, the grantee must request the extension in writing to the SANDAG Program Manager at least two weeks prior to the earliest project schedule milestone deadline for which an extension is being requested. The Executive Director or designee will determine whether the extension should be granted. The Executive Director's action will be reported out to the Board in following month's report of delegated actions.

2.1.2. A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes.

2.1.3. If the Executive Director denies an extension request under this Section 2, the grantee may appeal within ten business days of receiving the Executive Director's

response to the responsible Policy Advisory Committee by sending the appeal to the SANDAG Program Manager.

2.1.4. Extension requests that are rejected by the Policy Advisory Committee will result in termination of the grant agreement and obligation by the grantee to return to SANDAG any unexpended funds within 30 days. Unexpended funds are funds for project costs not incurred prior to rejection of the extension request by the Policy Advisory Committee.

3. Project Delays and Extensions in Excess of Six Months

3.1. Requests for extensions in excess of six months, or that will cause a project to miss a completion deadline in Section 1 (including those projects that were already granted extensions by the Executive Director and are again falling behind schedule), will be considered by the Policy Advisory Committee upon request to the SANDAG Program Manager.

3.2. A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes. The grantee must provide the necessary information to SANDAG staff to place in a report to the Policy Advisory Committee. If sufficient time is available, and the grant utilized *TransNet* funds, the request will first be taken to the Independent Taxpayer Advisory Committee (ITOC) for a recommendation. The grantee should make a representative available at the meeting to present the information to, and/or answer questions from, the ITOC and Policy Advisory Committee.

3.3. The Policy Advisory Committee will only grant an extension under this Section 3 for extenuating circumstances that the grantee could not have reasonably foreseen.

4. Resolution and Execution of the Grant Agreement

4.1. Two weeks prior to the review by the Policy Advisory Committee of the proposed grants, prospective grantees must submit a resolution from their authorized governing body that includes the provisions in this Subsection 4.1. Failure to provide a resolution that meets the requirements in this Subsection 4.1 will result in rejection of the application and the application will be dropped from consideration with funding going to the next project as scored by the evaluation committee. In order to assist grantees in meeting this resolution deadline, when SANDAG issues the call for projects it will allow at least 90 days for grant application submission.

4.1.1. Grantee governing body commits to providing the amount of matching funds set forth in the grant application.

4.1.2. Grantee governing body authorizes staff to accept the grant funding and execute a grant agreement if an award is made by SANDAG.

4.2. Grantee's authorized representative must execute the grant agreement within 45 days from the date SANDAG presents the grant agreement to the prospective grantee for

execution. Failure to meet the requirements in this Subsection 4.2 may result in revocation of the grant award.

5. Increased Availability of Funding Under this Policy

- 5.1. Grant funds made available as a result of the procedures in this Policy may be awarded to the next project on the recommended project priority list from the most recent project selection process, or may be added to the funds available for the next project funding cycle, at the responsible Policy Advisory Committee's discretion. Any project that loses funding due to failure to meet the deadlines specified in this Policy may be resubmitted to compete for funding in a future call for grant applications.

Adopted: January 2010  
Amended: November 2014

## SUBAWARD INFORMATION

### A. Subaward Identification:

- (1) Subrecipient Name:
- (2) Subrecipient unique entity identifier (e.g., D-U-N-S Number):
- (3) Federal Award Identification Number:
- (4) Federal Award Date:
- (5) Subaward Period of Performance-Start and End Dates:  
Start:  
End:
- (6) Amount of Federal Funds Obligated by this action:
- (7) Total Amount of Federal Funds Obligated to Subrecipient:
- (8) Total Amount of the Federal Award Committed to Subrecipient:
- (9) Federal Award Project Description:
- (10) Name of:
  - a. Federal Awarding Agency:
  - b. Pass-Through Entity:
  - c. Contact information for the awarding official:  
  
Project Manager Name  
SANDAG  
401 B Street, Suite 800  
San Diego, CA 92101  
Insert Phone Number  
Insert Email Address
- (11) CFDA Number and Name:
- (12) R&D Project?
- (13) Indirect Cost Rate:

### B. All requirements imposed by SANDAG on the subrecipientis so that the Federal award is used in accordance with Federal statues, regulations and terms and conditions of the Federal award:

Standard Federal Provisions (Federal Transit Administration), Federal Provisions for Procurements in Excess of \$100,000 (Federal Transit Administration), and Federal Provisions for the Section 5310 Program Enhanced Mobility of Seniors and Individuals with Disabilities; all are attachments to this AGREEMENT.



- C.** Any additional requirements that SANDAG imposes on the subrecipient in order for SANDAG to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports:

AGREEMENT

- D.** An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between SANDAG and the subrecipient, or de minimis indirect cost rate (10%).

Specify the type of indirect cost rate or insert "Not Applicable"

- E.** A requirement that the subrecipient permits SANDAG and auditors to have access to the subrecipient's records and financial statements as necessary in accordance with the

AGREEMENT sections entitled "Compliant Procedures", "Purchases by Subrecipient", and "Records Retention", and Standard Federal Provisions (Federal Transit Administration) sections entitled "Title VI Civil Rights Act of 1964", "Reporting", "Record Retention", "Access", "Drug and Alcohol Program", and "Compliance with Executive Order 11246".

- F.** Appropriate terms and conditions concerning closeout of subaward:

AGREEMENT section entitled "Early Termination of this Agreement".

## INDIRECT COST RATE CERTIFICATION FORM

### Indirect Rate Cost Certification Form for Agencies Using the 10% de minimis Rate on Grant Agreements with Federal Funding

#### CERTIFICATION OF ELIGIBILITY

I, the undersigned, certify that SUBRECIPIENT is eligible to use the 10% de minimis indirect cost rate as we have:

- Never received a negotiated indirect cost rate.
- Received less than \$35 million in direct federal funding for the fiscal year requested and each fiscal year thereafter.

#### Certification of Financial Management System

I, the undersigned, certify that SUBRECIPIENT has a financial management system that accumulates and segregates direct costs (*costs that can be specifically identified to a final cost objective [e.g., a project, program, or other direct activity of an organization]*) from indirect costs (*Costs incurred for a common or joint purpose benefitting more than one final cost objective e.g. administrative costs such as clerical support, human resources, accounting, payroll, financial audits, rent, utilities, supplies, vehicle expense, executive management, etc. that is not readily assignable to the final cost objectives specifically benefitted, without effort disproportionate to the results achieved*) and by project/activity, that are allowable in accordance with Title 2 Code of Federal Regulations Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements (Uniform Guidance).

**I certify the SUBRECIPIENT's financial management system has the following attributes:**

- Account numbers identifying allowable direct, indirect, and unallowable cost accounts.
- Ability to accumulate and segregate allowable direct, indirect and unallowable costs into different cost accounts.
- Ability to accumulate and segregate allowable direct costs by project, funding source, and type of cost (e.g.: labor, consulting, pass-thru, or other).
- Internal controls to maintain integrity of financial management system.
- Ability to consistently record and report costs as described in the Uniform Guidance.
- Ability to ensure costs billed are in compliance with the Uniform Guidance.
- Ability to ensure costs billed reconcile to general ledgers and job costing ledgers.
- Ability to ensure costs are in compliance with contract terms and federal and state requirements.

**I also certify that the types of records that are used to support the existence of these attributes include the following:**

- General ledger and job costing ledgers.
- Subsidiary general ledgers.
- Chart of accounts.
- Financial statements.
- Time keeping records.
- Documents supporting actual costs (e.g. invoices, canceled checks).
- Accounting policy and procedure manuals specific to the SUBRECIPIENT.

**Finally, I understand:**

1. The de minimis rate of 10% is to be applied to modified total direct costs which means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). Modified total direct cost excludes equipment, capital expenditures, rental costs, and the portion of each subaward in excess of \$25,000.
2. Costs must be consistently charged as either indirect or direct but may not be double charged or inconsistently charged as both.
3. The proper use and application of the de minimis rate is the responsibility of SUBRECIPIENT and SANDAG may perform an audit on SUBRECIPIENT to ensure compliance with the Uniform Guidance and agreements with SANDAG. If it is determined we are inconsistently charging costs, or not in compliance with the Uniform Guidance we may be required to reimburse SANDAG for any identified overbillings.
4. SUBRECIPIENT's schedule of expenditures of federal awards must include a note on whether it elected to use the 10% de minimis cost rate in accordance with the Uniform Guidance.

I declare that the foregoing is true and correct.

Subrecipient \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Official\*:

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ E-mail: \_\_\_\_\_

*\*(Must be executive, financial officer, or equivalent of Subrecipient)*

## **STANDARD FEDERAL PROVISIONS (FEDERAL TRANSIT ADMINISTRATION)**

As a Federal Transit Administration (FTA) grantee, the San Diego Association of Governments (SANDAG) is required to inform the SUBRECIPIENT of these Standard Federal Provisions as provided herein. Any third-party contract entered into by SUBRECIPIENT as a result of the Section 5310 Fund Transfer Program AGREEMENT (Agreement) with SANDAG, shall contain all of these Standard Federal Provisions.

### **I. NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTIES - APPLICABLE TO ALL CONTRACTS**

The federal government shall not be subject to any obligations or liabilities to any third-party contractor, or any other person not a party to the relevant Grant Agreement or Cooperative Agreement between SANDAG and FTA in connection with the performance of this Agreement. Notwithstanding any concurrence provided by the federal government in or approval of any solicitation or third-party contract, the federal government continues to have no obligations or liabilities to any party, including SUBRECIPIENT or any other third-party contractor.

### **II. FALSE OR FRAUDULENT STATEMENTS OR CLAIMS - APPLICABLE TO ALL CONTRACTS**

The SUBRECIPIENT recognizes that the requirements of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801, et seq., and United States Department of Transportation (DOT) regulations, "Program Fraud Civil Remedies," 49 C.F.R. 31, apply to its actions pertaining to this Agreement. Accordingly, by signing the Agreement, the SUBRECIPIENT certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, or it may make pertaining to the Agreement. In addition to other penalties that may be applicable, the SUBRECIPIENT also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification, the federal government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, on the SUBRECIPIENT to the extent the federal government deems appropriate. The SUBRECIPIENT also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification to the federal government in connection with an urbanized area formula Project financed with federal assistance authorized by 49 U.S.C. 5307, the government reserves the right to impose on the SUBRECIPIENT the penalties of 18 U.S.C. 1001 to the extent the federal government deems appropriate.

### **III. ENERGY EFFICIENCY - APPLICABLE TO ALL CONTRACTS**

SUBRECIPIENT agrees to comply with the mandatory energy efficiency standards and policies within the applicable state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. 6321 et seq.

### **IV. PROHIBITED INTERESTS - APPLICABLE TO ALL CONTRACTS**

No member, officer, or employee of a local public body, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. No member of or delegate to the Congress of the United States shall be admitted to a share or part of this Agreement or to any benefit arising therefrom.

If SUBRECIPIENT will be preparing an environmental impact statement under National Environmental Policy Act, and an awarded Agreement will include federal funding, Consultant will be required to submit a statement to SANDAG certifying that SUBRECIPIENT has no financial or other interest in the outcome of the Project. [40 C.F.R. 1506.5(c)].

**V. TITLE VI CIVIL RIGHTS ACT OF 1964 - APPLICABLE TO ALL CONTRACTS**

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

- A.** Compliance with Regulations. The SUBRECIPIENT and any third-party contractors shall comply with the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; 49 U.S.C. 5332 and DOT Regulations, "Non-Discrimination in Federally-Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act," 49 C.F.R. 21, and any implementing requirements FTA may issue, 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 Agreement.
- B.** Nondiscrimination. The SUBRECIPIENT, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of race, religion, color, sex, or age, or national origin in the selection and retention of third-party contractors, including procurements of materials and leases of equipment. The SUBRECIPIENT shall not participate either directly or indirectly in the discrimination prohibited by Section 21 of the Regulations, including employment practices when the Agreement covers a program set forth in Appendix B of the Regulations.
- C.** Solicitations for third-party contractors, including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiations made by the SUBRECIPIENT for work to be performed under a third-party contract, including procurements of materials or leases of equipment, each potential third-party contractor or supplier shall be notified by the SUBRECIPIENT of the SUBRECIPIENT's obligations under this Agreement and the regulations relative to nondiscrimination on the grounds of race, religion, color, sex, age, or national origin.
- D.** Information and Reports. The SUBRECIPIENT shall provide all information and reports required by the regulations or directive issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by SANDAG (Recipient) or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information is required or a SUBRECIPIENT is in the exclusive possession of another who fails or refuses to furnish this information, the SUBRECIPIENT shall so certify to SANDAG or FTA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- E.** Sanctions for Noncompliance. In the event of noncompliance, SANDAG shall impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:
- Withholding of payments to the SUBRECIPIENT under the Agreement until the SUBRECIPIENT complies, and/or
  - Cancellation, termination or suspension of the Agreement, in whole or in part.
- F.** Incorporation of Provisions. The SUBRECIPIENT shall include the provisions of sections A through E of this Section in every third-party contract, including procurements of materials and leases of equipment, unless exempt by the regulations, or directives issued pursuant thereto. The SUBRECIPIENT shall take such action with respect to any third-party contract or procurement as SANDAG or FTA may direct as a means of enforcing such provisions including sanctions for noncompliance provided; however, in the event a SUBRECIPIENT becomes involved, or is threatened with litigation with a third-party contractor or supplier as a result of such direction, the SUBRECIPIENT may request SANDAG to enter into such litigation to protect the interests of SANDAG and, in addition, the SUBRECIPIENT may request the United States to enter into such litigation to protect the interests of the United States.

## VI. EMPLOYEE PROTECTIONS

### A. Construction Activities

#### Applicable to Construction Contracts Exceeding \$2,000

For construction activities exceeding \$2,000 performed in connection with the Project, the SUBRECIPIENT shall comply with the following construction employee protection requirements:

1. Davis-Bacon Act, as amended (APPLICABLE TO CONSTRUCTION CONTRACTS EXCEEDING \$2,000). The SUBRECIPIENT shall comply and assure compliance with the requirements of 49 U.S.C. 5333(a), the Davis-Bacon Act, 40 U.S.C. 3141 et seq. , and implementing U.S. Department of Labor (DOL) regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally-Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. 5. In addition to other requirements that may apply:
  - a. The SUBRECIPIENT shall pay wages to laborers and mechanics performing third-party contract work at a rate not less than the minimum wages specified in a wage determination issued by the United States Secretary of Labor and not less frequently than once a week. SANDAG agrees to furnish the bidder a copy of the current prevailing wage determination issued by the United States Department of Labor (DOL) for third-party contract work under the Project upon request, and agrees to refrain from awarding any affected third-party contract until the third-party contractor agrees to the required wage determination.
  - b. SANDAG shall report to FTA every suspected or reported violation of the Davis-Bacon Act or its federal implementing regulations.
2. Contract Work Hours and Safety Standards Act, as amended

The SUBRECIPIENT shall comply and assures compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. –3702-3708; and implementing DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally-Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. 5; and DOL regulations, "Safety and Health Regulations for Construction," 29 C.F.R. 1926. In addition to other requirements that may apply:

- a. In accordance with section 102 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3702-3708, the SUBRECIPIENT shall assure that, for the Project the wages of every mechanic and laborer will be computed on the basis of a standard work week of 40 hours, and that each worker shall be compensated for work exceeding the standard work week at a rate of not less than 1.5 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The SUBRECIPIENT shall ensure that determinations pertaining to these requirements will be made in accordance with applicable DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally-Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. 5.
- b. In accordance with section 107 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3700 et seq., the SUBRECIPIENT shall assure that no laborer or mechanic working on a construction contract shall be required to work in

surroundings or under working conditions that are unsanitary, hazardous, or dangerous to his or her health and safety, as determined in accordance with U.S. DOL regulations, "Safety and Health Regulations for Construction," 29 C.F.R. 1926.

- c. The requirements of this Subsection do not apply to third-party contracts for the purchase of supplies, materials or articles ordinarily available on the open market.

3. Copeland "Anti-Kickback" Act, as amended

The SUBRECIPIENT shall comply with the Copeland "Anti-Kickback" Act, 18 U.S.C. 874 and 40 U.S.C. 3145, and DOL regulations, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in part by Loans or Grants from the United States," 29 C.F.R. 3. In addition to other requirements that may apply:

- a. The SUBRECIPIENT will not induce, by any means, any person employed in the construction, completion or repair of public work, to give up any part of the compensation to which that employee is otherwise entitled.
- b. SANDAG shall report every suspected or reported violation of the Copeland "Anti-Kickback" Act or its federal implementing regulations to FTA.

**B. Activities Not Involving Construction - Applicable to Nonconstruction Contracts Exceeding \$2,500**

For nonconstruction activities exceeding \$2,500 performed in connection with the Project, the SUBRECIPIENT shall comply with the following employee protection requirements:

1. In accordance with Section 102 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 3702-3708, SUBRECIPIENT shall assure that, for the Project, the wages of every mechanic and laborer will be computed on the basis of a standard work week of 40 hours and that each worker will be compensated for work exceeding the standard work week at a rate of not less than 1.5 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. SUBRECIPIENT agrees that determinations pertaining to these requirements will be made in accordance with the applicable U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally-Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. 5.
2. The requirements of this Subsection do not apply to third-party contracts for the purchase of supplies, materials, or articles ordinary available on the open market.

**C. State and Local Government Employees**

SUBRECIPIENT shall ensure that the minimum wage and overtime provisions of the Fair Labor Standards Act, as amended, 29 U.S.C. 206 - 207, apply to employees performing work involving commerce, including such state and local government employees as public transit authority employees, participating in the Project. Consequently, each participant that is a state or local government agrees to comply with the Fair Labor Standards Act's minimum wage and overtime requirements for employees performing work in connection with the Project.

**D. Transit Employee Protective Arrangements - Applicable to Each Contract for Transit Operations Performed by Employees of a SUBRECIPIENT Recognized by FTA to be a Transit Operator**

The SUBRECIPIENT shall comply with the following requirements applicable to transit operations performed in connection with the Project:

1. Standard Transit Employee Protective Arrangements. To the extent that transit operations are involved, the SUBRECIPIENT shall carry out the Project in compliance with terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and to meet the requirements of 49 U.S.C. 5333(b), and U.S. guidelines at 29 C.F.R. 215, and any amendments thereto. These terms and conditions are identified in the DOL certification of transit employee protective arrangements to FTA, the date of which is included in the Grant Agreement or Cooperative Agreement. The SUBRECIPIENT shall carry out the Project in compliance with the conditions stated in that U.S. DOL certification. That the DOL certification and any documents cited therein are incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. The requirements of this Subsection, however, do not apply to formula assistance Projects for the elderly and persons with disabilities authorized by 49 U.S.C. 5310(a)(2) or to formula assistance Projects for nonurbanized areas authorized by 49 U.S.C. 5311.
2. Transit Employee Protective Arrangements for Projects Authorized by 49 U.S.C. 5310(a)(2) for the Elderly and Persons with Disabilities. If the Secretary of Transportation has determined or determines in the future that employee protective arrangements required by 49 U.S.C. 5333(b) are necessary or appropriate for public body SUBRECIPIENTs under the Project, the SUBRECIPIENT shall carry out the Project in compliance with the terms and conditions determined by the Secretary of Labor to meet the requirements of 49 U.S.C. 5333(b), and DOL guidelines at 29 C.F.R. 215, and any amendments thereto. These terms and conditions are identified in the DOL certification of transit employee protective arrangements to FTA, the date of which is included in the Grant Agreement or Cooperative Agreement. The SUBRECIPIENT shall carry out the Project in compliance with the conditions stated in the DOL certification. The DOL certification and any documents cited there in are incorporated by reference and made part of the Grant Agreement or Cooperative Agreement.
3. Transit Employee Protective Arrangement for Projects Authorized by 49 U.S.C. 5311 in Nonurbanized Areas. The SUBRECIPIENT shall comply with the terms and conditions of the Special Warranty for the Nonurbanized Area Program agreed to by the Secretaries of Transportation and Labor, dated May 31, 1979, and the procedures implemented by DOL or any revision thereto.

**VII. CARGO PREFERENCE - APPLICABLE TO ALL PROCUREMENTS INVOLVING EQUIPMENT, MATERIALS, OR COMMODITIES, WHICH MAY BE TRANSPORTED BY OCEAN VESSELS**

46 U.S.C. 55305 and 46 C.F.R. 381 which imposes the United States cargo preference requirements on the shipment of foreign made goods shall apply to this procurement.

- A. The SUBRECIPIENT shall utilize privately owned United States-flagged commercial vessels to ship at least 50 percent of the gross tonnage (competed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, materials, or commodities pursuant to this Agreement, to the extent such vessels are available at fair and reasonable rates for United States-flagged commercial vessels.
- B. The SUBRECIPIENT shall furnish within 20 days following the date of loading for shipments originating within the United States, or within 30 working days following the date of loading for shipments originating outside United States, a legible copy of a rated, "onboard" commercial ocean



bill-of-lading in English for each shipment of cargo described in paragraph (A) above to the Recipient (through the prime Contractor in the case of third-party contractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, marked with appropriate identification of the Project.

The SUBRECIPIENT shall insert the substance of the provisions of this clause in all third-party contracts issued pursuant to this Agreement.

### **VIII. REPORTING, RECORD RETENTION, ACCESS - APPLICABLE TO ALL CONTRACTS**

- A.** Reports. At a minimum, the SUBRECIPIENT agrees to provide SANDAG and the FTA those reports required by U.S. DOT's grant management rules and any other reports SANDAG or the federal government may require.
- B.** Record Retention. The SUBRECIPIENT shall, during the course of the Project and for three years thereafter, maintain intact and readily accessible all data, documents, reports, records, contracts, and supporting materials relating to the Project as SANDAG or the federal government may require for the Project.
- C.** Access to Records. Upon request, the SUBRECIPIENT shall permit the Secretary of Transportation and the Comptroller General of the United States, or their authorized representatives, to inspect all Project work, materials, payrolls, and other data, and to audit the books, records, and accounts of the SUBRECIPIENT and its third-party contractors pertaining to the Project. In accordance with 49 U.S.C. 5325(a), the SUBRECIPIENT shall require each third-party contractor whose contract award is not based on competitive bidding procedures as defined by the Secretary of Transportation to permit the Secretary of Transportation and the Comptroller General of the United States, or their duly authorized representatives, to inspect all work, materials, payrolls, and other data and records involving that third-party contract and to audit the books, records, and accounts involving that third-party contract as it affects the Project.

### **IX. SEISMIC SAFETY - APPLICABLE TO ALL CONSTRUCTION CONTRACTS FOR NEW BUILDINGS OR ADDITIONS TO EXISTING BUILDINGS**

The SUBRECIPIENT agrees that any new building or addition to an existing building will be designed and constructed in accordance with the standards for Seismic Safety required in Department of Transportation Seismic Safety Regulations 49 C.F.R. 41, and will certify to compliance to the extent required by the regulation. The SUBRECIPIENT also agrees to ensure that all work performed under this Agreement including work performed by a third-party contractor is in compliance with the standards required by the Seismic Safety Regulations and the certification of compliance issued on the Project.

### **X. FEDERAL CHANGES - APPLICABLE TO ALL CONTRACTS**

The SUBRECIPIENT shall at all times comply with all applicable FTA regulations, policies, procedures and directives including, without limitation, those listed directly or by reference in the relevant Grant Agreement or Cooperative Agreement (Form FTA MA (6) dated October, 1999) between SANDAG and the FTA, as they may be amended or promulgated from time-to-time during the term of this Agreement. SUBRECIPIENT's failure to so comply shall constitute a material breach of this Agreement.

### **XI. DISADVANTAGED BUSINESS ENTERPRISES**

- A.** SANDAG is a designated recipient of FTA funds. In conformance with 49 C.F.R. 26, SANDAG is required to implement a Minority-Conscious Disadvantaged Business Enterprise (DBE) program of limited application. The minority-conscious component of the SANDAG FTA DBE program includes

all six DBE groups: (1) African American; (2) Hispanic American; (3) Subcontinental Asian American; (4) Asian Pacific Islander; (5) Native American; and (6) Women.

**B.** This Agreement is subject to 49 C.F.R. 26.13(b) which states:

“The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 C.F.R. 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;
3. Liquidated damages; and/or
4. Disqualifying the contractor from future bidding as non-responsible.”

SUBRECIPIENT shall take necessary and reasonable steps to ensure that DBEs have an opportunity to participate in the Agreement (49 C.F.R. 26).

**C.** To ensure there is equal participation of the DBE groups specified in 49 C.F.R. 26.5, SANDAG may have specified a goal for DBEs. When FTA funding is utilized, a DBE goal will be met through the utilization of DBE firms.

**D.** Although FHWA, FRA, and the FTA are DOT agencies, they have different DBE programs and requirements and SANDAG has separate goals for the three programs. SUBRECIPIENT will be required to comply with all applicable requirements. These Standard Federal Provisions contain the SANDAG DBE program requirements for the FTA only. FHWA and FRA DBE program requirements, if any, are set forth in a separate exhibit to the Agreement.

**E.** SUBRECIPIENT must make work available to DBEs and select work parts consistent with available DBE third-party contractors and suppliers. It is the SUBRECIPIENT’s responsibility to verify that the DBE firm is certified as a DBE at date of application submittal. For a list of DBEs certified by the California Unified Certification Program, at <https://dot.ca.gov/programs/civil-rights/dbe-search>.

**F.** DBE Certification

SANDAG requires all DBEs listed by SUBRECIPIENT for participation to be certified as eligible DBEs at the time of application submittal. Only participation by DBEs certified under the DOT regulations published 49 C.F.R. 26, or any updated version thereof, may be credited towards the SUBRECIPIENT’s minority-conscious DBE attainment. It is the responsibility of the SUBRECIPIENT to verify the DBE certification status of all listed DBEs.

SANDAG is participating as a Non-Certifying Member in the California Unified Certification Program (CUCP). Therefore, SANDAG will accept DBE certification from the certifying member agencies, which certify the eligibility of DBEs in accordance with 49 C.F.R. 26, under the CUCP or pursuant to the interstate certification process set forth in 49 C.F.R. 26.85. Listings of certifying member agencies, as well as a listing of DBEs certified by the CUCP, are available on the Caltrans Civil Rights Department website, which can be accessed at <https://dot.ca.gov/programs/civil-rights/dbe-search>.

**G. DBE Crediting Provisions**

1. A DBE must be a small business concern as defined pursuant to Section 3 of U.S. Small Business Act and relevant regulations promulgated pursuant thereto. Please note that Title 49 was amended in 2011 and the personal net worth limit for a small business concern has been raised under 49 C.F.R. 26.67.
2. DBEs may participate as a prime contractor, subcontractor, joint venture partner, supplier, or trucker. A proposed DBE must be responsible for a commercially useful function (i.e., a distinct element of the actual scope of work) and must carry out its responsibility by actually performing, managing, and supervising such work; in order to be credited toward DBE participation.
3. Only work proposed to be performed by a DBE's own work forces (including cost of supplies, materials, and equipment leases) obtained by the DBE for the work of the contract, except supplies and equipment the third-party contractor purchases and/or leases from the SUBRECIPIENT or its affiliate may be counted.
4. When a DBE subcontracts part of its contract work to another firm, the value of the subcontracted work may be counted only if the DBE subcontractor is itself a certified DBE. Work that a DBE subcontracts to a non-DBE firm cannot be credited. A DBE shall perform at least 30 percent of the total cost of its contract with its own workforce.
5. When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the Agreement equal to the distinct, clearly defined portion of the work of the Agreement that the DBE performs with its own forces towards DBE participation.
6. SUBRECIPIENT must calculate credit for participation of DBE vendors of equipment, materials, and supplies, as follows:
  - a. Sixty percent of expenditures(s) for equipment, materials, and supplies required under the Agreement, obtained from a Regular Dealer; or
  - b. One hundred percent of expenditure(s) for equipment, materials, and supplies obtained from a DBE Manufacturer.

For purposes of this section, a DBE Manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the Agreement and of the general character described by the specifications.

A DBE Regular Dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the Agreement are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

Credit for materials or supplies purchased from a DBE which is neither a Manufacturer nor a Regular Dealer will be limited to the entire amount of the fees or commission charged for assistance in the procurement of the materials and supplies or fees or transportation charges for the delivery of the materials or supplies required on a job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services. The cost of materials or supplies is not counted in this instance.

7. SUBRECIPIENT may count expenditures to trucking firms, provided that the firm is a DBE and meets the following conditions:
  - a. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of crediting DBE participation.
  - b. The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
  - c. The DBE receives credit for the total value of the transportation services it provides on the Agreement using trucks it owns, insures, and operates using drivers it employs.
  - d. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Agreement.
  - e. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.
  - f. A lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.
  
8. The following types of fees or commissions paid to DBE subcontractors, brokers, and packagers may be counted, provided that the fee or commission is reasonable, and not excessive, as compared with fees or commissions customarily allowed for similar work including:
  - a. Fees and commissions charged for providing bona fide professional or technical services, or procurement of essential personnel, facilities, equipment, materials, or supplies required for performance of the Agreement.
  - b. Fees charged for delivery of material and supplies (excluding the cost of materials or supplies themselves) when the licensed hauler, trucker, or delivery service is not also the Manufacturer of, or a Regular Dealer in, the material and supplies.
  - c. Fees and commissions charged for providing any insurance specifically required for performance of the Agreement.

## **XII. CONTRACTOR'S DBE REPORTING REQUIREMENTS (POST-AWARD)**

SUBRECIPIENT shall complete and submit the following DBE reporting forms and/or documents at the times specified:

- A. SUBRECIPIENT is advised not to count the participation of DBE third-party contractors until the amount being counted toward the DBE participation has been paid to the DBE.
- B. If third-party contractor is a DBE and is decertified during the life of the Agreement, the decertified third-party contractor shall notify the SUBRECIPIENT in writing of the date of the decertification. If a third-party contractor becomes a certified DBE during the life of the Agreement, the third-party contractor shall notify the SUBRECIPIENT in writing of the date of the certification. The SUBRECIPIENT shall furnish the written documentation to SANDAG in a timely manner using Disadvantaged Business Enterprises Certification Status Change Form, provided by SANDAG upon request.
- C. Upon completion of the Agreement, SUBRECIPIENT must submit to SANDAG a Final Report – Utilization of Underutilized/Disadvantaged Business Enterprises (U/DBE) and Small Business (SB), First Tier Subcontractor Form, provided by SANDAG upon request, and certified correct by the SUBRECIPIENT's authorized representative, and shall be furnished to SANDAG. The form shall be furnished to SANDAG within 90 days from the date of completion of the Scope of Work. The amount of up to \$10,000 may be withheld from final payment to SUBRECIPIENT until a satisfactory form is submitted.
- D. Failure to submit required DBE reports may result in the delay of processing SUBRECIPIENT's invoices for payment.
- E. DBE Goal

In order to ascertain whether the SANDAG agency-wide FTA DBE goal is being achieved, SANDAG is tracking DBE participation on all of its Federal-aid contracts.

- F. Commercially Useful Function Standards
  - 1. A DBE performs a commercially useful function when it is responsible for execution of the work of the Agreement and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the Agreement, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, SANDAG will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the Agreement is commensurate with the work it is actually performed and the DBE credit claimed for its performance of the work, and other relevant factors.
  - 2. A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, SANDAG must examine similar transactions, particularly those in which DBEs do not participate.
  - 3. If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, one must presume that it is not performing a commercially useful function.
  - 4. When a DBE is presumed not to be performing a commercially useful function as provided in the previous bullet, the DBE may present evidence to rebut this presumption. SANDAG may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

5. SANDAG's decisions on commercially useful function matters are subject to review by the FTA.

**G. DBE "Fronts" and Frauds**

Only legitimate DBEs are eligible to participate in any federally funded contract. Therefore, SUBRECIPIENT is cautioned against knowingly and willingly using "fronts" or doing business with DBEs in a manner, which could compromise the DBE's continued eligibility and DBE participation credit. The use of "fronts" and "pass through" third-party contracts to non-disadvantaged firms constitute criminal violations. Further, any indication of fraud, waste, abuse, or mismanagement of federal funds should be immediately reported to the Office of Inspector General, U.S. Department of Transportation toll free hotline at (800) 424-9071.

**H. Substitution**

1. DBEs must perform work or supply materials as listed in the DBE Commitment form, as provided by SANDAG upon request. SUBRECIPIENT shall not terminate a DBE listed third-party contract for convenience and perform the work with its own forces or obtain materials from other sources without prior written authorization from SANDAG.
2. SANDAG will grant authorization to substitute other forces or sources of materials if SUBRECIPIENT submits a request to SANDAG that establishes any of the following justifications:
  - a. Listed DBE fails or refuses to execute a written contract based on plans and specifications for the Project.
  - b. SUBRECIPIENT stipulates that a bond is a condition of executing the third-party contract and the listed DBE fails to meet the bond requirements.
  - c. Work requires a license and listed DBE does not have a valid license.
  - d. Listed DBE fails or refuses to perform the work or furnish the listed materials.
  - e. Listed DBE's work is unsatisfactory and not in compliance with its contract.
  - f. Listed DBE delays or disrupts the progress of the work.
  - g. Listed DBE becomes bankrupt or insolvent.
3. SUBRECIPIENT will need to follow the procedures below to substitute DBE third-party contractors so that the DBE commitment can be met:
  - a. Obtain proposed fee amounts and qualifications information for the scope of work that each proposed DBE firm could provide.
  - b. Check the CUCP database to ensure the proposed firms are DBE certified for the associated DBE categories and types of work North American Industry Classification System (NAICS) codes in the task order.
  - c. Provide SANDAG with the qualifications and fee information that was used for selection.
  - d. If a listed DBE third-party contract is terminated, SUBRECIPIENT must make good faith efforts to find another DBE third-party contractor to substitute for the original DBE. For more detailed information, see Notice to Proposers Regarding Disadvantaged Business

Enterprise Requirements and Instructions, as provided by SANDAG upon request. The substitute DBE must perform at least the same amount of work as the original DBE to the extent needed to meet the DBE goal. The substitute DBE must be certified as a DBE at the time of request for substitution. SANDAG does not pay for work or material unless it is performed or supplied by the listed DBE, unless the DBE is terminated in accordance with this section.

4. SUBRECIPIENT should not substitute key personnel (Project Manager and others listed by name in the cost proposal) or third-party contractors without prior written approval from SANDAG. SUBRECIPIENT must request and justify the need for the substitution and obtain approval from SANDAG prior to use of a different third-party contractor. The proposed substituted person or firm must be as qualified as the original, and at the same or lower cost.

### **XIII. INCORPORATION OF FEDERAL AND STATE GUIDELINES - APPLICABLE TO ALL CONTRACTS**

- A. All relevant federal and state grant provisions and guidelines, as presently written or as changed during the life of this Agreement, bearing on this Agreement, are hereby wholly incorporated by reference herein and made a part of this Agreement and take precedence over any inconsistent terms of this Agreement. Any third-party contract entered into as a result of this Agreement shall contain all of the provisions of this Section.
- B. Specific guidelines shall be those prescribed by "Federal Transit Administration Master Agreement" (Form FTA-MA) 2 CFR 1201 et seq., , Federal Transit Administration (FTA) Circular 4220.1F, "Third-party Contracting Requirements" and 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

### **XIV. EQUIPMENT PURCHASES - APPLICABLE TO ALL CONTRACTS**

- A. Prior authorization in writing by the Project Manager shall be required before SUBRECIPIENT enters into any non-budgeted purchase order or third-party contract exceeding \$3,500 for supplies, equipment, or third-party contractor services. If the non-budgeted purpose will cause the Project budget to exceed the Maximum Amount of the Agreement, then prior approval from the SANDAG Executive Director is also required. SUBRECIPIENT shall provide an evaluation of the necessity or desirability of incurring such costs. For purchase of any item, service or third-party consulting work not covered in the Payment or Fee Schedule and exceeding \$10,000, with prior authorization by the Project Manager, three competitive quotations must be submitted with the request or the absence of bidding must be adequately justified.
- B. SUBRECIPIENT shall maintain an inventory record for each piece of non-expendable equipment purchased or built with funds provided under the terms of this Agreement. The inventory record of each piece of such equipment shall include, but is not limited to, the following: description, identification number, acquisition date, cost, grant-funded percentage, grant number, useful life, location, use and condition, disposition action, title holder, and/or any other information necessary to identify said Property or equipment. (2 CFR 200.313) . Non-expendable equipment so inventoried are those items of equipment that have a normal life expectancy of one year or more and an approximate unit price of \$5,000 or more. In addition, theft-sensitive items of equipment costing less than \$5,000 shall be inventoried. A copy of the inventory record must be submitted to SANDAG on request by SANDAG.
- C. At the conclusion of the Agreement or if the Agreement is terminated, SUBRECIPIENT may either keep the equipment and credit SANDAG in an amount equal to its fair market value or sell such equipment at the best price obtainable, at a public or private sale, in accordance with established procedures, and credit SANDAG in an amount equal to the sales price. If the SUBRECIPIENT elects to keep the equipment, fair market value shall be determined, at the SUBRECIPIENTs expense, on the basis of a competent, independent appraisal of such equipment. Appraisals shall

be obtained from an appraiser mutually agreeable to SANDAG and SUBRECIPIENT. If it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by SANDAG.

- D. 2 CFR 200.313 requires a credit to federal funds when participating equipment with a fair market value greater than \$5,000, is credited to the Project.

#### **XV. COMPLIANCE WITH EXECUTIVE ORDER 11246 - APPLICABLE TO ALL CONTRACTS**

During the performance of this Agreement, SUBRECIPIENT agrees as follows:

- A. SUBRECIPIENT will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation or national origin. SUBRECIPIENT will ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. SUBRECIPIENT agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination
- B. SUBRECIPIENT will, in all solicitations or advancements for employees placed by or on behalf of SUBRECIPIENT, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
- C. SUBRECIPIENT will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 (EO 11246) (Johnson, 1965) and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. SUBRECIPIENT will comply with all provisions of EO 11246 and of the rules, regulations, and relevant orders of the Secretary of Labor.
- E. SUBRECIPIENT will furnish all information and reports required by EO 11246 and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- F. In the event of SUBRECIPIENT's noncompliance with the nondiscrimination clauses of this Agreement or with any of such rules, regulations, or orders, this Agreement may be cancelled, terminated, or suspended in whole or in part and the SUBRECIPIENT may be declared ineligible for further government contracts in accordance with procedures authorized in EO 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in EO 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- G. SUBRECIPIENT will include the provisions of paragraphs A through F in every third-party contract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of EO 11246, so that such provisions will be binding upon each third-party contractor or vendor. SUBRECIPIENT will take such action with respect to any third-party contract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event SUBRECIPIENT becomes involved in, or is threatened with, litigation with a third-party contractor



or vendor as a result of such direction, SUBRECIPIENT may request the United States to enter into such litigation to protect the interests of the United States.” [Sec. 202 amended by Executive Order 11375 (Johnson, 1967), 32 FR 14303, 3 C.F.R., 1966-1970 Comp., p. 684, Executive Order 12086 (Carter, 1978), 43 FR 46501, 3 C.F.R., 1978 Comp., p. 230]

**XVI. COST PRINCIPLES - APPLICABLE TO ALL CONTRACTS**

- A. SUBRECIPIENT agrees that the Contract Cost Principles and Procedures, 48 C.F.R., Federal Acquisition Regulations System, Chapter 1, Part 31 et seq., shall be used to determine the allowability of individual items of cost, except on negotiated contracts procured under a Request for Proposals, which shall instead be governed by 2 C.F.R. 200.
- B. SUBRECIPIENT also agrees to comply with federal procedures in accordance with 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- C. Any costs for which payment has been made to the SUBRECIPIENT that are determined by subsequent audit to be unallowable under application sections of 48 C.F.R. 15, 48 C.F.R., Federal Acquisition Regulations System, Chapter 1, Part 31 et seq. and/or 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, are subject to repayment by the SUBRECIPIENT to SANDAG.

**XVII. DEBARMENT AND SUSPENSION - APPLICABLE TO ALL CONTRACTS EXCEEDING \$25,000**

- A. SANDAG and the SUBRECIPIENT shall comply with the requirements of Executive Orders (EO) 12549 (Reagan, 1986) and EO 12689 (Bush, 1989), “Debarment and Suspension,” 31 U.S.C. 6101 note; and U.S. DOT regulations on Debarment and Suspension at 2 CFR 1200. SUBRECIPIENT shall be registered in the SAM.gov website. The System for Award Management (SAM) is an Official U.S. Government database of awardees of federal funds. There is NO fee for SUBRECIPIENT to register for this site.
- B. Unless otherwise permitted by FTA, SUBRECIPIENT shall refrain from awarding any third-party contract of any amount to or enter into any subagreement of any amount with a party included in the “United States General Services Administration’s (U.S. GSA) List of Parties Excluded from Federal Procurement or Nonprocurement Programs,” implementing EO 12549 and EO 12689, “Debarment and Suspension” and 2 CFR 1200. The list also includes the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible for contract award under statutory or regulatory authority other than EO 12549 and EO 12689.
- C. Before entering into any third-party contract, SUBRECIPIENT shall obtain a debarment and suspension certification from each prospective third-party contractor containing information about the debarment and suspension status and other specific information about the third-party contractor and its “principals,” as defined at 2 CFR 180.335. An example of the appropriate certification shall be provided by SANDAG upon request.
- D. Before entering into any third-party contract exceeding \$25,000, SUBRECIPIENT shall obtain a debarment and suspension certification from each third-party contractor containing information about the debarment and suspension status of that third-party contractor and its “principals,” as defined at 2 CFR 180.335. SUBRECIPIENT also shall require each third-party contractor to refrain from awarding any subcontract of any amount (at any tier) to a debarred or suspended subcontractor, and to obtain a similar certification from any subcontractor (at any tier) seeking a contract exceeding \$100,000. An example of the appropriate certification shall be provided by SANDAG upon request.

- E. SANDAG shall provide FTA a copy of each conditioned debarment or suspension certification provided by SUBRECIPIENT and third-party contractors at any tier. Until FTA approval is obtained by SANDAG and conveyed to SUBRECIPIENT, SUBRECIPIENT shall refrain from awarding a third-party contract with any party that has submitted a conditioned debarment or suspension certification.

#### **XVIII. TECHNICAL RESTRICTIONS ON THE ACQUISITION OF PROPERTY AND SERVICES**

If this Agreement involves the acquisition of Intelligent Transportation System (ITS) property and/or services, then the ITS property and services must comply with the national ITS architecture and standards to the extent required by Section 5307(c) of SAFETEA-LU, FTA notice, "FTA National ITS Architecture Policy on Transit Projects," 23 CFR 940, January 8, 2001, and later published policies or implementing directives FTA may issue. Third-party contracts involving ITS must also contain provisions to ensure compliance with these Federal Requirements. (FTA Circular 4220.1F, Page IV-17, November 1, 2008.)

**FEDERAL PROVISIONS FOR PROCUREMENTS IN EXCESS OF \$100,000  
(FEDERAL TRANSIT ADMINISTRATION)**

As a Federal Transit Administration (FTA) grantee, the San Diego Association of Governments (SANDAG) is required to inform the SUBRECIPIENT of these Standard Federal Provisions as provided herein. Any third-party contract entered into by SUBRECIPIENT as a result of the Section 5310 Fund Transfer Program AGREEMENT (Agreement) with SANDAG, shall contain all of these Standard Federal Provisions.

**I. BUY AMERICA - APPLICABLE TO PUBLIC WORKS, ACQUISITION OF GOODS, OR ROLLING STOCK PROCUREMENTS EXCEEDING \$100,000**

The SUBRECIPIENT's attention is directed to the "Buy America" requirements set forth in 49 USC 5323(j), and the FTA regulations implementing Section 165 (49 C.F.R. 661). Information on "Buy America" requirements (49 C.F.R. 661) is available for review at the SANDAG office.

Any steel or manufactured product used in projects supported by FTA funds must be produced in the United States unless the Secretary of Transportation determines that one of the following exceptions applies:

- A.** Applying this provision would be inconsistent with the public interest.
- B.** The materials and products required for a project are not produced in the United States either in sufficient quantity or not of the quality required for this Project.
- C.** Including domestically produced material will increase the cost of the contract by more than 25 percent.
- D.** Note: In calculating the cost of components under the terms of this provision, labor costs involved in the final assembly are not to be included.
- E.** Where SANDAG is purchasing buses or other rolling stock (including train control, communication, and traction power equipment) on behalf of SUBRECIPIENT as part of the Agreement, the cost of components produced in the United States is more than 60 percent of the cost of all the components of the rolling stock or equipment, and final assembly of the stock or equipment has taken place in the United States.
- F.** In reference to exception C above, FTA requires that the bid for nondomestic items must be adjusted by the appropriate differential (10 percent or 25 percent) and then the adjusted overall bid prices compared to determine if the inclusion of domestic materials will increase the "overall Project contract." When both "rolling stock" and "nonrolling stock" are being procured in a single contract, the appropriate differentials will be applied to the different items only and not to the overall bid price.
- G.** Thus, the foreign purchased components of the individual bid items will be adjusted upward, for purposes of determining Buy America compliance only, by 10 percent for rolling stock and 25 percent for nonrolling stock, thereby increasing the cost proposal item by the adjusted amount, thereby adjusting the overall total bid price.
- H.** The revised bid amount will be the basis for determining the lowest bid.
- I.** Within five days of written notification, the SUBRECIPIENT shall provide the necessary information to substantiate the cost of nondomestic items and the factual basis for the claim of exception to the requirements of 49 USC 5323(j) and the regulations in 49 C.F.R. 661.

- J. In the Buy America Certificate (FTA), provided by SANDAG upon request, Alternative 'A' or 'B,' must be completed and submitted with any proposal. A proposal which does not include either Alternative 'A' or 'B' or which includes both Alternative 'A' and Alternative 'B' may be considered nonresponsive.
- K. A waiver from the Buy America provision may be sought by the SUBRECIPIENT if grounds for the waiver exist. Inclusion of the Alternative 'B' certificate in a bid constitutes an application by the SUBRECIPIENT for an exception to the Buy America requirement applicable to this type of contract. If a bid includes the Alternative 'B' certificate and an exception is not granted by FTA, the bid will be considered nonresponsive.

## II. ENVIRONMENTAL VIOLATIONS

For all work in excess of \$100,000, SUBRECIPIENT agrees to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 7606), Section 508 of the Clean Water Act (33 U.S.C. 1368), and Environmental Protection Agency (EPA) regulations which prohibit the use under nonexempt federal contracts, grants, or loans of facilities included on the EPA list of Violating Facilities. SUBRECIPIENT shall report violations to FTA and to the USEPA Assistant Administrator for Enforcement (ENO329).

## III. ENVIRONMENTAL REQUIREMENTS

The successful SUBRECIPIENT recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to the Project. Some, but not all, of the major federal laws that may affect the Project include: the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.; the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and scattered sections of 29 USC; the Clean Water Act, as amended, scattered sections of 33 U.S.C. and 12 U.S.C.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601 et seq. SUBRECIPIENT recognizes that United States EPA, Federal Highway Administration (FHWA), and other agencies of the federal government have issued and are expected in the future to issue regulations, guidelines, standards, orders, directives, or other requirements that may affect the Project. Thus, SUBRECIPIENT agrees to adhere to, and impose on its third-party contractors, any such federal requirements as the federal government may now or in the future promulgate. Listed below are requirements of particular concern to FTA and SANDAG. Contractor acknowledges that this list does not constitute SUBRECIPIENT's entire obligation to meet all federal environmental and resource conservation requirements.

### A. Environmental Protection

SUBRECIPIENT shall comply with the applicable requirements of the National Environment Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321 et seq., in accordance with Executive Order 12898 (Clinton, 1994), "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 59 Fed. Reg. 7629, FTA statutory requirements on environmental matters at 49 U.S.C. 5324(b); Council on Environmental Quality regulations on compliance with the National Environmental Policy Act of 1969, as amended, 40 C.F.R. 1500 et seq.; and joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," 23 C.F.R. 771, and 49 C.F.R. 622.

If SUBRECIPIENT will be preparing an environmental impact statement under National Environmental Policy Act, and an awarded Agreement will include federal funding, the SUBRECIPIENT will be required to submit a statement to SANDAG certifying that the SUBRECIPIENT has no financial or other interest in the outcome of the Project, 40 C.F.R. 1506.5(c).

**B. Air Quality**

1. SUBRECIPIENT shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. Specifically:
  - a. SUBRECIPIENT shall comply with applicable requirements of U.S. EPA regulations, “Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 USC or the Federal Transit Act,” 40 C.F.R. Part 51 Subpart T; and “Determining Conformity of Federal Actions to State or Federal Implementation Plans,” 40 C.F.R. 93. To support the requisite air quality conformity finding for the Project, SUBRECIPIENT shall implement each air quality mitigation and control measure incorporated in the Project. SUBRECIPIENT agrees that any Project identified in a State Implementation Plan (SIP) as a Transportation Control Measure will be wholly consistent with the description of the design concept and scope of the Project described in the SIP.
  - b. United States EPA also imposes requirements implementing the Clean Air Act, as amended, which may apply to transit operators, particularly operators of large transit bus fleets. Thus, SUBRECIPIENT should be aware that the following United States EPA regulations, among others, may apply to this Project: “Control of Air Pollution from Motor Vehicles and Motor Vehicle Engines,” 40 C.F.R. 85; “Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures,” 40 C.F.R. 86; and “Fuel Economy of Motor Vehicles,” 40 C.F.R. 600.
2. SUBRECIPIENT agrees to report and require each third-party contractor at any tier to report any violation of these requirements resulting from any Project implementation activity of a third-party contractor or itself to FTA and the appropriate United States EPA Regional Office.

**C. Clean Water**

1. SUBRECIPIENT shall comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.
2. SUBRECIPIENT agrees to report and require each third-party contractor at any tier to report any violation of these requirements resulting from any Project implementation activity of a third-party contractor (at any tier) or itself to FTA and the appropriate United States EPA Regional Office.

**D. Use of Public Lands**

SUBRECIPIENT agrees that no publicly-owned land from a park, recreation area, or wildlife or waterfowl refuge of national, state, or local significance as determined by the federal, state, or local officials having jurisdiction thereof, or any land from a historic site of national, state, or local significance may be used for the Project unless the FTA makes the specific findings required by 49 U.S.C. 303.

**E. Mitigation of Adverse Environmental Effects**

SUBRECIPIENT agrees that, if the Project should cause adverse environmental effects, the SUBRECIPIENT will take all reasonable steps to minimize those effects in accordance with 49 U.S.C. 5324(b), and all other applicable federal laws and regulations; specifically, the procedures of 23 C.F.R. 771, and 49 C.F.R. 622. SUBRECIPIENT agrees to undertake all environmental mitigation measures that may be identified as commitments in applicable environmental documents (such as environmental assessments, environmental impact statements,

memoranda of agreement, and statements required by 49 U.S.C. 303) and with any conditions the federal government has imposed in its finding of no significant impact or a record of decision. Those mitigation measures are incorporated by reference and made part of the Grant Agreement or Cooperative Agreement between FTA and SANDAG. As soon as the federal government, SANDAG and SUBRECIPIENT reach agreement on any deferred mitigation measures, those measures will then be incorporated by reference and made part of the Grant Agreement or Cooperative Agreement between FTA and SANDAG. SUBRECIPIENT agrees that any mitigation measures agreed upon may not be modified or withdrawn without the express written approval of the federal government.

**F. Consultant Certification**

If SUBRECIPIENT will be preparing an environmental impact statement on behalf of SANDAG under NEPA, SUBRECIPIENT certifies, as required by 40 C.F.R. 1506.5(c), by signing this Agreement, that it has no financial or other interest in the outcome of the Project.

**IV. RESTRICTIONS ON LOBBYING**

- A.** SANDAG and SUBRECIPIENT shall not use federal assistance funds to support lobbying.
- B.** In accordance with 31 U.S.C. 1352 and United States DOT regulations, "New Restrictions on Lobbying," 49 C.F.R. 20, if the Project exceeds \$100,000, the FTA will not make any federal assistance available to the SUBRECIPIENT until the FTA has: (a) received the SUBRECIPIENT's certification that the SUBRECIPIENT has not and will not use federal appropriated funds to pay any person or organization to influence or attempt to influence an officer or employee of any federal department or agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal grant, cooperative agreement, or any other federal award from which funding for the Project is originally derived, consistent with 31 U.S.C 1352, and (b) if applicable, the SUBRECIPIENT's statement disclosing any lobbying with nonfederal funds that has taken place in connection with obtaining any federal financing ultimately supporting the Project.
- C.** The SUBRECIPIENT agrees to provide SANDAG a copy of each lobbying disclosure statement with the accompanying lobbying certification provided by a prospective third-party contractor at any tier. The form is Certification of Restrictions on Lobbying, provided by SANDAG upon request.

## **FEDERAL PROVISIONS FOR THE SECTION 5310 PROGRAM ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES**

The Federal Transit Administration (FTA) Standard Federal Provisions included as part of the Section 5310 Fund Transfer Program Fund Transfer Agreement (Agreement) provide federal provisions generally applicable to all FTA-funded programs. This document provides requirements that are specific to the 5310 Program, Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310 Program Provisions). SANDAG, as an FTA recipient, is required to inform the SUBRECIPIENT, as identified in the Agreement, of these Federal Provisions, as provided herein. Further, any third-party contract entered into by SUBRECIPIENT as a result of the Agreement with SANDAG shall include these Section 5310 Program Provisions.

### **I. EQUIPMENT MANAGEMENT**

#### **A. General**

Common grant rule procedures and requirements for SUBRECIPIENTS are more explicit and can be found in 2 CFR 200.313.

#### **B. Transfer of Property**

Section 5310 permits SANDAG to transfer facilities and equipment acquired with assistance under Section 5310 to any eligible SUBRECIPIENT if the facility or equipment will continue to be used in accordance with the requirements of Section 5310. SUBRECIPIENTS receiving equipment or facilities under this provision to provide Section 5310 service must comply with all requirements as provided in the Agreement.

#### **C. Vehicle Use, Useful Life, Replacement Standards, and Disposition**

Under the Agreement, SANDAG shall lease vehicles acquired with Section 5310 funds and transfer title to SUBRECIPIENT. SANDAG shall record a lien against the title to the vehicles, holding a security interest in the vehicles and retaining SANDAGs continuing control of the vehicles.

Maximum use of vehicles funded under the Section 5310 program is encouraged. If the SUBRECIPIENT no longer wants to use the vehicle for the Section 5310 grant funded purposes, the vehicle will be returned to SANDAG consistent with the terms of the Agreement.

SUBRECIPIENTS must adhere to the vehicle useful life criteria that are detailed in the current FTA Circular 5010.1, Grant Management Requirements. At the conclusion of the useful life of the property, SUBRECIPIENT shall dispose of property consistent with FTA guidance and the terms of the Agreement.

### **II. PROCUREMENT**

#### **A. General**

When procuring property, supplies, equipment, or services with funds from an FTA grant, SUBRECIPIENTS must comply with FTA procurement requirements at 2 CFR 200.318 et seq. and guidance contained in the current FTA Circular 4220.1F. SANDAG is responsible for ensuring that SUBRECIPIENTS are aware of and comply with requirements and will assist SUBRECIPIENTS as needed.

## **B. Pre-Award and Post-delivery Reviews**

Procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with 49 C.F.R. 663, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases." Additional guidance is available in the manual, "Conducting Pre-Award and Post-Delivery Reviews for Bus Procurement" on FTA's website: [www.transit.dot.gov](http://www.transit.dot.gov).

SUBRECIPIENTS are responsible for conducting a post-delivery review to ensure compliance with the bid specifications, Buy America requirements, and federal motor vehicle safety requirements, and to complete specific certifications. Purchase of more than 20 vehicles for use in areas under 200,000 in population (more than ten, for large urbanized areas), other than unmodified vans or sedans, requires in-plant inspection. In the case of consolidated state procurements, the in-plant inspection requirement is triggered only if a SUBRECIPIENT will receive more than ten vehicles, depending on area size.

## **C. New Model Bus Testing**

SUBRECIPIENTS must ensure that buses and vans acquired with FTA funds are tested consistent with the requirements in 49 C.F.R. 665 and must provide SANDAG with a copy of the resulting test report before FTA funds can be released. FTA provides a bus testing section on its website that provides an overview of the program and assists with understanding applicable procedures and policies: search "bus testing" on [www.transit.dot.gov](http://www.transit.dot.gov).

The bus testing provisions under 49 U.S.C. 5318 require FTA establish a pass/fail testing standard. FTA funds will be available to acquire a new bus model only if the bus has received a passing score. This requirement will take effect after FTA has issued regulations establishing the standard.

## **D. Buy America**

Title 49 U.S.C. 5323(j) provides with limited exceptions that funds for a public transportation project may not be obligated unless the steel, iron, and manufactured goods used in the project are produced in the United States. Section 5310 SUBRECIPIENTS must comply with FTA regulations, 49 C.F.R. 661. FTA's Buy America requirements at 49 C.F.R. 661 differ from Federal Buy American regulations at 48 C.F.R. 25. SANDAG strongly advises SUBRECIPIENTS to review 49 C.F.R. 661 as well as the current FTA Circular 4220.1, "Third Party Contracting Guidance," before undertaking any procurement and SANDAG is available to assist SUBRECIPIENTS as needed. In addition, 49 U.S.C. 5323(j)(11) allows a party adversely affected by an FTA action the right to seek review. FTA has created a Buy America website to provide an overview of these requirements as well as policies, procedures, and letters of interpretation: [www.transit.dot.gov/buyamerica](http://www.transit.dot.gov/buyamerica).

## **E. Transit Vehicle Manufacturer Disadvantaged Business Enterprises (DBE) Program Requirement**

SUBRECIPIENTS are obligated to determine, by checking the TVM listing on FTA's website, [www.transit.dot.gov/TVM](http://www.transit.dot.gov/TVM), or by checking with FTA's Office of Civil Rights that the manufacturer likely to receive the contract is in compliance with part 26. For further guidance, contact the FTA Regional Civil Rights Officer in San Diego or SANDAG.

## **III. FINANCIAL MANAGEMENT**

The financial management system for SUBRECIPIENTS must meet the standards set forth in 2 CFR 200.302 of the common grant rule. These standards include:



**A. Financial Reporting**

Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant award.

**B. Accounting Records**

SUBRECIPIENTS must maintain records that adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to SUBRECIPIENT awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

**C. Internal Control**

Effective control and accountability must be maintained for all SUBRECIPIENT cash, real and personal property, and other assets. SUBRECIPIENTS must adequately safeguard all such property and must ensure that it is used solely for authorized purposes.

**D. Budget Control**

Actual expenditures or outlays must be compared with budgeted amounts for each grant award. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the Agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

**E. Allowable Cost**

Applicable Office of Management and Budget (OMB) cost principles, FTA program regulations, and the terms of the FTA master agreement and grant agreements will be followed in determining the reasonableness, allowability, and allocability of costs. (2 C.F.R. 200) provides guidance on allowable costs for nonprofit organizations. Expenses such as indirect costs or payments to a self-insurance fund must be documented appropriately. Advertising and public relations is permitted for "specific purposes necessary to meet the requirements of the federal award." Transit marketing and promotion are allowable project costs under these provisions, since transit ridership is the ultimate purpose of the federal grant.

**F. Source Documentation**

Accounting records must be supported by such source documentation as cancelled checks, paid bills, payroll, time and attendance records, third-party contract award documents, etc.

**IV. SUBRECIPIENT DUNS REQUIREMENT**

SUBRECIPIENT shall provide its DUNS number to SANDAG. No entity may receive an award from SANDAG unless a DUNS number has been provided.

**V. DRUG AND ALCOHOL TESTING**

A SUBRECIPIENT that receives only Section 5310 program assistance is not subject to FTA's drug and alcohol testing rules, but must comply with the Federal Motor Carrier Safety Administration (FMCSA) rule for all employees who hold commercial driver's licenses (49 C.F.R. 382). Section 5310 SUBRECIPIENTS that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program.

An FTA compliant testing program, as required by the receipt of FTA operating or capital funding (5307, 5309, 5311), may be used for Section 5310 employees; there is no need to have separate testing programs.

Technical assistance materials and training information to help SUBRECIPIENTS implement the rules are available at FTA's website [www.transit.dot.gov](http://www.transit.dot.gov) or through contacting SANDAG or the FTA Office of Safety and Oversight, FTA Headquarters.

## **VI. COMMERCIAL DRIVER'S LICENSE (CDL)**

All drivers of motor vehicles designed to transport 16 or more passengers (including the driver) or of vehicles which have a gross combination weight rating of 26,001 pounds or more must have a CDL. Mechanics that drive the vehicles must also have a CDL.

**FISCAL YEAR 2020 ANNUAL LIST OF CERTIFICATIONS AND ASSURANCES FOR FTA  
GRANTS AND COOPERATIVE AGREEMENTS**

To be inserted at time of AGREEMENT execution.

**CERTIFICATE OF NONDISCRIMINATION ASSURANCES**

To be inserted at time of AGREEMENT execution.

**EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATE**

To be inserted at time of AGREEMENT execution.

**SUBRECIPIENT TITLE VI PROGRAM RESOLUTION**

To be inserted at time of AGREEMENT execution.

**BUY AMERICA CERTIFICATE (FTA)**

To be inserted at time of AGREEMENT execution.

**MONITORING CHECKLIST**

To be inserted at time of AGREEMENT execution.



# APPENDIX H: PROGRAM MANAGEMENT PLAN

The Program Management Plan may be found at the following link:

[https://www.sandag.org/uploads/projectid/projectid\\_553\\_28294.pdf](https://www.sandag.org/uploads/projectid/projectid_553_28294.pdf)

APPENDIX I:  
TITLE VI PROGRAM  
COMPLIANCE GUIDE

The Title VI Program Compliance Guide may be found at the following link:

[https://www.google.com/url?client=internal-element-cse&cx=001797257797358451825:unett8rnfqk&q=https://www.sandag.org/uploads/guide/Guide\\_to\\_Developing\\_a\\_Title\\_VI\\_Plan\\_for\\_FTA\\_Subrecipients.docx&sa=U&ved=2ahUKEwj2vO69icXxAhVLop4KHXa-CjIQFjAAegQIBBAB&usg=AOvVaw2gbeAnJJgxpTk-Xz1Cvcm6](https://www.google.com/url?client=internal-element-cse&cx=001797257797358451825:unett8rnfqk&q=https://www.sandag.org/uploads/guide/Guide_to_Developing_a_Title_VI_Plan_for_FTA_Subrecipients.docx&sa=U&ved=2ahUKEwj2vO69icXxAhVLop4KHXa-CjIQFjAAegQIBBAB&usg=AOvVaw2gbeAnJJgxpTk-Xz1Cvcm6)

## APPENDIX J: MONITORING CHECKLIST

# Monitoring Checklist

TOTAL SCORE:

The San Diego Association of Governments (SANDAG) has developed a Monitoring Checklist to assist in the monitoring of subrecipients of federal funds and recipients of *TransNet* Senior Mini-Grant funds, collectively referred to as "Grantees." The elements will monitor the consistency of the grantee's project delivery with that which is reflected in the original grant proposal and the grantee's compliance with the terms of the grant agreement. The Monitoring Checklist is used at desk reviews and/or site visits to assess the performance of the grantees and during the competitive process to determine a past performance adjustment to the scores of the applicants. Each question below is derived from the grant agreement and therefore, a question checked "no" indicates the grantee is out of compliance with the terms of the grant agreement. SANDAG will send a final version of the Monitoring Checklist, including a total score (between positive 2% and a negative 10%) within one week of the date of the desk review and/or site visit. This score can be used by the grantee as an indicator of performance. When the Monitoring Checklist is used to determine a past performance adjustment, SANDAG will make the completed Monitoring Checklist available to grantees as part of the debriefing process after projects have been awarded funding.

Initial Review       Annual Review       Final Review       Performance Based Adjustment

Review Period: \_\_\_\_\_

Grantee: \_\_\_\_\_

Date of Site Visit: \_\_\_\_\_

Contract No(s): \_\_\_\_\_

Contract Start/  
End Dates: \_\_\_\_\_

Modified scope of work in effect?  Yes  
 No \_\_\_\_\_

Modified scope start date: \_\_\_\_\_

Subcontractor(s) (if applicable): \_\_\_\_\_

Grantee Staff: \_\_\_\_\_

SANDAG Staff: \_\_\_\_\_

## Section 1 – Quantity of Service Delivered (25%)

For projects performed during the COVID-19 pandemic, this Section will be scored based on the number of units delivered between March 1, 2019 to February 29, 2020 in comparison to the proportion of units delivered for that period identified in the project scope of work. No score will be given for projects that started on or after March 1, 2020 due to the stay-at-home order.

Types of units of service: \_\_\_\_\_

Proposed number of units of service delivered: \_\_\_\_\_

Actual number of units of service delivered: \_\_\_\_\_

Percentage (above/below) proposal: \_\_\_\_\_

Score

More than 10% over proposed number of units of service	+ 0.5%
+/- within 10% of proposed number of units of service	0%
10 – 15% under proposed number of units of service	- 0.5%
15 – 20% under proposed number of units of service	- 1.0%
20 – 25% over proposed cost per unit	- 1.5%
25 – 30% under proposed number of units of service	- 2.0%
30% or more under proposed number of units of service	- 2.5%

Section 1 Score

### Section 2 – Cost/Unit (25%)

For projects performed during the COVID-19 pandemic, this Section will be scored based on the cost per unit of service delivered between March 1, 2019 to February 29, 2020 in comparison to the proportional cost per unit for that period identified in the project scope of work. No score will be given for projects that started on or after March 1, 2020 due to the stay-at-home order.

Proposed cost per unit of service delivered: \_\_\_\_\_

Actual cost per unit of service delivered: \_\_\_\_\_

Percentage (above/below) proposal: \_\_\_\_\_

Score

More than 10% under proposed cost per unit	+ 0.5%
+/- within 10% of proposed cost per unit	0%
10 – 15% over proposed cost per unit	- 0.5%
15 – 20% over proposed cost per unit	- 1.0%
20 – 25% over proposed cost per unit	- 1.5%
25 – 30% over proposed cost per unit	- 2.0%
30% or more over proposed cost per unit	- 2.5%

Section 2 Score

### Section 3 - Project Management (50%)

Scope of Performance		YES	NO
1. Did the grantee exhibit timely progression on each task included in the scope of work?		<input type="checkbox"/>	<input type="checkbox"/>
Task 1			
Task 2			

Task 3			
Task 4			
Task 5			
Task 6			
Task 7			
<b>Project Management</b>		<b>YES</b>	<b>NO</b>
2.	Did the grantee work to implement the scope of work as proposed or receive SANDAG approval for any changes to the project? If a modified scope of work was approved by SANDAG, did the grantee make reasonable efforts to provide a high level of service to the target population and demonstrate efforts to reduce the cost per unit over time during the modified scope period?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Are all services being delivered eligible under federal grant requirements and/or the grant agreement?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Insurance</b>		<b>YES</b>	<b>NO</b>
4.	Has the grantee submitted and maintained evidence of compliance with insurance requirements (general liability, automobile liability, workers compensation)?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Cost Principles / Financial Management</b>		<b>YES</b>	<b>NO</b>
5.	Were all project expenditures allowable and accounted for in accounting records? SANDAG will inspect equipment records if applicable.	<input type="checkbox"/>	<input type="checkbox"/>
6.	Did the grantee maintain adequate financial control mechanisms (e.g. financial management system, mileage logs, expense ledgers, etc.) containing all required information available for inspection by SANDAG upon request?	<input type="checkbox"/>	<input type="checkbox"/>
7.	Did the grantee charge allowable costs during the monitoring period and, if non-budgeted purchases in excess of \$500 were incurred, did grantee request prior authorization?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Did the grantee provide sufficient documentation to support project expenses and, if indirect costs were included, were the necessary indirect costs methods used?	<input type="checkbox"/>	<input type="checkbox"/>
9.	Did the grantee provide adequate cash or in-kind match contributions?	<input type="checkbox"/>	<input type="checkbox"/>
10.	Were all expenses in accordance with generally accepted accounting principles including, but not limited to per diem rates and Title 2 Code of Federal Regulations Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements?	<input type="checkbox"/>	<input type="checkbox"/>
11.	Did the grantee maintain an accounting system and records that separate expenses from non-project-related expenses?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Did the grantee review, whether in a formal or informal audit, the financials of its agency, officials, and program, including, but not limited to its Single Audit, Program Audit, or annual financial audit?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Did the grantee receive no material findings or, if material findings were identified, work to rectify those said findings within the timeline listed in the report?	<input type="checkbox"/>	<input type="checkbox"/>



Records	YES	NO
14. Are project documents and accounting records readily accessible and available for review by SANDAG upon request and kept separate from documents not related to the project? SANDAG staff to review any third-party contractor project documents and accounting records to ensure necessary requirements are included.	<input type="checkbox"/>	<input type="checkbox"/>
15. Does the grantee's record retention policies align with the grant agreement's records retention requirement?	<input type="checkbox"/>	<input type="checkbox"/>
16. Was ridership and associated program data tracked adequately and available to SANDAG?	<input type="checkbox"/>	<input type="checkbox"/>
17. Was program participation tracked sufficiently to fulfill requirements for tracking for the needs accommodation policy?	<input type="checkbox"/>	<input type="checkbox"/>
Project Schedule	YES	NO
18. Did the grantee remain on schedule as outlined in the original agreement such that no extensions beyond 6 months were granted at the request of the grantee for any major milestones or the project completion date?	<input type="checkbox"/>	<input type="checkbox"/>
Invoicing and Reporting	YES	NO
19. Did the grantee submit invoices at least quarterly?	<input type="checkbox"/>	<input type="checkbox"/>
20. Were sufficient materials including required documentation consistently submitted with the invoice packet? (at least 75% submitted with all required documentation, and invoice forms filled out correctly)	<input type="checkbox"/>	<input type="checkbox"/>
21. Are required grant reports submitted in a timely manner (at least 75% invoices submitted on time)?	<input type="checkbox"/>	<input type="checkbox"/>
Title VI and ADA Compliance	YES	NO
22. Does the grantee have a nondiscrimination policy, a written complaint form, and complaint procedures that are posted and, if required, a Title VI plan (current which has not lapsed) accepted by SANDAG?	<input type="checkbox"/>	<input type="checkbox"/>
23. Did the grantee receive neither discrimination, ADA, nor Title VI complaints or, if complaints were received, did the grantee provide written notice to SANDAG within 72 hours of receiving the complaint and work toward a resolution?	<input type="checkbox"/>	<input type="checkbox"/>
24. Does the grantee have a method for recording service, discrimination, and/or Title VI-related complaints and documenting the steps taken towards resolution?	<input type="checkbox"/>	<input type="checkbox"/>
25. Did the grantee adequately track client demographic data, including frequency of client access, and provide the data on an annual basis to SANDAG?	<input type="checkbox"/>	<input type="checkbox"/>
26. If the grantee held public meetings, were they accessible to individuals with disabilities and by public transportation (or was transportation provided)? Mark yes if no public meetings were held during the monitoring period.	<input type="checkbox"/>	<input type="checkbox"/>
27. Are outreach materials translated into appropriate languages given the communities served?	<input type="checkbox"/>	<input type="checkbox"/>
28. Does the grantee make reasonable modifications to their service to accommodate individuals with disabilities?	<input type="checkbox"/>	<input type="checkbox"/>

Outreach	YES	NO
29. Did the grantee submit project marketing materials to SANDAG for review?	<input type="checkbox"/>	<input type="checkbox"/>
30. Did the grantee provide SANDAG with project information and photos to support media and communication efforts?	<input type="checkbox"/>	<input type="checkbox"/>

### Score

More than 95% affirmative answers for applicable responses	+ 1%
90 – 95% affirmative answers for applicable responses	0%
85 – 89.9% affirmative answers for applicable responses	- 1%
80 – 84.9% affirmative answers for applicable responses	- 2%
75% – 79.9% affirmative answers for applicable responses	- 3%
70% – 74.9% affirmative answers for applicable responses	- 4%
Less than 70% affirmative answers for applicable responses	- 5%

Section 3 Score	
Total affirmative responses	
Total questions	
Percentage of affirmative responses	
Section 3 Score	

## Section 4 – Summary and Identification of Deficiencies

SANDAG staff uses the following tables to review any “NO” responses to questions in the Monitoring Checklist, indicating a deficiency. A deficiency is an area in which the grantee is deficient in meeting its obligations under the grant agreement. Should a deficiency be found, SANDAG staff will determine appropriate follow-up actions using the tables below. Grantees are required to submit a recovery plan within ten (10) days of the site visit/desk review at which a deficiency or deficiencies were identified. Recovery plans must include the steps the grantee will take to correct each deficiency and comply with grant provisions. Grantees must implement the corrective action(s) as outlined in their recovery plan within 30 days of identification of the compliance deficiency.

Boxes Checked “No”	Explanation
<b>Identified Deficiencies</b>	<b>Responses and Solutions</b>
<b>Follow Up Items</b>	


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**SANDAG Project Manager**

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**Grantee Project Manager**

APPENDIX K:  
DETERMINATION OF SITE OR LOCATION OF  
FACILITIES – SUMMARY OF ACTIVITIES

As noted in the Program, Chapter 10 above, SANDAG did not make any site decisions and did not construct any facilities during this reporting period. There are two projects underway in the region for which SANDAG provided technical assistance. A description of these projects follows.

#### **Downtown Bus Stopover and Multiuse Facility Project**

The need for short-term bus parking in the Downtown San Diego area is increasing as the San Diego Metropolitan Transit System (MTS) implements transit service expansions. The Downtown Bus Stopover and Multiuse Facility Project will consist of the construction and operation of a bus stopover and multiuse facility. The bus stopover facility is intended to serve as short-term bus parking that would range from 5-20 minutes with engines idling for a short portion of the stopover period. The proposed stopover facility would accommodate up to 35 vehicles per hour during the top of the peak periods, and buses would not generally park in the facility overnight.

The multiuse facility is envisioned to consist of office use, retail use, and residential uses. The mix of uses may be modified depending on market forces at the time of public-private partnership.

In 2012, SANDAG and MTS conducted a Social Equity Impact Assessment (SEIA) to identify a preferred location for this project. In conjunction with the analysis, a public participation process was conducted to ensure the voices of the communities potentially impacted by the project were heard. The SANDAG Board of Directors selected a preferred location in 2016, and the Board voted to move ahead to purchase two of the six parcels on the preferred site for the project in 2018; no additional parcels have been acquired since then. Given that a substantial amount of time has passed since the original analysis was completed, SANDAG and MTS are updating the equity analysis to provide staff with more up-to-date information. It is anticipated that the updated equity analysis will be completed in June 2021.

#### **MTS Division 6 Bus Maintenance Facility Project**

MTS is in need of a new bus maintenance facility (approximately 10-15 acres) to accommodate future transit growth and Zero Emission Bus (ZEB) charging infrastructure. This project will consist of the construction of a new bus maintenance building, vehicle fueling and charging infrastructure, lighting, bus wash facilities, equipment lifts, storage, bus parking space, an administration and operations office building, and employee parking. The maintenance facility will consist of the following approximate components: 20 bus maintenance service bays, bus wash lanes, 4 fare and fuel lanes, a body shop and paint booth, and 16 equipment lift bays (which could be a combination of portables and in-ground). Fueling infrastructure will include CNG facilities (compressor station and dispensers) and ZEB electric charging – likely in an overhead gantry configuration – with approximately 125 chargers and up to 250 power dispensers.

SANDAG will not have a role in property acquisition as MTS will acquire the necessary property. SANDAG will assist MTS in preparing an equity analysis that meets the requirements of the FTA Title VI Circular. The SEIA will evaluate potential site locations and will include a demographic profile and community characteristics inventory of the site alternatives based on the smallest census division available, identification of minority populations, a Title VI disparate impact analysis, identification of low income populations, and an Environmental Justice disproportionate burden analysis. It is anticipated that this equity analysis will be completed in June 2021.

## APPENDIX L: LIST OF COMMITTEES AND WORKING GROUPS

## List of SANDAG Committees and Working Groups

The SANDAG Board of Directors receives information and advice from the following Policy Advisory Committees. In some cases, and covering some activities, these PACs are empowered to act for the Board. Many of the PACs also receive advice and technical assistance from a number of working groups which report to them, as noted below.

### POLICY ADVISORY COMMITTEES

#### Audit Committee

The Audit Committee is responsible for making recommendations to the SANDAG Board of Directors regarding the hiring and oversight of the work of the SANDAG independent performance auditor, the SANDAG annual audit plan, the firm to perform the SANDAG annual financial statement audits, and internal control guidelines for the agency. The Audit Committee also is responsible for monitoring the implementation of any corrective actions arising from the audits. On January 1, 2018, a new California Assembly Bill (AB 805) required the creation of a new SANDAG Policy Advisory Committee, known as the Audit Committee, and an independent performance auditor position. Implementation of the requirements included approval of Board Policy No. 39: Audit Policy Advisory Committee and Audit Activities, which specifies the functions of the Audit Committee and the agency's independent performance auditor, and appointment of members of the Audit Committee.

#### Borders Committee

In November 2001, the SANDAG Board of Directors authorized the creation of the Borders Committee as a Policy Advisory Committee. The Borders Committee membership consists of representatives from the cities in the San Diego region and the advisory members needed to fulfill its mission. The Borders Committee provides oversight for planning activities that impact the borders of the San Diego region (Orange, Riverside and Imperial Counties, and the Republic of Mexico) as well as government-to-government relations with tribal nations in San Diego County. The preparation and implementation of SANDAG Binational, Interregional, and Tribal Liaison Planning programs are included under this purview. It advises the SANDAG Board of Directors on major interregional planning policy-level matters. Recommendations of the Committee are forwarded to the Board of Directors for action.

Two committees advise the Borders Committee: the Committee on Binational Regional Opportunities and the Interagency Technical Working Group on Tribal Transportation Issues.

#### Executive Committee

The Executive Committee is composed of elected officials responsible for setting the monthly SANDAG Board of Directors agenda, reviewing grant applications, reviewing legislative proposals, preparing the Overall Work Program and Budget, and providing direction to staff in preparing items for Board consideration. The Executive Committee consists of six voting members representing East County, North County Coastal, North County Inland, South County, the City of San Diego, and the San Diego County Board of Supervisors. The SANDAG Chair is one of the six voting members. The SANDAG Vice Chair also is on the Executive Committee, as long as he/she represents an area of the region that is different from the area of the region represented by the Chair.

#### Public Safety Committee

The Public Safety Committee advises the SANDAG Board of Directors on major policy-level matters related to public safety. Composed of both elected officials and public safety representatives, the

goals of the group include improving the quality of life in the region by promoting public safety and justice through collaboration, information sharing, effective technology, and objective monitoring and assessment.

The Chief's/Sheriff's Management Committee and the ARJIS Technical Working Group advise the Public Safety Committee.

#### Regional Planning Committee

The Regional Planning Committee provides oversight for the preparation and implementation of San Diego Forward: The Regional Plan, which merges the Regional Comprehensive Plan (RCP), the Regional Transportation Plan, and the Sustainable Communities Strategy. The RCP is based on local general plans and regional plans and addresses interregional issues with surrounding counties and Mexico. The components of the plan include: transportation, housing, environment (shoreline, open space, air, water quality, habitat), economy, regional infrastructure needs and financing as well as land use and design components of the regional growth management strategy. The Regional Planning Committee receives input from the Regional Planning Technical Working Group (planning directors from throughout the region), the Environmental Mitigation Program Working Group, the Public Health Stakeholders Group, the Military Working Group, the Shoreline Preservation Working Group, the Energy Working Group, and the Regional Housing Working Group. Recommendations of the Committee are forwarded to the SANDAG Board of Directors for action.

Six working groups provide advice to the Regional Planning Committee:

- Shoreline Preservation Working Group
- Regional Energy Working Group
- Environmental Mitigation Program Working Group
- 2021 Regional Plan Social Equity Working Group
- Regional Planning Technical Working Group
- San Diego Regional Military Working Group
- Transportation Committee

#### The Transportation Committee

The Transportation Committee advises the SANDAG Board of Directors on major policy-level matters related to transportation. The Committee provides oversight for the preparation and implementation of San Diego Forward: The Regional Plan, which merges the Regional Transportation Plan, the Sustainable Communities Strategy, and the Regional Comprehensive Plan, and assists with other regional transportation planning and programming efforts. It provides oversight for the major highway, transit, regional arterial, and regional bikeway projects funded under the Regional Transportation Improvement Program, including the TransNet Program of Projects. Areas of interest include project schedules, costs, and scope.

Eight committees provide technical information and advice to the Transportation Committee:

- Bayshore Bikeway Working Group
- Regional Planning Technical Working Group
- Active Transportation Working Group
- San Diego Region Conformity Working Group
- Cities/County Transportation Advisory Committee
- Freight Stakeholders Working Group



- San Diego Regional Traffic Engineers' Council (reports to CTAC)
- Social Services Transportation Advisory Council

In addition to working groups which report to Policy Advisory Committees, the following subcommittees and working groups report to and advise the Board of Directors directly:

- Regional Housing Needs Assessment Subcommittee
- 2020 Census Complete County Stakeholder Working Group
- Regional Litter Abatement Subcommittee
- Airport Connectivity Subcommittee
- Regional Digital Divide Taskforce
- TransNet Independent Taxpayer Oversight Committee (the ITOC is an independent committee which reports to the public and makes recommendations to the Board of Directors)

## **WORKING GROUPS**

### 2020 Census Complete County Stakeholder Working Group

Involve community leaders throughout the San Diego region in developing a strategic plan and implementation plan for how the county-allocated funds provided by the California Complete Count Census 2020 Office will be used to best encourage all people to respond to the 2020 census, particularly those who have historically been difficult to count.

### 2021 Regional Plan Social Equity Working Group

Provide ongoing public input from disadvantaged or underrepresented communities in the region into key activities associated with developing San Diego Forward: The 2021 Regional Plan (2021 Regional Plan); provide a social equity perspective on other agency initiatives or planning efforts, such as the Public Participation Plan, the Language Assistance Plan, and the Coordinated Plan; assist with associated public outreach and help inform and encourage diverse, inclusive and active, public involvement in SANDAG planning efforts and services.

### Active Transportation Working Group

Provide input on regional active transportation policy, planning and implementation activities; make recommendations and foster cooperation among the jurisdictions, agencies, and stakeholders within the San Diego region to plan for and support the development of local and regional improvements for active transportation modes (bicycling and walking), including Safe Routes to Transit, Safe Routes to School, facility development, operation and maintenance, education, encouragement, and evaluation.

### Airport Connectivity Subcommittee

Review and provide input and guidance on potential transportation solutions; develop recommendations by exploring options for how best to build consensus around transportation solutions that best meet the needs of the region for generations to come.

### ARJIS Technical Working Group

Review and make recommendations relating to: new technologies consistent with the ARJIS Strategic Plan and supporting the regional public safety mission, a technical strategy and architecture for ARJIS regional public safety projects, and the ARJIS annual work program from a technical perspective; participate in ad-hoc technical user groups in support of specific ARJIS projects; and provide agency representation on ARJIS Wireless, Network and Security Working Groups.

Bayshore Bikeway Working Group

Develop and support a continuous Class 1 bikeway around the Bay and ensure that the alignment, right-of-way, and cross section of the bikeway are recognized and identified in planning documents of jurisdictions and agencies along the route's alignment; provide oversight for future improvements on the Bayshore Bikeway, advocate for funding to plan and construct projects, coordinate with local land use authorities to provide for future bikeway right-of-way, and promote the bikeway as a regional transportation facility.

Chief's/Sheriff's Management Committee

Promote regional collaboration in the acquisition, maintenance, and sharing of public safety technology; approve and implement the ARJIS and Criminal Justice Research annual work program and budget; and establish and recommend public safety policies that relate to ARJIS and Criminal Justice Research.

Cities/County Transportation Advisory Committee

Provide recommendations regarding local street projects and programs including local freeway interchanges; make recommendations regarding highways, transit, rail, bicycle, and pedestrian issues and policies that effect local street and road projects and programs; review and provide advice on regional initiatives that focus on the development and maintenance of the regional road system; prioritize project funding requests.

Committee on Binational Regional Opportunities

Facilitate a better understanding of binational border-related issues and needs of the California-Baja California region. Provide concerning both short- and long-term binational-related activities, issues, and actions; provide input regarding binational border-related planning and development; and identify ways to assist and coordinate with existing efforts in the binational area.

Environmental Mitigation Program Working Group

Advise the Regional Planning Committee on issues related to the implementation of *TransNet's* Environmental Mitigation Program (EMP), which consists of direct mitigation of planned transportation projects and the regional habitat acquisition, management, and monitoring activities necessary to implement the Multiple Species Conservation Program and the Multiple Habitat Conservation Program.

Freight Stakeholders Working Group

Provide input and feedback regarding the Freight Gateway Study Update, Analysis of Freeway Operational Strategies Related to the Use of Managed Lanes by Trucks, and Goods Movement Strategy portion of the *San Diego Forward: The Regional Plan*; input includes feedback on data collection, study assumptions, evaluation criteria and performance measures, and related goods movement planning activities.

Interagency Technical Working Group on Tribal Transportation Issues

Serve as a forum for regional tribal governments to discuss and coordinate transportation issues of mutual concern with the various public planning agencies in the region, including SANDAG, Caltrans, the County of San Diego, and the transit operators; monitor and provide input on the implementation of the strategies and planning activities related to transportation mutually developed through the San Diego Regional Tribal Summit.

Regional Digital Divide Taskforce

Develop a Regional Digital Equity Strategy and Action Plan that prepares the region to accelerate broadband access and adoption through partnerships; specifically to expand equitable access to affordable high-speed broadband and to increase adoption, digital literacy training, and technical support for the region's underserved residents.

Regional Energy Working Group

Provide input and feedback on issues related to the Regional Energy Strategy and tasks of the Regional Energy Planning Program, including measures to reduce energy consumption and greenhouse gas emissions related to electricity, natural gas, and transportation fuels; serve as a forum to discuss regional energy issues in order to build consensus among diverse stakeholders.

Regional Housing Needs Assessment Subcommittee

Review and provide input and guidance on potential policy and technical options for developing the RHNA methodology for allocation of housing units to each jurisdiction in the RHNA Plan; explore options for building consensus around a methodology that best achieves the goals of the Board and meets state law, and incentivizing jurisdictions to implement the RHNA Plan.

Regional Litter Abatement Subcommittee

Gather and review information and provide input and guidance on potential policy and technical options to support regional actions or policies that help reduce litter on major transportation corridors in the San Diego region, including the proper disposal or recycling of trash and unwanted items.

Regional Planning Technical Working Group

Review and make recommendations on key activities associated with the preparation and implementation of San Diego Forward: The Regional Plan, the Regional Growth Forecast, and other SANDAG land use, transportation, housing, public health, social equity, environmental, and related planning activities, including transit oriented development and complete streets, the Regional Housing Needs Assessment, public health as related to the built environment, social equity and environmental justice, and other related items; assist with associated public outreach activities and inform and encourage active public participation by citizens and groups throughout the region.

San Diego Region Conformity Working Group

Conduct interagency consultation among SANDAG, the San Diego Air Pollution Control District (SDAPCD), the California Department of Transportation (Caltrans), the California Air Resources Board (ARB), the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA), before making transportation conformity determinations, and in developing regional transportation plans, regional transportation improvement programs, and State Implementation Plans for air quality.

San Diego Regional Military Working Group

Provide a collaborative forum for the various branches of the military and SANDAG to address areas of mutual interest, including growth management, habitat, transportation, regional growth, housing, water, energy, and other related topics that can help inform San Diego Forward: The Regional Plan.

San Diego Regional Traffic Engineers' Council

Address traffic and transportation engineering aspects of the planning, design, construction, operation, and maintenance of the region's roadway network including, but not limited to; pedestrian, bicycle,

transit, and vehicular traffic; discuss, review, and/or recommend items associated with regional transportation goals and policies.

Shoreline Preservation Working Group

Provide advice on issues related to implementation of the Shoreline Preservation Strategy, the Coastal Regional Sediment Management Plan, and San Diego Forward: The 2021 Regional Plan; support the region's ongoing and future beach nourishment efforts and other sea-level rise adaptation strategies as a top priority for the Working Group; monitor the region's lagoon efforts and projects as part of the larger effort for effective management of sediment resources.

Social Services Transportation Advisory Council

Review, recommend, and promote the development and use of accessible transportation services, by: promoting the coordination of transportation serving seniors, individuals with disabilities, and persons of limited means; advising on transportation facilities' compliance with the requirements of the Americans with Disabilities Act (ADA), the Rehabilitation Act, and the building standards in Title 24 of the California Code of Regulations; and advising on the accessibility and usability of transportation facilities beyond strict interpretation of regulations based on actual experience and knowledge.

TransNet Independent Taxpayer Oversight Committee

Provide an increased level of accountability for expenditures made under the *TransNet Extension*, in addition to the independent annual fiscal and compliance audits required under the existing *TransNet* program; function in an independent, open, and transparent manner to ensure that all voter mandates are carried out as required in the Ordinance and Expenditure Plan, to support the implementation of the objectives of Proposition A to reduce congestion and improve regional mobility, and to develop positive, constructive recommendations for improvements and enhancements to the financial integrity and performance of the *TransNet* program.

APPENDIX M:  
BOARD POLICY NO. 018

Board Policy No. 018 Regional Transit Service Planning and Implementation may be found at the following link:

[https://www.sandag.org/organization/about/pubs/policy\\_018.pdf](https://www.sandag.org/organization/about/pubs/policy_018.pdf)

APPENDIX N:  
BOARD POLICY NO. 029

Board Policy No. 029 Regional Fare Policy and Comprehensive Fare Ordinance may be found at the following link:

[https://www.sandag.org/organization/about/pubs/policy\\_029.pdf](https://www.sandag.org/organization/about/pubs/policy_029.pdf)



## APPENDIX O: EQUITY ANALYSES FOR FARE CHANGES

Materials related to the SANDAG Board of Directors consideration and approval of the 2019 fare change may be found at the following link:

<https://www.sandag.org/index.asp?meetingID=5036&fuseaction=meetings.detail>

The fare equity analysis and proof of the Board's approval of the fare change is provided below.

Materials related to the SANDAG Board of Directors consideration and approval of the 2021 fare change may be found at the following link:

<https://www.sandag.org/index.asp?meetingID=5635&fuseaction=meetings.detail>

The fare equity analysis and proof of the Board's approval of the fare change is provided below.

# SANDAG Draft Title VI Fare Equity Analysis for Fare Change Proposed for 2019

LTK Engineering Services

December 18, 2018

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## Purpose of Analysis

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Pursuant to the San Diego Association of Government's (SANDAG) Board Policy No. 018, and in accordance with federal Title VI civil rights requirements (FTA Circular 4702.1B, October 1, 2012), SANDAG is responsible for evaluating whether any proposed change to the Fare Ordinance will have a disparate impact on minorities (based on race, color, or national origin) or result in a disproportionate burden on low-income persons. Pursuant to the FTA Circular and the FTA Title VI FAQ dated December 2012, the Fare Equity Analysis is conducted for fixed route transit, including both bus and rail services.

## SANDAG Title VI Requirements

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Pursuant to SANDAG's Board Policy No. 018, section 1.2, the process to be followed in determining whether a fare change has a disparate impact on minorities or a disproportionate burden on low-income individuals is as follows:

- 1.2.1.1 SANDAG will determine the existence of disparate impacts to minority populations for all Fare Ordinance changes. Pursuant to Title VI of the Civil Rights Act, disparate impacts are found when there is a difference in adverse effects between minority and non-minority areas of ten percent (10%) or more. Minority populations will be deemed adversely affected when the proportion of minority persons adversely affected by the change exceeds the average proportion of minority persons in the analysis service area. If SANDAG, in consultation with the transit operators, chooses to implement a proposed fare change in the Fare Ordinance despite a finding of disparate impact on minority populations, or if SANDAG finds, in consultation with the transit operators, even after the revisions, that minority populations will continue to bear a disproportionate share of the adverse effects of a proposed fare change, SANDAG may implement the fare change only if:
  - 1.2.1.1.1 There is a substantial legitimate justification for the proposed fare change, and
  - 1.2.1.1.2 A finding is made that there are no alternatives that would have a less disparate impact on minority populations and still accomplish the legitimate goals of the fare change.
- 1.2.1.2 SANDAG will determine the existence of disproportionate burdens on low-income populations for all Fare Ordinance changes. Pursuant to Executive Order 12898 (Clinton 1994), disproportionate burdens are found when there is a difference in adverse effects between low-income and non-low income populations of ten percent (10%) or more. Low-income populations will be deemed adversely affected when the proportion of low-income persons (using a threshold of at or below 200 percent of the U.S. Department of Health and Human Services poverty guidelines) adversely affected exceeds the average proportion of low-income persons in the analysis service area. If SANDAG chooses, in consultation with the transit operators, to implement a proposed fare change in the Fare Ordinance

despite a finding of disproportionate burden on low-income ridership, or if SANDAG finds, in consultation with the transit operators, even after the revisions, that low-income riders will continue to bear a disproportionate burden due to the proposed fare change, SANDAG may implement the fare change only if the transit agency(ies) show that they will:

- 1.2.1.2.1 Take steps to avoid, minimize, or mitigate impacts where practicable, and
- 1.2.1.2.2 Provide a description of alternatives available to low-income populations affected by the fare changes.

This process is not intended by SANDAG, MTS, NCTD or the FTA to be an absolute determination of discrimination. Rather, the finding of a potential disparate impact or disproportionate burden according to this test is intended to *trigger additional steps* that otherwise can be skipped.

This analysis also does not contemplate an assessment of the relative equity of the fare structure *as it exists today*, only of whether the proposed changes are themselves equitable. This is in accordance with FTA guidance.

## Description of Proposed Fare Change

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SANDAG, the San Diego Metropolitan Transit System (MTS), and the North County Transit District (NCTD) are currently considering changes to fares in the region. The current fixed route fare structure and proposed changes are set forth in Table 1 below. These changes are proposed to be implemented February 24, 2019.

In addition, SANDAG, MTS and NCTD are implementing a new definition of “senior” so that it will only apply to riders over the age of 65 compared with the current age of 60. However, all individuals who are certified as a senior prior to February 24, 2019 will continue to be considered a “senior” and will not be subject to the changed definition. Therefore, no individual will experience an increase or decrease in fares as a result of this changed definition. All individuals who are not certified as a senior by February 24, 2019 can expect to experience a delay in when they qualify for the reduced “senior” fares.

The agencies also considered other changes to current and future fares, however no other changes to fixed route are proposed for adoption at this time. A separate Fare Equity Analysis will be conducted prior to proposing any additional changes to the fixed route fare structure in the future.

## Dataset and Methodology

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As required by this policy and FTA Circular 4702.1B, SANDAG has calculated the number of minority and low-income boardings taken with each fare product that is currently offered by MTS or NCTD. This data was obtained from the 2015 SANDAG On-Board Transit Survey and annual calculations of ridership by fare product.

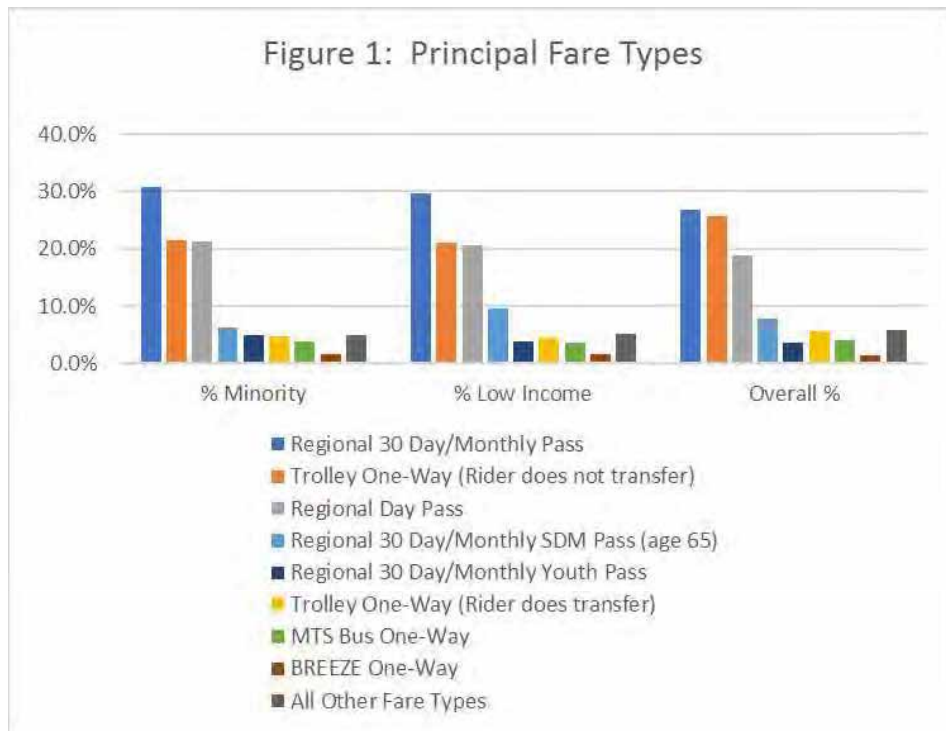
**Table 1: Current Fare Structure and Proposed Changes**

Fare Type	Proposed Change	Fare		Fare Change	
		Existing	Proposed	Absolute	%
Regional 30 Day/Monthly Pass	No Change	\$ 72.00	\$ 72.00	\$ -	0%
Regional 30 Day/Monthly Youth Pass	Combined into single, lower cost, SDM/Youth Monthly Pass	\$ 36.00	\$ 23.00	\$ (13.00)	-36%
Regional 30 Day/Monthly SDM Pass (age 65)	Increase	\$ 18.00	\$ 23.00	\$ 5.00	28%
2 Day Regional Pass	Eliminate, Riders use Day Passes (2)	\$ 9.00	\$ 12.00	\$ 3.00	33%
3 Day Regional Pass	Eliminate, Riders use Day Passes (3)	\$ 12.00	\$ 18.00	\$ 6.00	50%
4 Day Regional Pass	Eliminate, Riders use Day Passes (4)	\$ 15.00	\$ 24.00	\$ 9.00	60%
14 Day Regional Pass	Eliminate, Riders use Day Passes (10) or Monthly	\$ 43.00	\$ 60.00	\$ 17.00	40%
Regional Day Pass	Increase	\$ 5.00	\$ 6.00	\$ 1.00	20%
Regional Reduced Fare (SDM/Youth) Day Pass	New Fare Product, Riders previously used Regional Day Pass (or cash fare)	\$ 5.00	\$ 3.00	\$ (2.00)	-40%
Region Plus Day Pass (new Premium Regional Day Pass)	No longer includes COASTER service (80%)	\$ 12.00	\$ 12.00	\$ -	0%
Region Plus Day Pass	Including COASTER service (15% of riders)	\$ 12.00	\$ 15.00	\$ 3.00	25%
Rapid Express 30 Day/Monthly Pass	No Change	\$ 100.00	\$ 100.00	\$ -	0%
Rapid Express 30 Day/Monthly Youth Pass	Combined into single, lower cost, SDM/Youth Monthly Pass	\$ 50.00	\$ 32.00	\$ (18.00)	-36%
Rapid Express 30 Day/Monthly SDM Pass	Increase	\$ 25.00	\$ 32.00	\$ 7.00	28%
MTS Bus One-Way	Increase	\$ 2.25	\$ 2.50	\$ 0.25	11%
MTS Express One-Way (Routes 20, 50, 60, 110, 150, 235, 237, 870, 950)	No Change	\$ 2.50	\$ 2.50	\$ -	0%
MTS Rapid Express One-Way	No Change	\$ 5.00	\$ 5.00	\$ -	0%
MTS Rural 1 Zone	Increase (2 Rural Zones are combined) (4%)	\$ 5.00	\$ 8.00	\$ 3.00	60%
MTS Rural 2 Zone	Decrease (2 Rural Zones are combined.) (76%)	\$ 10.00	\$ 8.00	\$ (2.00)	-20%
MTS Rural 1 Zone SDM	Increase (2 Rural Zones are combined) (1%)	\$ 2.50	\$ 4.00	\$ 1.50	60%
MTS Rural 2 Zone SDM	Decrease (2 Rural Zones are combined.) (19%)	\$ 5.00	\$ 4.00	\$ (1.00)	-20%
Trolley One-Way (Rider does not transfer)	No Change (82% of riders)	\$ 2.50	\$ 2.50	\$ -	0%
Trolley One-Way (Rider does transfer)	Eliminate free transfer, Rider pays twice (18%)	\$ 2.50	\$ 5.00	\$ 2.50	100%
SDM MTS Bus One-Way	Increase	\$ 1.10	\$ 1.25	\$ 0.15	14%
SDM Express One-Way	No Change	\$ 1.25	\$ 1.25	\$ -	0%
SDM Rapid Express One-Way	No Change	\$ 2.50	\$ 2.50	\$ -	0%
BREEZE One-Way	Increase	\$ 1.75	\$ 2.50	\$ 0.75	43%
BREEZE SDM One-Way	Increase	\$ 0.75	\$ 1.25	\$ 0.50	67%
SPRINTER One-Way	Increase	\$ 2.00	\$ 2.50	\$ 0.50	25%
SPRINTER SDM On-Way	Increase	\$ 1.00	\$ 1.25	\$ 0.25	25%
SPRINTER/BREEZE 30 Day/Monthly	Eliminate, Riders use higher cost Regional Pass	\$ 59.00	\$ 72.00	\$ 13.00	22%
COASTER One-Way (1 Zone)	Increase	\$ 4.00	\$ 5.00	\$ 1.00	25%
COASTER One-Way (2 Zone)	Increase	\$ 5.00	\$ 5.75	\$ 0.75	15%
COASTER One-Way (3 Zone)	Increase	\$ 5.50	\$ 6.50	\$ 1.00	18%
COASTER One-Way (1 Zone) SDM	Increase	\$ 2.00	\$ 2.50	\$ 0.50	25%
COASTER One-Way (2 Zone) SDM	Increase	\$ 2.50	\$ 2.75	\$ 0.25	10%
COASTER One-Way (3 Zone) SDM	Increase	\$ 2.75	\$ 3.25	\$ 0.50	18%
COASTER One-Way (1 Zone) Y	Combined into single, lower cost, SDM/Youth fare	\$ 4.00	\$ 2.50	\$ (1.50)	-38%
COASTER One-Way (2 Zone) Y	Combined into single, lower cost, SDM/Youth fare	\$ 5.00	\$ 2.75	\$ (2.25)	-45%
COASTER One-Way (3 Zone) Y	Combined into single, lower cost, SDM/Youth fare	\$ 5.50	\$ 3.25	\$ (2.25)	-41%
COASTER 30 Day/Monthly Pass (1 Zone)	Increase	\$ 120.00	\$ 140.00	\$ 20.00	17%
COASTER 30 Day/Monthly Pass (2 Zone)	Increase	\$ 150.00	\$ 161.00	\$ 11.00	7%
COASTER 30 Day/Monthly Pass (3 Zone)	Increase	\$ 165.00	\$ 182.00	\$ 17.00	10%
COASTER 30 Day/Monthly Pass Youth	Combined into single, lower cost, SDM/Youth Monthly Pass	\$ 82.50	\$ 58.00	\$ (24.50)	-30%
COASTER 30 Day/Monthly Pass SDM	Increased	\$ 41.25	\$ 58.00	\$ 16.75	41%
COASTER SDM/Youth Day Pass	New Fare Product, Riders previously used full fare RegionPlus Day Pass	\$ 12.00	\$ 7.50	\$ (4.50)	-38%
SPRINTER/BREEZE SDM Day Pass	Eliminate, Riders use new, higher cost, Regional Reduced Fare Day Pass	\$ 2.25	\$ 3.00	\$ 0.75	33%

This On-Board Survey effort involved two types of surveys with bus and rail riders in the San Diego Service area: on-to-off counts and an origin-destination survey. Surveys were conducted on the Metropolitan Transit System (MTS) Bus, MTS Rail (Trolley), NCTD BREEZE, NCTD COASTER, and NCTD SPRINTER. Overall, over 88,000 On-to-Off Counts Surveys and nearly 33,900 Origin-Destination Surveys were completed. Both surveys were carried out by ETC Institute on behalf of SANDAG between February 2015 and December 2015. The demographic and fare payment information in the survey provided SANDAG with the percentage of riders for each fare product who are considered to be a minority or a low-income rider.

The information from the On-Board Survey is combined with calculations on the boardings by fare product based on farebox data, APC data, and annual surveys of fare use. This provides information on the boardings by fare product and allows calculation of the number of boardings by fare product for minority and low-income individuals.

MTS and NCTD have numerous fare types. Figure 1 below shows the principal fare types used by riders across both MTS and NCTD systems.



## Effect on Minority Populations

The FTA defines a minority person as anyone who is American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, or Native Hawaiian or other Pacific Islander. Table 2 below presents the estimates of minority and total riders for each fare product being changed, and for all other riders, that resulted from SANDAG’s analysis of survey and other data. Table 2 also presents the percent change in the fare for each group of riders.



**Table 2: Minority and Total Ridership by Current Fare Structure with Proposed Changes**

Fare Type	% Fare Change	# of Riders		# of Riders Adversely Impacted (Any Fare Increase)		Impact (% Fare Change * # of Riders)	
		Minority	Total	Minority	Total	Minority	Total
Regional 30 Day/Monthly Pass	0%	57,463	78,356	-	-	-	-
Regional 30 Day/Monthly Youth Pass	-36%	9,305	10,775	-	-	(3,360)	(3,891)
Regional 30 Day/Monthly SDM Pass (age 65)	28%	11,534	22,961	11,534	22,961	3,204	6,378
2 Day Regional Pass	33%	21	30	21	30	7	10
3 Day Regional Pass	50%	50	66	50	66	25	33
4 Day Regional Pass	60%	338	458	338	458	203	275
14 Day Regional Pass	40%	227	330	227	330	90	130
Regional Day Pass	20%	39,711	52,730	39,711	52,730	7,942	10,546
Regional Reduced Fare (SDM/Youth) Day Pass	-40%	1,126	2,070	-	-	(450)	(828)
Region Plus Day Pass (new Premium Regional Day Pass)	0%	2,044	2,586	-	-	-	-
Region Plus Day Pass	25%	383	646	383	646	96	162
Rapid Express 30 Day/Monthly Pass	0%	502	1,148	-	-	-	-
Rapid Express 30 Day/Monthly Youth Pass	-36%	0	0	-	-	-	-
Rapid Express 30 Day/Monthly SDM Pass	28%	125	358	125	358	35	100
MTS Bus One-Way	11%	7,263	11,106	7,263	11,106	807	1,234
MTS Express One-Way (Routes 20, 50, 60, 110, 150, 235, 237, 870, 950)	0%	336	561	-	-	-	-
MTS Rapid Express One-Way	0%	6	18	-	-	-	-
MTS Rural 1 Zone	60%	5	7	5	7	3	4
MTS Rural 2 Zone	-20%	100	133	-	-	(20)	(27)
MTS Rural 1 Zone SDM	60%	1	2	1	2	1	1
MTS Rural 2 Zone SDM	-20%	25	33	-	-	(5)	(7)
Trolley One-Way (Rider does not transfer)	0%	39,917	52,503	-	-	-	-
Trolley One-Way (Rider does transfer)	100%	8,762	11,525	8,762	11,525	8,762	11,525
SDM MTS Bus One-Way	14%	454	944	454	944	62	129
SDM Express One-Way	0%	0	2	-	-	-	-
SDM Rapid Express One-Way	0%	0	2	-	-	-	-
BREEZE One-Way	43%	3,171	3,970	3,171	3,970	1,359	1,701
BREEZE SDM One-Way	67%	74	131	74	131	49	87
SPRINTER One-Way	25%	634	794	634	794	159	199
SPRINTER SDM On-Way	25%	15	26	15	26	4	7
SPRINTER/BREEZE 30 Day/Monthly	22%	1,049	1,453	1,049	1,453	231	320
COASTER One-Way (1 Zone)	25%	9	44	9	44	2	11
COASTER One-Way (2 Zone)	15%	56	280	56	280	8	42
COASTER One-Way (3 Zone)	18%	60	299	60	299	11	54
COASTER One-Way (1 Zone) SDM	25%	1	4	1	4	0	1
COASTER One-Way (2 Zone) SDM	10%	6	23	6	23	1	2
COASTER One-Way (3 Zone) SDM	18%	6	24	6	24	1	4
COASTER One-Way (1 Zone) Y	-38%	1	5	-	-	(0)	(2)
COASTER One-Way (2 Zone) Y	-45%	8	34	-	-	(4)	(15)
COASTER One-Way (3 Zone) Y	-41%	9	37	-	-	(4)	(15)
COASTER 30 Day/Monthly Pass (1 Zone)	17%	412	666	412	666	69	111
COASTER 30 Day/Monthly Pass (2 Zone)	7%	239	676	239	676	18	50
COASTER 30 Day/Monthly Pass (3 Zone)	10%	457	1,471	457	1,471	47	152
COASTER 30 Day/Monthly Pass Youth	-30%	183	242	-	-	(54)	(72)
COASTER 30 Day/Monthly Pass SDM	41%	212	678	212	678	86	275
COASTER SDM/Youth Day Pass	-38%	128	162	-	-	(48)	(61)
SPRINTER/BREEZE SDM Day Pass	33%	13	69	13	69	4	23
<b>TOTAL ALL FARES</b>		<b>186,441</b>	<b>260,437</b>	<b>75,288</b>	<b>111,770</b>	<b>19,340</b>	<b>28,649</b>
		<b>71.59%</b>		<b>67.36%</b>		<b>67.50%</b>	

As defined by SANDAG's policy the existence, or non-existence, of disparate impacts to the minority populations is determined by whether the proportion of minority persons adversely affected by the change exceeds the average proportion of minority persons in the analysis service area by more than 10%. To determine this, individuals facing a fare increase were considered to be adversely affected by the fare change. The proportion of minority persons adversely affected by the change was calculated based on the number minority persons who faced a fare increase and the total number of riders who faced a fare increase. The average proportion of minority persons in the analysis service area was calculated as the proportion that minority persons made up of all riders. The key results are as follows:

- The proportion of minority persons adversely affected by the change is: 67.36%
- The average proportion of minority persons in the analysis service area is: 71.59%
- As the proportion of minority persons adversely affected by the change does not exceed the average proportion of minority persons in the analysis service area by more than 10%, there is **no disparate impact**.

A second calculation was conducted to estimate the proportion of the fare increase burden born by minority persons compared with the proportion that minority persons make up of all riders. This calculation takes into account that the fare change reduces the fares for some riders, reducing the burden on those riders, and also that a larger fare change places a greater burden on a rider than a smaller fare change. The two rightmost columns in Table 2 therefore show the result of multiplying the percentage change in price of each fare product times the number of riders using that fare product. A fare product which has a price reduction (such as the Regional 30 Day / Monthly Youth Pass) shows a negative number in these columns as it reduces the burden on riders, while a fare product which has a price increase (such as the Regional 30 Day / Monthly Senior Disabled Medicare Pass) shows a positive number as it increases the burden on riders. This calculation was performed separately for all riders and for minority persons, and these totals were then used to estimate the proportion of the fare increase burden born by minority persons. This was compared with the average proportion of minority persons in the analysis service area, calculated as discussed above.

- The proportion of the fare increase burden born by minority persons is: 67.50%
- The average proportion of minority persons in the analysis service area is: 71.75%
- As the proportion of the fare increase burden born by minority persons does not exceed the average proportion of minority persons in the analysis service area by more than 10%, this confirms that there is **no disparate impact**.

## Effect on Low-Income Populations

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The FTA defines a low-income person as a person whose household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines, unless the agency has adopted a different, broader, definition. SANDAG defines a low-income person as a person whose household income is at or below 200% of the U.S. Department of Health and Human Services (HHS) poverty guidelines. Table 3 below presents the estimates of low-income and total riders for each fare product

being changed, and for all other riders, that resulted from SANDAG's analysis of survey and other data. Table 3 also presents the percent change in the fare for each group of riders.

As defined by SANDAG's policy the existence, or non-existence, of a disproportionate burden on low-income riders is determined by whether the proportion of low-income persons adversely affected by the change exceeds the average proportion of low-income persons in the analysis service area by more than 10%. To determine this, individuals facing a fare increase were considered to be adversely affected by the fare change. The proportion of low-income persons adversely affected by the change was calculated based on the number low-income persons who faced a fare increase and the total number of riders who faced a fare increase. The average proportion of low-income persons in the analysis service area was calculated as the proportion that low-income persons made up of all riders. The key results are as follows:

- The proportion of low-income persons adversely affected by the change is: 65.95%
- The average proportion of low-income persons in the analysis service area is: 66.17%
- As the proportion of low-income persons adversely affected by the change does not exceed the average proportion of low-income persons in the analysis service area by more than 10%, there is **no disproportionate burden**.

A second calculation was conducted to estimate the proportion of the fare increase burden born by low-income persons compared with the proportion that low-income persons make up of all riders. This calculation takes into account that the fare change reduces the fares for some riders, reducing the burden on those riders, and also that a larger fare change places a greater burden on a rider than a smaller fare change. The two rightmost columns in Table 3 therefore show the result of multiplying the percentage change in price of each fare product times the number of riders using that fare product. A fare product which has a price reduction (such as the Regional 30 Day / Monthly Youth Pass) shows a negative number in these columns as it reduces the burden on riders, while a fare product which has a price increase (such as the Regional 30 Day / Monthly Senior Disabled Medicare Pass) shows a positive number as it increases the burden on riders. The calculations were performed separately for all riders and for low-income persons, and these totals were then used to estimate the proportion of the fare increase burden born by low-income persons. This was compared with the average proportion of low-income persons in the analysis service area, calculated as discussed above.

- The proportion of the fare increase burden born by low-income persons is: 66.38%
- The average proportion of low-income persons in the analysis service area is: 66.17%
- As the proportion of the fare increase burden born by low-income persons does not exceed the average proportion of low-income persons in the analysis service area by more than 10%, this confirms that there is **no disproportionate burden**.

**Table 3: Low-Income and Total Ridership by Current Fare Structure with Proposed Changes**

Fare Type	% Fare Change	# of Riders		# of Riders Adversely Impacted (Any Fare Increase)		Impact (% Fare Change * # of Riders)	
		Low-Income	Total	Low-Income	Total	Low-Income	Total
Regional 30 Day/Monthly Pass	0%	42,850	66,231	-	-	-	-
Regional 30 Day/Monthly Youth Pass	-36%	5,698	7,300	-	-	(2,058)	(2,636)
Regional 30 Day/Monthly SDM Pass (age 65)	28%	13,952	19,302	13,952	19,302	3,876	5,362
2 Day Regional Pass	33%	22	27	22	27	7	9
3 Day Regional Pass	50%	46	69	46	69	23	35
4 Day Regional Pass	60%	252	382	252	382	151	229
14 Day Regional Pass	40%	226	306	226	306	89	121
Regional Day Pass	20%	29,578	43,698	29,578	43,698	5,916	8,740
Regional Reduced Fare (SDM/Youth) Day Pass	-40%	1,230	1,737	-	-	(492)	(695)
Region Plus Day Pass (new Premium Regional Day Pass)	0%	1,710	2,259	-	-	-	-
Region Plus Day Pass	25%	321	565	321	565	80	141
Rapid Express 30 Day/Monthly Pass	0%	275	1,056	-	-	-	-
Rapid Express 30 Day/Monthly Youth Pass	-36%	0	0	-	-	-	-
Rapid Express 30 Day/Monthly SDM Pass	28%	106	256	106	256	30	72
MTS Bus One-Way	11%	5,262	9,302	5,262	9,302	585	1,034
MTS Express One-Way (Routes 20, 50, 60, 110, 150, 235, 237, 870, 950)	0%	237	524	-	-	-	-
MTS Rapid Express One-Way	0%	6	18	-	-	-	-
MTS Rural 1 Zone	60%	3	7	3	7	2	4
MTS Rural 2 Zone	-20%	55	124	-	-	(11)	(25)
MTS Rural 1 Zone SDM	60%	1	2	1	2	0	1
MTS Rural 2 Zone SDM	-20%	14	31	-	-	(3)	(6)
Trolley One-Way (Rider does not transfer)	0%	30,185	44,720	-	-	-	-
Trolley One-Way (Rider does transfer)	100%	6,626	9,817	6,626	9,817	6,626	9,817
SDM MTS Bus One-Way	14%	406	671	406	671	55	91
SDM Express One-Way	0%	0	2	-	-	-	-
SDM Rapid Express One-Way	0%	0	2	-	-	-	-
BREEZE One-Way	43%	2,462	3,272	2,462	3,272	1,055	1,402
BREEZE SDM One-Way	67%	60	113	60	113	40	75
SPRINTER One-Way	25%	492	654	492	654	123	164
SPRINTER SDM On-Way	25%	12	23	12	23	3	6
SPRINTER/BREEZE 30 Day/Monthly	22%	722	1,020	722	1,020	159	225
COASTER One-Way (1 Zone)	25%	7	44	7	44	2	11
COASTER One-Way (2 Zone)	15%	43	280	43	280	6	42
COASTER One-Way (3 Zone)	18%	46	299	46	299	8	54
COASTER One-Way (1 Zone) SDM	25%	1	4	1	4	0	1
COASTER One-Way (2 Zone) SDM	10%	5	23	5	23	1	2
COASTER One-Way (3 Zone) SDM	18%	6	24	6	24	1	4
COASTER One-Way (1 Zone) Y	-38%	1	5	-	-	(0)	(2)
COASTER One-Way (2 Zone) Y	-45%	8	34	-	-	(4)	(15)
COASTER One-Way (3 Zone) Y	-41%	9	37	-	-	(4)	(15)
COASTER 30 Day/Monthly Pass (1 Zone)	17%	511	659	511	659	85	110
COASTER 30 Day/Monthly Pass (2 Zone)	7%	75	632	75	632	6	46
COASTER 30 Day/Monthly Pass (3 Zone)	10%	133	1,341	133	1,341	14	138
COASTER 30 Day/Monthly Pass Youth	-30%	118	162	-	-	(35)	(48)
COASTER 30 Day/Monthly Pass SDM	41%	150	503	150	503	61	204
COASTER SDM/Youth Day Pass	-38%	107	141	-	-	(40)	(53)
SPRINTER/BREEZE SDM Day Pass	33%	20	29	20	29	7	10
<b>TOTAL ALL FARES</b>		<b>144,049</b>	<b>217,705</b>	<b>61,546</b>	<b>93,321</b>	<b>16,364</b>	<b>24,654</b>
		<b>66.17%</b>		<b>65.95%</b>		<b>66.38%</b>	



401 B Street, Suite 800  
San Diego, CA 92101  
Phone (619) 699-1900  
Fax (619) 699-1905  
sandag.org

## COMMISSION ORDINANCE CO-19-01

### AN ORDINANCE OF THE SAN DIEGO COUNTY REGIONAL TRANSPORTATION COMMISSION AMENDING REGIONAL TRANSPORTATION COMMISSION ORDINANCE NO. CO-04-01 RELATED TO FARE CHANGES

THE SAN DIEGO COUNTY REGIONAL TRANSPORTATION COMMISSION ORDAINS AS FOLLOWS:

The language in Section 4(C)(3) to Regional Transportation Commission Ordinance No. CO-04-01 is hereby amended to read as set forth below:

From the remaining revenues, there shall be expended such sums as necessary to guarantee in the North San Diego County Transit Development Board and Metropolitan Transit Development Board areas of jurisdiction for the duration of the measure (1) a monthly regional transit pass for senior (~~60~~ 65 years or older) and disabled riders priced at not more than ~~25~~ 50 percent of the cost of the regular regional monthly transit pass, and (2) a monthly regional youth transit pass for students (18 years or under) priced at not more than 50 percent of the cost of the regular regional monthly transit pass.

PASSED AND ADOPTED this 8th of February 2019.

AYES: Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, La Mesa, Lemon Grove, National City, Oceanside, Poway, City of San Diego, County of San Diego, San Marcos, Santee, Solana Beach, and Vista.

NOES: Imperial Beach.

ABSENT: None.

A handwritten signature in black ink, appearing to read "John R. ...", is written over a horizontal line.

Chair of the Board of Directors  
of the San Diego County Regional  
Transportation Commission

[Seal]

Attest:

A handwritten signature in black ink, appearing to read "Hans ...", is written over a horizontal line.

Secretary of the Board of Directors of the  
San Diego County Regional Transportation  
Commission

# SANDAG Title VI Fare Equity Analysis for Fare Changes Proposed for 2021

April 16, 2021

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## 1. Purpose of Analysis

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Pursuant to the San Diego Association of Government's (SANDAG) Board Policy No. 018, and in accordance with federal Title VI civil rights requirements (Federal Transit Administration [FTA] Circular 4702.1B, October 1, 2012), SANDAG is responsible for evaluating whether any proposed change to the Fare Ordinance will have a disparate impact on minorities (based on race, color, or national origin) or result in a disproportionate burden on low-income persons. Pursuant to the FTA Circular and the FTA Title VI FAQ dated December 2012, the Fare Equity Analysis is conducted for fixed route transit, including both bus and rail services.

## 2. SANDAG Title VI Requirements

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Pursuant to SANDAG's Board Policy No. 018, section 1.2, the process to be followed in determining whether a fare change has a disparate impact on minorities or a disproportionate burden on low-income individuals is as follows:

- 1.2.1.1 SANDAG will determine the existence of disparate impacts to minority populations for all Fare Ordinance changes. Pursuant to Title VI of the Civil Rights Act, disparate impacts are found when there is a difference in adverse effects between minority and non-minority areas of ten percent (10%) or more. Minority populations will be deemed adversely affected when the proportion of minority persons adversely affected by the change exceeds the average proportion of minority persons in the analysis service area. If SANDAG, in consultation with the transit operators, chooses to implement a proposed fare change in the Fare Ordinance despite a finding of disparate impact on minority populations, or if SANDAG finds, in consultation with the transit operators, even after the revisions, that minority populations will continue to bear a disproportionate share of the adverse effects of a proposed fare change, SANDAG may implement the fare change only if:
  - 1.2.1.1.1 There is a substantial legitimate justification for the proposed fare change, and
  - 1.2.1.1.2 A finding is made that there are no alternatives that would have a less disparate impact on minority populations and still accomplish the legitimate goals of the fare change.
- 1.2.1.2 SANDAG will determine the existence of disproportionate burdens on low-income populations for all Fare Ordinance changes. Pursuant to Executive Order 12898 (Clinton 1994), disproportionate burdens are found when there is a difference in adverse effects between low-income and non-low-income populations of ten percent (10%) or more. Low-income populations will be deemed adversely affected when the proportion of low-income persons (using a threshold of at or below 200 percent of the U.S. Department of Health and Human Services poverty guidelines) adversely affected exceeds the average proportion



of low-income persons in the analysis service area. If SANDAG chooses, in consultation with the transit operators, to implement a proposed fare change in the Fare Ordinance despite a finding of disproportionate burden on low-income ridership, or if SANDAG finds, in consultation with the transit operators, even after the revisions, that low-income riders will continue to bear a disproportionate burden due to the proposed fare change, SANDAG may implement the fare change only if the transit agency(ies) show that they will:

- 1.2.1.2.1 Take steps to avoid, minimize, or mitigate impacts where practicable, and
- 1.2.1.2.2 Provide a description of alternatives available to low-income populations affected by the fare changes.

This process is not intended by SANDAG, MTS, NCTD or the FTA to be an absolute determination of discrimination or non-discrimination. Rather, the finding of a potential disparate impact or disproportionate burden according to this test is intended to *trigger additional steps* that otherwise can be skipped.

This analysis also does not contemplate an assessment of the relative equity of the fare structure *as it exists today*, only of whether the proposed changes are themselves equitable. This is in accordance with FTA guidance.

### 3. Description of Proposed Fare Change

---

SANDAG, the San Diego Metropolitan Transit System (MTS), and the North County Transit District (NCTD) are currently considering changes to fares in the region. The current fixed-route fare structure and proposed changes are set forth in Table 1 below. These changes are proposed to be implemented May 16, 2021.

In addition, SANDAG, MTS and NCTD are implementing a best-fare structure and a new free transfer to riders of Regional Services within two (2) hours of paying a one-way fare.

**Table 1: Current Fare Structure and Proposed Changes**

Fare Type	Proposed Change	Fare		Fare Change	
		Existing	Proposed	Absolute	%
Regional Adult One-Way	No Change (Best-Fare Cap)	\$ 2.50	\$ 2.50	\$ -	0%
Regional Youth One-Way	Decrease (Best-Fare Cap)	\$ 2.50	\$ 1.25	\$ (1.25)	-50%
Regional SDM One-Way	No Change (Best-Fare Cap)	\$ 1.25	\$ 1.25	\$ -	0%
Premium Regional Adult One-Way	No Change (Best-Fare Cap)	\$ 5.00	\$ 5.00	\$ -	0%
Premium Regional Youth One-Way	Decrease (Best-Fare Cap)	\$ 5.00	\$ 2.50	\$ (2.50)	-50%
Premium Regional SDM One-Way	No Change (Best-Fare Cap)	\$ 2.50	\$ 2.50	\$ -	0%
MTS Rural Adult One-Way	No Change (Best-Fare Cap)	\$ 8.00	\$ 8.00	\$ -	0%
MTS Rural Youth One-Way	Decrease (Best-Fare Cap)	\$ 8.00	\$ 4.00	\$ (4.00)	-50%
MTS Rural SDM One-Way	No Change (Best-Fare Cap)	\$ 4.00	\$ 4.00	\$ -	0%
COASTER Zone 1 Adult One-Way	No Change	\$ 5.00	\$ 5.00	\$ -	0%
COASTER Zone 1 Youth One-Way	No Change	\$ 2.50	\$ 2.50	\$ -	0%
COASTER Zone 1 SDM One-Way	No Change	\$ 2.50	\$ 2.50	\$ -	0%
COASTER Zone 2 Adult One-Way	No Change	\$ 5.75	\$ 5.75	\$ -	0%
COASTER Zone 2 Youth One-Way	No Change	\$ 2.75	\$ 2.75	\$ -	0%
COASTER Zone 2 SDM One-Way	No Change	\$ 2.75	\$ 2.75	\$ -	0%
COASTER Zone 3 Adult One-Way	No Change	\$ 6.50	\$ 6.50	\$ -	0%
COASTER Zone 3 Youth One-Way	No Change	\$ 3.25	\$ 3.25	\$ -	0%
COASTER Zone 3 SDM One-Way	No Change	\$ 3.25	\$ 3.25	\$ -	0%
MTS Access One-Way	No Change	\$ 5.00	\$ 5.00	\$ -	0%
NCTD LIFT One-Way	No Change	\$ 5.00	\$ 5.00	\$ -	0%
Regional Adult Day Pass	No Change (Best-Fare Cap)	\$ 6.00	\$ 6.00	\$ -	0%
Regional Youth Day Pass	No Change (Best-Fare Cap)	\$ 3.00	\$ 3.00	\$ -	0%
Regional SDM Day Pass	No Change (Best-Fare Cap)	\$ 3.00	\$ 3.00	\$ -	0%
Premium Regional Adult Day Pass	No Change (Best-Fare Cap)	\$ 12.00	\$ 12.00	\$ -	0%
Premium Regional Youth Day Pass	No Change (Best-Fare Cap)	\$ 6.00	\$ 6.00	\$ -	0%
Premium Regional SDM Day Pass	No Change (Best-Fare Cap)	\$ 6.00	\$ 6.00	\$ -	0%
COASTER Adult Day Pass	No Change	\$ 15.00	\$ 15.00	\$ -	0%
COASTER Youth Day Pass	No Change	\$ 7.50	\$ 7.50	\$ -	0%
COASTER SDM Day Pass	No Change	\$ 7.50	\$ 7.50	\$ -	0%
Regional Adult 30-Day Pass	Eliminate (Best-Fare Cap)	\$ 72.00	Eliminate	N/A	N/A
Regional Youth 30-Day Pass	Eliminate (Best-Fare Cap)	\$ 23.00	Eliminate	N/A	N/A
Regional SDM 30-Day Pass	Eliminate (Best-Fare Cap)	\$ 23.00	Eliminate	N/A	N/A
Regional Adult Monthly Pass	No Change (Best-Fare Cap)	\$ 72.00	\$ 72.00	\$ -	0%
Regional Youth Monthly Pass	No Change (Best-Fare Cap)	\$ 23.00	\$ 23.00	\$ -	0%
Regional SDM Monthly Pass	No Change (Best-Fare Cap)	\$ 23.00	\$ 23.00	\$ -	0%
Premium Regional Adult 30-Day Pass	Eliminate (Best-Fare Cap)	\$ 100.00	Eliminate	N/A	N/A
Premium Regional Youth 30-Day Pass	Eliminate (Best-Fare Cap)	\$ 32.00	Eliminate	N/A	N/A
Premium Regional SDM 30-Day Pass	Eliminate (Best-Fare Cap)	\$ 32.00	Eliminate	N/A	N/A
Premium Regional Adult Monthly Pass	No Change (Best-Fare Cap)	\$ 100.00	\$ 100.00	\$ -	0%
Premium Regional Youth Monthly Pass	No Change (Best-Fare Cap)	\$ 32.00	\$ 32.00	\$ -	0%
Premium Regional SDM Monthly Pass	No Change (Best-Fare Cap)	\$ 32.00	\$ 32.00	\$ -	0%
COASTER Zone 1 Adult 30-Day Pass	Eliminate (Monthly Only)	\$ 140.00	Eliminate	N/A	N/A
COASTER Zone 2 Adult 30-Day Pass	Eliminate (Monthly Only)	\$ 161.00	Eliminate	N/A	N/A
COASTER Zone 3 Adult 30-Day Pass	Eliminate (Monthly Only)	\$ 182.00	Eliminate	N/A	N/A
COASTER Youth 30-Day Pass	Eliminate (Monthly Only)	\$ 58.00	Eliminate	N/A	N/A
COASTER SDM 30-Day Pass	Eliminate (Monthly Only)	\$ 58.00	Eliminate	N/A	N/A
COASTER Zone 1 Adult Monthly Pass	No Change	\$ 140.00	\$ 140.00	\$ -	0%
COASTER Zone 2 Adult Monthly Pass	No Change	\$ 161.00	\$ 161.00	\$ -	0%
COASTER Zone 3 Adult Monthly Pass	No Change	\$ 182.00	\$ 182.00	\$ -	0%
COASTER Youth Monthly Pass	No Change	\$ 58.00	\$ 58.00	\$ -	0%
COASTER SDM Monthly Pass	No Change	\$ 58.00	\$ 58.00	\$ -	0%

## 4. Initial Impacts and Burdens Assessment

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Since there is no comprehensive data yet on the usage of the new best fare and free transfer fares, SANDAG is taking the conservative approach and assuming there are disparate impacts to minority riders and disproportionate burdens to low-income riders who utilize cash only and may not be able to take advantage of the discounts offered through use of the PRONTO system. For all other fare changes in Table 1, which are all fare decreases, the sections named Effect on Minority Populations and Effect on Low-Income Population describe the analysis used for those fares.

Shown below are the steps that MTS and NCTD are taking to mitigate those impacts and burdens, to demonstrate that there are no alternatives that would have a less disparate impact on minority populations and still accomplish the legitimate goals of the fare change, and how there is substantial legitimate justification for the proposed changes.

The steps to mitigate and to provide alternatives for minority and low-income riders that are not able to get the discounts by using only cash include:

- Cash can be added to the PRONTO card at any retail location and at all ticket machines (ticket machines are located at every MTS and NCTD rail station).
- The retail network is significantly expanded (more so in low-income and minority areas) as detailed in the last section of this report named Analysis of Retail Network Expansion for NCTD and MTS Service Areas.
- These fares will be available to all riders using the PRONTO system regardless of income, race, and ethnicity.
- A large effort will be made to educate riders on the ways to easily load cash on the PRONTO card.

Additionally, a finding must be made showing there are no alternatives that would have a less disparate impact on minority populations and still accomplish the goals of the fare change. The goal of the fare change is to allow riders to use the new PRONTO system and never be charged more in a day or a month for the pass price that is set for that day or month. This is a new benefit for those riders that could previously not afford to purchase a pass in advance and ended up paying more than that pass cost originally.

Having best-fares and free transfers only available on the PRONTO system is due to the need to be able to track the dates and start times of rides in the new software system. There is no alternative to implement best-fares without the PRONTO software system.

Free transfers for cash riders could possibly be accomplished by reverting to a paper transfer system. This system has been found to be overly burdensome for the transit agencies by necessitating adding on hardware to the fareboxes that allow for transfer pass printing. MTS and NCTD removed this paper system when the Compass Card system was implemented in the 2000's. The paper system was wrought with fraud abuses from some riders making counterfeit copies, the machines malfunctioned often, and the driver's unions complained about the burden of their drivers to administer paper tickets. This shows that there is a substantial legitimate justification for the proposed PRONTO-only transfers option and that the alternative would not accomplish the goals of the fare change.

The effects on minority and low-income populations analysis conducted in the sections below are for the fare changes listed in Table 1 only. The last section, named Analysis of Retail Network Expansion for NCTD and MTS Service Areas, shows that the retail network expansion will not only help all riders, there is a higher percentage of retail locations in the minority and low-income areas than the non-minority and low-income areas.

## 5. Dataset and Methodology

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As required by this policy and FTA Circular 4702.1B, SANDAG has calculated the number of minority and low-income boardings taken with each fare product that is currently offered by MTS or NCTD. This data was obtained from the 2015 SANDAG On-Board Transit Survey and annual calculations of ridership by fare product.

This On-Board Survey effort involved two types of surveys with bus and rail riders in the San Diego Service area: on-to-off counts and an origin-destination survey. Surveys were conducted on the MTS Bus, MTS Rail (Trolley), NCTD BREEZE, NCTD COASTER, and NCTD SPRINTER. Overall, over 88,000 On-to-Off Counts Surveys and nearly 33,900 Origin-Destination Surveys were completed. Both surveys were carried out by ETC Institute on behalf of SANDAG between February 2015 and December 2015. The demographic and fare payment information in the survey provided SANDAG with the percentage of riders for each fare product who are considered to be a minority or a low-income rider.

The information from the On-Board Survey is combined with calculations on the boardings by fare product based on farebox data, APC data, and annual surveys of fare use. This provides information on the boardings by fare product and allows calculation of the number of boardings by fare product for minority and low-income individuals.

## 6. Effect on Minority Populations

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The FTA defines a minority person as anyone who is American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, or Native Hawaiian or other Pacific Islander.

As defined by SANDAG policy the existence, or non-existence, of disparate impacts to the minority populations is determined by whether the proportion of minority persons adversely affected by the change exceeds the average proportion of minority persons in the analysis service area by more than 10%. To determine this, individuals facing a fare increase were considered to be adversely affected by the fare change. The proportion of minority persons adversely affected by the change was calculated based on the number minority persons who faced a fare increase and the total number of riders who faced a fare increase. The average proportion of minority persons in the analysis service area was calculated as the proportion that minority persons made up of all riders. The key results are as follows:

- The proportion of minority persons adversely affected by the change is: 0%.
- The average proportion of minority persons in the analysis service area is: 71.59%
- As the proportion of minority persons adversely affected by the change does not exceed the average proportion of minority persons in the analysis service area by more than 10%, there is **no disparate impact**.

A second calculation was conducted to estimate the proportion of the fare increase burden born by minority persons compared with the proportion that minority persons make up of all riders. This calculation takes into account that the fare change reduces the fares for some riders, reducing the burden on those riders, and also that a larger fare change places a greater burden on a rider than a smaller fare change. A fare product which has a price reduction (such as the youth one-way fare) shows a negative number as it reduces the burden on riders, while a fare product which has a price increase (there are no increases in this proposal) shows a positive number as it increases the burden on riders. This calculation was performed separately for all riders and for minority persons, and these totals were then used to estimate the proportion of the fare increase burden born by minority persons. This was compared with the average proportion of minority persons in the analysis service area, calculated as discussed above.

- The proportion of the fare increase burden born by minority persons is: 0%.
- The average proportion of minority persons in the analysis service area is: 71.75%.
- As the proportion of the fare increase burden born by minority persons does not exceed the average proportion of minority persons in the analysis service area by more than 10%, this confirms that there is **no disparate impact**.

## 7. Effect on Low-Income Populations

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The FTA defines a low-income person as a person whose household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines, unless the agency has adopted a different, broader, definition. SANDAG defines a low-income person as a person whose household income is at or below 200% of the HHS poverty guidelines.

As defined by SANDAG's policy the existence, or non-existence, of a disproportionate burden on low-income riders is determined by whether the proportion of low-income persons adversely affected by the change exceeds the average proportion of low-income persons in the analysis service area by more than 10%. To determine this, individuals facing a fare increase were considered to be adversely affected by the fare change. The proportion of low-income persons adversely affected by the change was calculated based on the number low-income persons who faced a fare increase and the total number of riders who faced a fare increase. The average proportion of low-income persons in the analysis service area was calculated as the proportion that low-income persons made up of all riders. The key results are as follows:

- The proportion of low-income persons adversely affected by the change is: 0%.
- The average proportion of low-income persons in the analysis service area is: 66.17%.
- As the proportion of low-income persons adversely affect by the change does not exceed the average proportion of low-income persons in the analysis service area by more than 10%, there is **no disproportionate burden**.

A second calculation was conducted to estimate the proportion of the fare increase burden born by low-income persons compared with the proportion that low-income persons make up of all riders. This calculation takes into account that the fare change reduces the fares for some riders, reducing the burden on those riders, and also that a larger fare change places a greater burden on a rider than a smaller fare change. A fare product which has a price reduction (such as youth one-way fare) shows a negative number in these columns as it reduces the burden on riders, while a fare product which has a price increase (there are no increases in this proposal) shows a positive number as it increases the burden on riders. The calculations were performed separately for all riders and for low-income persons, and these totals were then used to estimate the proportion of the fare increase burden born by low-income persons. This was compared with the average proportion of low-income persons in the analysis service area, calculated as discussed above.

- The proportion of the fare increase burden born by low-income persons is: 0%.
- The average proportion of low-income persons in the analysis service area is: 66.17%.
- As the proportion of the fare increase burden born by low-income persons does not exceed the average proportion of low-income persons in the analysis service area by more than 10%, this confirms that there is **no disproportionate burden**.

## 8. Analysis of Retail Network Expansion for NCTD and MTS Service Areas

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MTS and NCTD are planning to expand the retail network where riders may purchase and/or reload transit fares in Summer 2021. The proposed retail network will consist of existing ticket vending machines at transit stations and a variety of retail locations throughout San Diego County such as CVS, 7-Eleven, and other retail locations.

With the proposed retail network, MTS and NCTD riders can purchase fare media, add stored value to their transit account, and check their balance at a majority of participating retail locations, ticket vending machines at transit stations, and online. However, 7-Eleven retail locations will only allow customers to add stored value to their transit passes.

A retail network expansion Title VI analysis for the NCTD and MTS service areas has been completed to assess the impacts of the proposed retail network on minority and low-income populations. The proposed retail locations (both 7-Eleven locations and other retail locations) and existing ticket vending machines at transit stations were mapped, with half-mile buffers created around them using GIS software. These buffers were then overlaid on census block groups in the NCTD and MTS service areas. If a census block group within the individual service area intersected with the half-mile buffer, the block group was considered as having access to a retail location.

To determine whether a disparate impact or disproportionate burden is anticipated, the percentages of minority and low-income block groups with access to retail locations were compared to the percentages of non-minority and non-low-income block groups with access to retail locations.

The analysis found that there is no disparate impact or disproportionate burden found with the proposed retail network as non-minority or non-low-income block groups did not have greater access to the proposed retail network than minority and low-income block groups. In fact, higher percentages of minority and low-income block groups will have access to the proposed retail network once it is fully implemented.

This section documents the following:

- The methodology used for the retail network analysis for the NCTD and MTS service areas.
- The findings of the retail network analysis for both service areas.

### Data & Methodology

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The following data and methodology were used to conduct the retail network expansion Title VI analysis. The proposed retail network was analyzed using demographic data and geographic information system (GIS) mapping.

## Data

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To perform the Retail Network Equity Analysis, the following data was used:

- Proposed Retail Network (All Location Types)
  - Retail Locations
    - 7-Eleven Retail Locations
    - Non-7-Eleven Retail Locations
  - Transit Stations (Ticket Vending Machines Locations)
- Service Area Boundaries for NCTD and MTS
- American Community Survey (ACS) 2018 5-Year Data for Race/Ethnicity and Household Income
- Census Block Groups

## Methodology

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Demographic data and GIS mapping were used to evaluate the proposed retail network where riders may purchase or reload fares and determine if minority and low-income populations within the individual transit service areas will receive a fair share of benefits. The analysis mapped the locations of the retail locations and transit stations that will comprise the proposed retail network and overlaid them on block groups designated as minority/non-minority and low-income/non-low-income within NCTD and MTS service areas. The percentages of minority/low-income block groups with access to the 7-Eleven locations, non-7-Eleven locations, retail locations (both 7-Eleven and non-7-Eleven), transit stations, and the entire proposed retail network were compared to the percentages of non-minority/non-low-income block groups with access. The following step-by-step procedures were used to determine the access:

1. Create a map that displays the transit service area boundaries for NCTD and MTS and the block groups in San Diego County. Identify block groups within each service area by selecting block groups that intersect with MTS and with NCTD.
2. Join ACS 2018 5-Year Data for Race/Ethnicity and Household Income in the past 12 months to the block groups for both service areas.
3. Calculate the minority<sup>1</sup> population for each block group by subtracting the block group's non-Hispanic white population from its total population. Calculate the percent minority for each block group by taking the block group's minority population and dividing it by its total population.

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<sup>1</sup> Minority is defined as any person other than White, non-Hispanic.



4. Calculate the low-income<sup>2</sup> population for each block group by summing the block group's population within the household income cohort (\$40,000-\$44,999) and below. Calculate the percent low-income for each block group by taking the block group's low-income population and dividing it by its total population.
5. Calculate the percent minority for each service area by taking the sum of the minority population for all block groups in the service area and dividing it by the sum of the total population for all block groups in the service area.
6. Calculate the percent low-income for each service area by taking the sum of the low-income population for all block groups in the service area and dividing it by the sum of the total population for all block groups in the service area.
7. Designate block groups as minority/non-minority and low-income/non-low-income within each service area. Block groups in a service area whose percent minority is at or above the minority percentage for the service area is considered minority. Block groups in a service area whose percent low-income is at or above the low-income percentage for the service area is considered low-income.
8. Map each location type within the proposed retail network: 7-Eleven, non-7-Eleven, both retail locations (7-Eleven and non-7-Eleven), and transit stations. Overlay on the minority/non-minority and low-income/non-low-income block groups for each service area.
9. Create one-half mile buffers around each location type and the proposed retail network and select block groups that intersect the buffer for each location type and proposed retail network. The block groups that intersect the buffer for the location type is deemed to have access to that location type. The block groups that intersect the buffer for the proposed retail network is deemed to have access to the proposed retail network.
10. Calculate the percent of minority block groups for each service area that have access to 7-Eleven locations, non-7-Eleven locations, retail locations (both 7-Eleven and non-7-Eleven), transit station, and the proposed retail network by dividing the number of minority block groups with access by the total block groups in the service area. Do the same for the non-minority, low-income, and non-low-income block groups.
11. Compare the percentage of minority block groups with access to 7-Eleven locations, non-7-Eleven locations, retail locations (both 7-Eleven and non-7-Eleven), transit station, and the proposed retail network to the percentage of non-minority block groups with access. Do the same for the low-income and non-low-income block groups.

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<sup>2</sup> Low-Income is defined as a person whose household income is at or below 200% the Department of Health and Human Services (HHS) poverty guidelines per SANDAG policy.

- a. According to SANDAG Board Policy No. 018, SANDAG identifies a potential disparate impact when there is a difference in adverse effects between minority and non-minority areas of ten percent (10%) or more.
- b. According to SANDAG Board Policy No. 018, SANDAG identifies a potential disproportionate burden when there is a difference in adverse effects between low-income and non-low-income populations of ten percent (10%) or more.

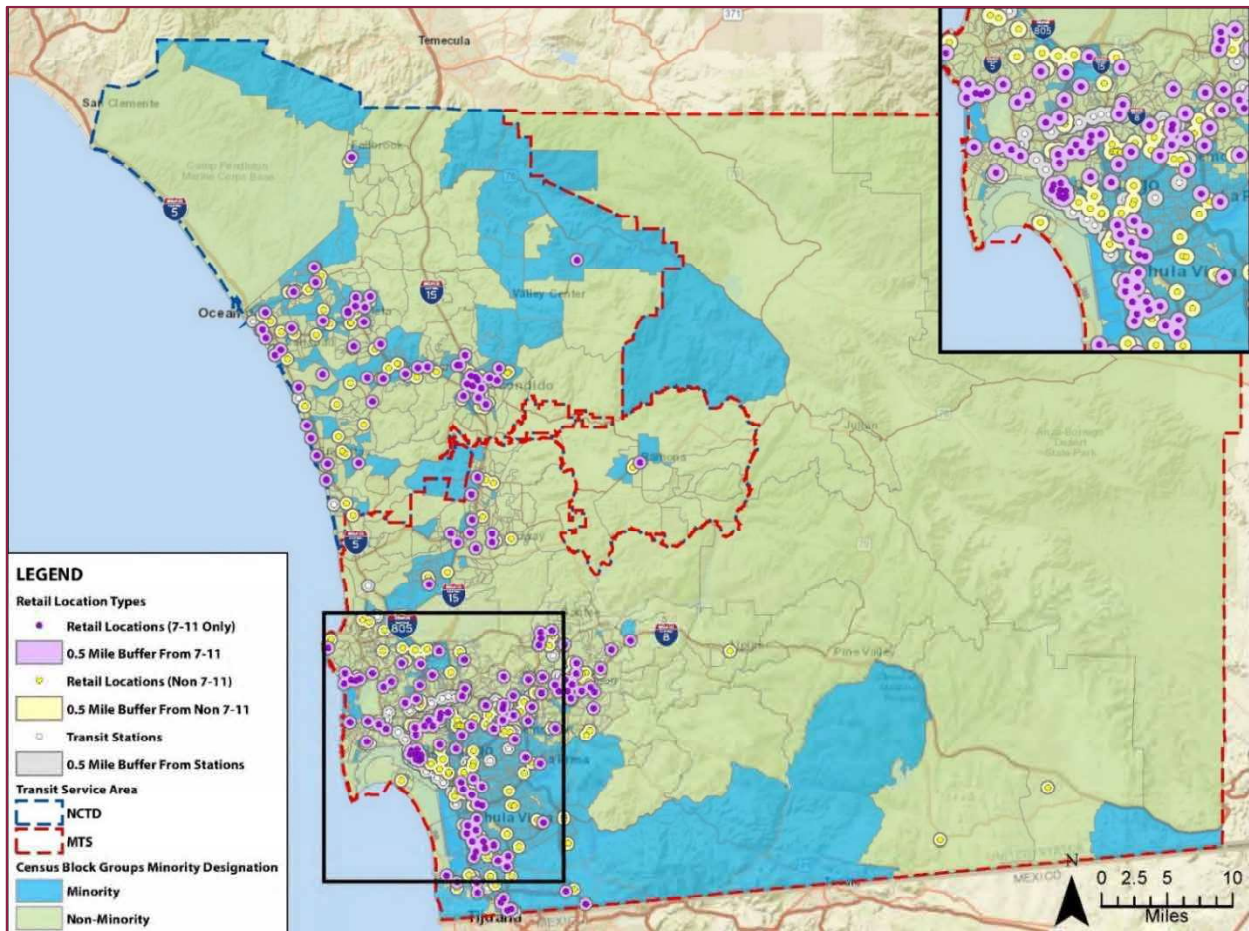
## Summary of Findings

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The retail network expansion Title VI analysis examined the access minority or low-income populations within the NCTD and MTS service areas, separately, and compared that access to non-minority or non-low-income populations within those individual service areas to determine if a disparate impact or disproportionate burden will occur with the proposed retail network.

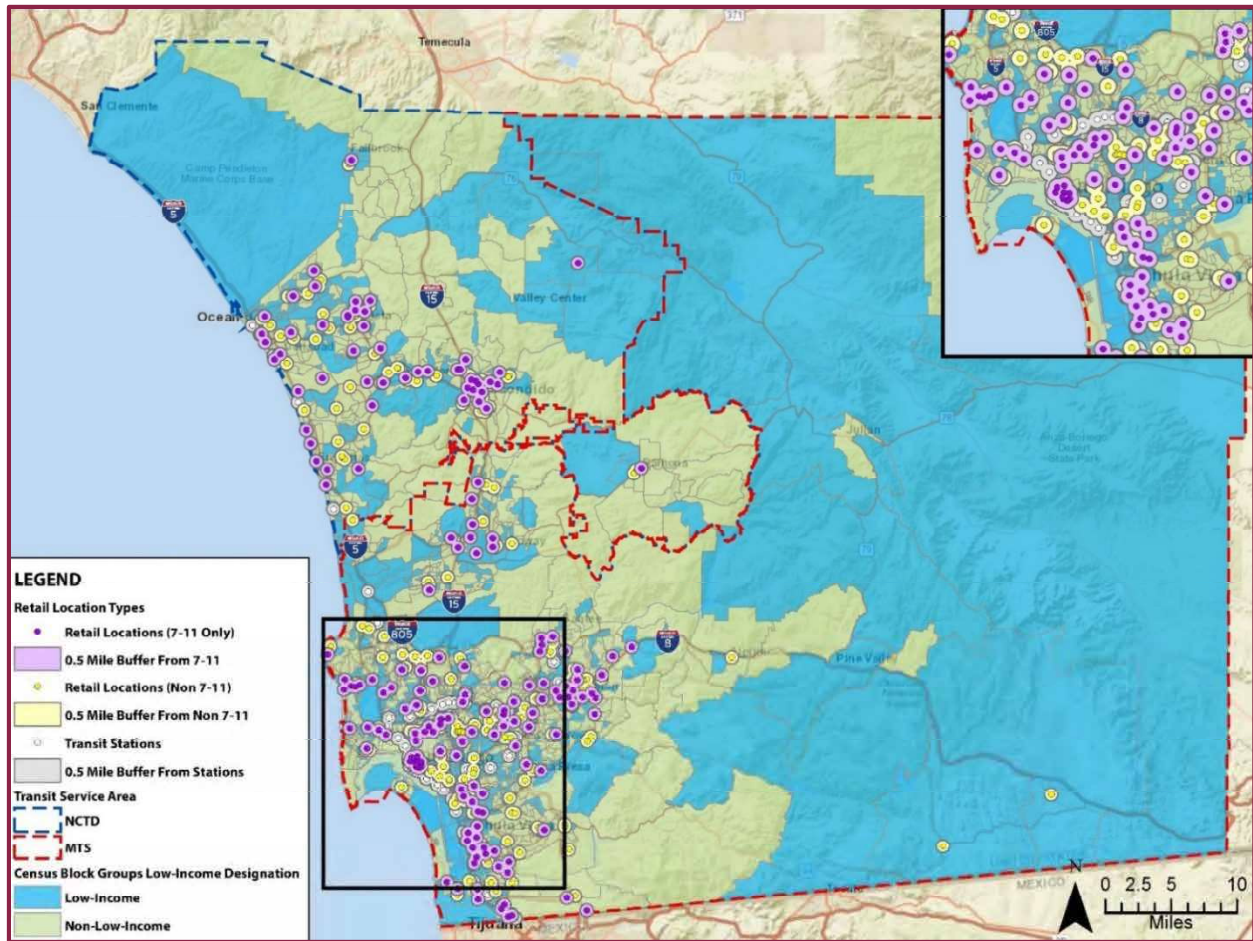
**Figure 1** and **Figure 2** display the proposed retail network overlaid on the minority/non-minority and low-income/non-low-income block groups, respectively, within each service area.

**Figure 1.**  
**Proposed Retail Network Overlaid on Minority/  
Non-Minority Block Groups for NCTD and MTS Service Areas**



Note: Census block groups within the individual service areas designated minority if the percentage minority in block group is at or above the percentage minority within NCTD (46.43%) and MTS (56.84%) service areas, respectively

**Figure 2.**  
**Proposed Retail Network Overlaid on Minority/  
Non-Minority Block Groups for NCTD and MTS Service Areas**



Note: Census block groups within the individual service areas designated low-income if the percentage low-income in block group is at or above the percentage low-income within NCTD (28.24%) and MTS (30.45%) service areas, respectively.

## Findings for NCTD Service Area

Table 1 shows the number of block groups in the NCTD service area as well as the percent minority and low-income for the service area. Table 2 shows the number of block groups within the NCTD service area by minority/non-minority and low-income/non-low-income designations that have access to non-7-Eleven locations, 7-Eleven locations, retail locations (both non-7-Eleven and 7-Eleven), transit stations, and the proposed retail network while Table 3 shows the percent of block groups by designation with access.

A higher percentage of minority block groups than non-minority block groups have access to non-7-Eleven locations, 7-Eleven locations, retail locations (both non-7-Eleven and 7-Eleven combined), transit stations, and the entire proposed retail network. 87.5% of minority block groups (203 block groups) have access to the proposed retail network while 61.0% non-minority block groups (152 block groups) have access.

A higher percentage of low-income block groups than non-low-income block groups have access to the various location types and the proposed retail network. 79.9% of low-income block groups (191 block groups) have access to the proposed retail network while 67.8% of non-low-income block groups (164 block groups) have access. There is neither a disparate impact or disproportionate burden found as a result of the proposed retail network as there are no adverse effects on minority or low-income populations of 10% or more.

## Findings for MTS Service Area

Table 4 shows the number of block groups, the percent minority, and the percent low-income in the MTS service area. Table 5 shows the number of block groups in the service area by minority/non-minority and low-income/non-low-income designations that have access to non-7-Eleven locations, 7-Eleven locations, retail locations (both non-7-Eleven and 7-Eleven), transit stations, and the proposed retail network while Table 6 shows the percent of block groups by designation with access.

A higher percentage of minority block groups than non-minority block groups have access to non-7-Eleven locations, retail locations (both non-7-Eleven and 7-Eleven combined), transit stations, and the proposed retail network. Minority block groups with access to 7-Eleven locations have a lower percentage than non-minority block groups with access, but this percentage is less than 5.0%. 84.2% of minority block groups (492 block groups) have access to the proposed retail network while 72.1% non-minority block groups (544 block groups) have access.

A higher percentage of low-income block groups than non-low-income block groups have access to the various location types and the proposed retail network. 85.3% of low-income block groups (588 block groups) have access to the proposed retail network while 69.0% of non-low-income block groups (488 block groups) have access. There is neither a disparate impact or disproportionate burden found as a result of the proposed retail network as there are no adverse effects on minority or low-income populations of 10% or more.

**Table 1.**  
**Number of Block Groups and Minority/Low-Income Population in NCTD Service Area**

Number of Block Groups	Minority Population	Low-Income Population	Percent Minority	Percent Low-Income
481	451,690	91,010	46.43%	28.24%

**Table 2.**  
**Number of Block Groups in NCTD Service Area by Minority/Non-Minority and Low-Income/Non-Low-Income Designations with Access to Non-7-Eleven, 7-Eleven, Retail Locations (Both 7-Eleven and Non-7-Eleven), Transit Station, and Proposed Retail Network**

Designation for NCTD Service Area	Number of Block Groups with Designation	Number of Block Groups with Access to Non-7-Eleven Locations	Number of Block Groups with Access to 7-Eleven Locations	Number of Block Groups with Access Retail Locations (7-Eleven and Non-7-Eleven)	Number of Block Groups with Access to Transit Stations	Number of Block Groups with Access to Proposed Retail Network
Minority	232	176	169	202	36	203
Non-Minority	249	123	104	147	30	152
Low-Income	239	172	149	188	33	191
Non-Low-Income	242	127	124	161	33	164

**Table 3.**  
**Percent of Block Groups in NCTD Service Area by Minority/Non-Minority and Low-Income/Non-Low-Income Designations with Access to Non-7-Eleven, 7-Eleven, Retail Locations (Both 7-Eleven and Non-7-Eleven), Transit Station, and Proposed Retail Network**

Designation for NCTD Service Area	Percentage of Block Groups with Access to Non-7-11 Locations	Percentage of Block Groups with Access to 7-11 Locations	Percentage of Block Groups with Access Retail Locations (7-Eleven and Non-7-Eleven)	Percentage of Block Groups with Access to Transit Stations	Percentage of Block Groups with Access to Proposed Retail Network
Minority	75.9%	72.8%	87.1%	15.5%	87.5%
Non-Minority	49.4%	41.8%	59.0%	12.0%	61.0%
<b>Percent Difference</b>	<b>26.5%</b>	<b>31.1%</b>	<b>28.0%</b>	<b>3.5%</b>	<b>26.5%</b>
Low-Income	72.0%	62.3%	78.7%	13.8%	79.9%
Non-Low-Income	52.5%	51.2%	66.5%	13.6%	67.8%
<b>Percent Difference</b>	<b>19.5%</b>	<b>11.1%</b>	<b>12.1%</b>	<b>0.2%</b>	<b>12.1%</b>

**Table 4.**  
**Number of Block Groups and Minority/Low-Income Population in MTS Service Area**

Number of Block Groups	Minority Population (Entire Service Area)	Low-Income Population (Entire Service Area)	Percent Minority (Entire Service Area)	Percent Low-Income (Entire Service Area)
1,338	1,366,603	250,011	56.84%	30.45%

**Table 5.**  
**Percent of Block Groups in MTS Service Area by Minority/Non-Minority and Low-Income/Non-Low-Income Designations with Access to Non-7-Eleven, 7-Eleven, Retail Locations (Both 7-Eleven and Non-7-Eleven), Transit Station, and Proposed Retail Network**

Designation for MTS Service Area	Number of Block Groups with Designation	Number of Block Groups with Access to Non-7-Eleven Locations	Number of Block Groups with Access to 7-Eleven Locations	Number of Block Groups with Access to Retail Locations (7-Eleven and Non-7-Eleven)	Number of Block Groups with Access to Transit Stations	Number of Block Groups with Access to Proposed Retail Network
Minority	584	385	304	472	144	492
Non-Minority	754	400	423	529	131	544
Low-Income	689	457	417	566	185	588
Non-Low-Income	649	328	310	435	90	448

**Table 6.**  
**Percent of Block Groups in MTS Service Area by Minority/Non-Minority and Low-Income/Non-Low-Income Designations with Access to Non-7-Eleven, 7-Eleven, Retail Locations (Both 7-Eleven and Non-7-Eleven), Transit Station, and Proposed Retail Network**

Designation for MTS Service Area	Percentage of Block Groups with Access to Non-7-11 Locations	Percentage of Block Groups with Access to 7-11 Locations	Percentage of Block Groups with Access to Retail Locations (7-Eleven and Non-7-Eleven)	Percentage of Block Groups with Access to Transit Stations	Percentage of Block Groups with Access to Proposed Retail Network
Minority	65.9%	52.1%	80.8%	24.7%	84.2%
Non-Minority	53.1%	56.1%	70.2%	17.4%	72.1%
<b>Percent Difference</b>	<b>12.9%</b>	<b>-4.0%</b>	<b>10.7%</b>	<b>7.3%</b>	<b>12.1%</b>
Low-Income	66.3%	60.5%	82.1%	26.9%	85.3%
Non-Low-Income	50.5%	47.8%	67.0%	13.9%	69.0%
<b>Percent Difference</b>	<b>15.8%</b>	<b>12.8%</b>	<b>15.1%</b>	<b>13.0%</b>	<b>16.3%</b>



401 B Street, Suite 800  
San Diego, CA 92101  
Phone (619) 699-1900  
Fax (619) 699-1905  
sandag.org

## **Resolution No. 2021-19**

### **Findings in Support of Notice of Exemption Under the California Environmental Quality Act Relating to Fare Modifications Incorporated Into an Amended Comprehensive Fare Ordinance**

WHEREAS, the Metropolitan Transit System (MTS) and the North County Transit District (NCTD) are discontinuing the current fare technology system named Compass and are implementing a next generation fare system named PRONTO and need to modify fares; and

WHEREAS, a Comprehensive Fare Ordinance amendment incorporating modifications is necessary to provide MTS and NCTD the ability to revise fares for purposes of implementing “best fares” or fare capping, PRONTO’s payment system that allows for riders to never pay more than the price of Day or Monthly passes; and

WHEREAS, other reductions and revisions to the fares will help induce ridership growth; and

WHEREAS, the SANDAG Transportation Committee wishes to render written findings in support of the determination that the amended Regional Comprehensive Fare Ordinance does not require an Environmental Impact Report before it approves such amendment; and

WHEREAS, if a project falls within a category exempt by administrative regulation under the California Environmental Quality Act (CEQA), no further agency evaluation of environmental impact is required; and

WHEREAS, establishment of fares and fare modifications are exempt from CEQA pursuant to an exemption for fees charged by a public agency for the purpose of meeting operating expenses pursuant to Public Resources Code, § 21080, subd. (b)(8); and California Code of Regulations Title 14, § 15273, subd. (a); and

WHEREAS, it has been made clear that any increased revenues obtained from the fare modification will be used for operations purposes rather than for capital improvements.

NOW THEREFORE, BE IT RESOLVED that SANDAG makes the following finding:

Both MTS and NCTD need to revise fares to both enable implementation of a new fare system and provide for new fares that will help induce ridership growth.

PASSED AND ADOPTED this 16th of April 2021.

Attest:

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**Chair**

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**Secretary**

**Member Agencies:** Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista, and County of San Diego.

**Advisory Members:** California Department of Transportation, Metropolitan Transit System, North County Transit District, Imperial County, U.S. Department of Defense, Port of San Diego, San Diego County Water Authority, Southern California Tribal Chairmen’s Association, and Mexico.



June 4, 2021

## April 16, 2021, Meeting Minutes

Chair Nora Vargas (County of San Diego) called the meeting of the Transportation Committee to order at 9 a.m.

**Action: Approve**

The Transportation Committee is asked to approve the minutes from its April 16, 2021, meeting.

### 1. Public Comments/Communications/ Member Comments

None.

### 2. Executive Director's Report

Executive Director Hasan Ikhata presented an update on key programs, projects, and agency initiatives.

### Consent

### 3. Approval of Meeting Minutes (Approve)

The Transportation Committee was asked to approve the minutes from its April 2, 2021, meeting.

### 4. Proposed FY 2021 Program Budget Amendment: Beech and Middletown Double Crossover Integration (Information)

The Transportation Committee was asked to approve an amendment to the FY 2021 Program Budget to:

- (1) create a new Capital Improvement Program (CIP) project (CIP Project No. 1131800) to establish the Beech and Middletown Double Crossover Integration project; and
- (2) accept \$370,000 in funding from the Metropolitan Transit System to fully fund the project.

### 5. Federal Transit Administration Section 5311 Program of Projects (Recommend)

The Transportation Committee was asked to recommend that the Board of Directors approve the Federal Fiscal Year 2021 and Coronavirus Relief and Response Supplemental Appropriations Act apportionments of Federal Transit Administration Section 5311 Non-Urbanized Area Formula Program funds for the San Diego region.

### 6. FY 2022 Transit Capital Improvement Program (Recommend)

The Transportation Committee was asked to recommend that the Board of Directors:

- (1) approve the submittal of Federal Transit Administration grant applications for the San Diego region; and
- (2) adopt Regional Transportation Commission Resolution No. RTC-2021-06, approving Amendment No. 1 to the 2021 Regional Transportation Improvement Program.

Action: Upon a motion by Councilmember Montgomery Steppe (Metropolitan Transit System), and a second by Councilmember David Zito (North County Coastal), the Transportation Committee voted to approve Item No. 3 and recommend Item Nos. 5 and 6 on the Consent agenda.

The motion passed.

Yes: Chair Vargas, Vice Chair Raul Campillo (City of San Diego), Gil Cabrera (San Diego County Regional Airport Authority), Councilmember Jennifer Mendoza (East County), Councilmember Montgomery Steppe, Councilmember Zito, Mayor Paul McNamara (North County Inland), Councilmember Jewel Edson (North County Transit District), Commissioner Garry Bonelli (Port of San Diego), and Councilmember Bill Sandke (South County).

No: None.

Abstain: None.

Absent: None.

## **Reports**

### **7. Regional Active Transportation Program Funding Recommendations (Recommend)**

Grants Planning Associate Audrey Porcella presented the item.

Action: Upon a motion by Councilmember Bill Sandke and a second by Gil Cabrera, the Transportation Committee recommended that the Board of Directors:

- (1) adopt Resolution No. 2021-18, certifying the results of the San Diego Regional Active Transportation Program (ATP); and
- (2) recommend that the California Transportation Commission fund the San Diego Regional ATP projects.

The motion passed.

Yes: Chair Vargas, Vice Chair Campillo, Gil Cabrera, Councilmember Mendoza, Councilmember Montgomery Steppe, Councilmember Zito, Mayor McNamara, Councilmember Edson, Commissioner Bonelli, and Councilmember Sandke.

No: None.

Abstain: None.

Absent: None.

### **8. SD-LOSSAN Regional Rail Corridor Improvements Study Update (Information)**

Principle Regional Planner Linda Culp presented an overview of the SD-LOSSAN Study.

Action: Information only.

### **9. Second Reading of Proposed Amendments to the Regional Transit Comprehensive Fare Ordinance (Approve)**

Senior Regional Planner Brian Lane presented the item.

Action: Upon a motion by Councilmember Sandke, and a second by Councilmember Zito, the Transportation Committee:

- (1) adopted Resolution No. 2021-19, related to findings supporting a California Environmental Quality Act exemption for the proposed amendments to the Comprehensive Fare Ordinance; and
- (2) conducted the second reading and approved amendments to the Regional Comprehensive Fare Ordinance, by reading the title of the Ordinance.

The motion passed.

Yes: Chair Vargas, Vice Chair Campillo, Gil Cabrera, Councilmember Mendoza, Councilmember Montgomery Steppe, Councilmember Zito, Mayor McNamara, Councilmember Edson, Commissioner Bonelli, and Councilmember Sandke.

No: None.

Abstain: None.

Absent: None.

#### **10. Mid-Coast Trolley Project Update (Information)**

Director of Mid-Coast Transit Projects Ramon Ruelas presented an overview of the Mid-Coast Trolley Project and other projects concurrently underway in the corridor.

#### **11. Upcoming Meetings**

The next Transportation Committee meeting is scheduled for Friday, May 7, 2021, at 9 a.m.

#### **12. Adjournment**

Chair Vargas adjourned the meeting at 11 a.m.

## Confirmed Attendance at SANDAG Transportation Committee Meeting

April 16, 2021

Jurisdiction	Name	Member/ Alternate	Attend Virtually
North County Inland	Mayor Paul McNamara	Member	Yes
	Mayor Judy Ritter	Alternate	Yes
South County	Councilmember Bill Sandke	Member	Yes
	Mayor Mary Salas	Alternate	No
City of San Diego	Vice Chair Raul Campillo	Member	Yes
	Councilmember Vivian Moreno	Alternate	No
County of San Diego	Chair Nora Vargas	Member	Yes
	Supervisor Terra Lawson-Remer	Alternate	No
	Supervisor Joel Anderson	Alternate	No
East County	Councilmember Jennifer Mendoza	Member	Yes
	Mayor Bill Wells	Alternate	No
North County Coastal	Councilmember David Zito	Member	Yes
	Councilmember Joe Mosca	Alternate	Yes
Metropolitan Transit System	Councilmember Monica Montgomery Steppe	Member	Yes
	Councilmember Paloma Aguirre	Alternate	No
North County Transit District	Councilmember Jewel Edson	Member	Yes
	Mayor Pro Tem Sharon Jenkins	Alternate	No
	Councilmember Corinna Contreras	Alternate	No
San Diego County Regional Airport Authority	Gil Cabrerra	Member	Yes
	Bob Lloyd	Alternate	No
Port of San Diego	Commissioner Garry Bonelli	Member	Yes
	Commissioner Sandy Naranjo	Alternate	No
<b>Advisory Members</b>			
Caltrans	Gustavo Dallarda	Member	Yes
	Ann Fox	Alternate	Yes
Southern California Tribal Chairmen's Association	Erica Pinto	Member	No
	James Hill	Member	No
Other Attendees	Matt Tucker	NCTD	Yes
	Sharon Cooney	MTS	Yes

## APPENDIX P: SOCIAL EQUITY HANDBOOK

# SOCIAL EQUITY HANDBOOK



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# INTRODUCTION

## Purpose

This Handbook was developed to serve three overarching purposes:

- 1 To provide a conceptual and substantive framework for understanding SANDAG’s social equity obligations and policies;
- 2 To explain in a helpful, but not exhaustive manner, what the role of SANDAG staff is in implementing that framework; and
- 3 To present a systematic approach with reference tools that can be used and adapted to assess social equity issues and prevent injustices from occurring.

With respect to the first objective, the Handbook provides a conceptual framework for understanding social equity as both a civil rights issue as well as an environmental justice (EJ) policy issue. The Handbook provides a substantive framework for explaining SANDAG social equity procedures in the context of the statutes and implementing programs and regulations that apply to SANDAG. As will be discussed in more detail, while laws, regulations, federal guidance, circulars and orders provide direction for social equity activities at SANDAG, these principles in many cases were embedded long ago in existing SANDAG procedures.

## Audience

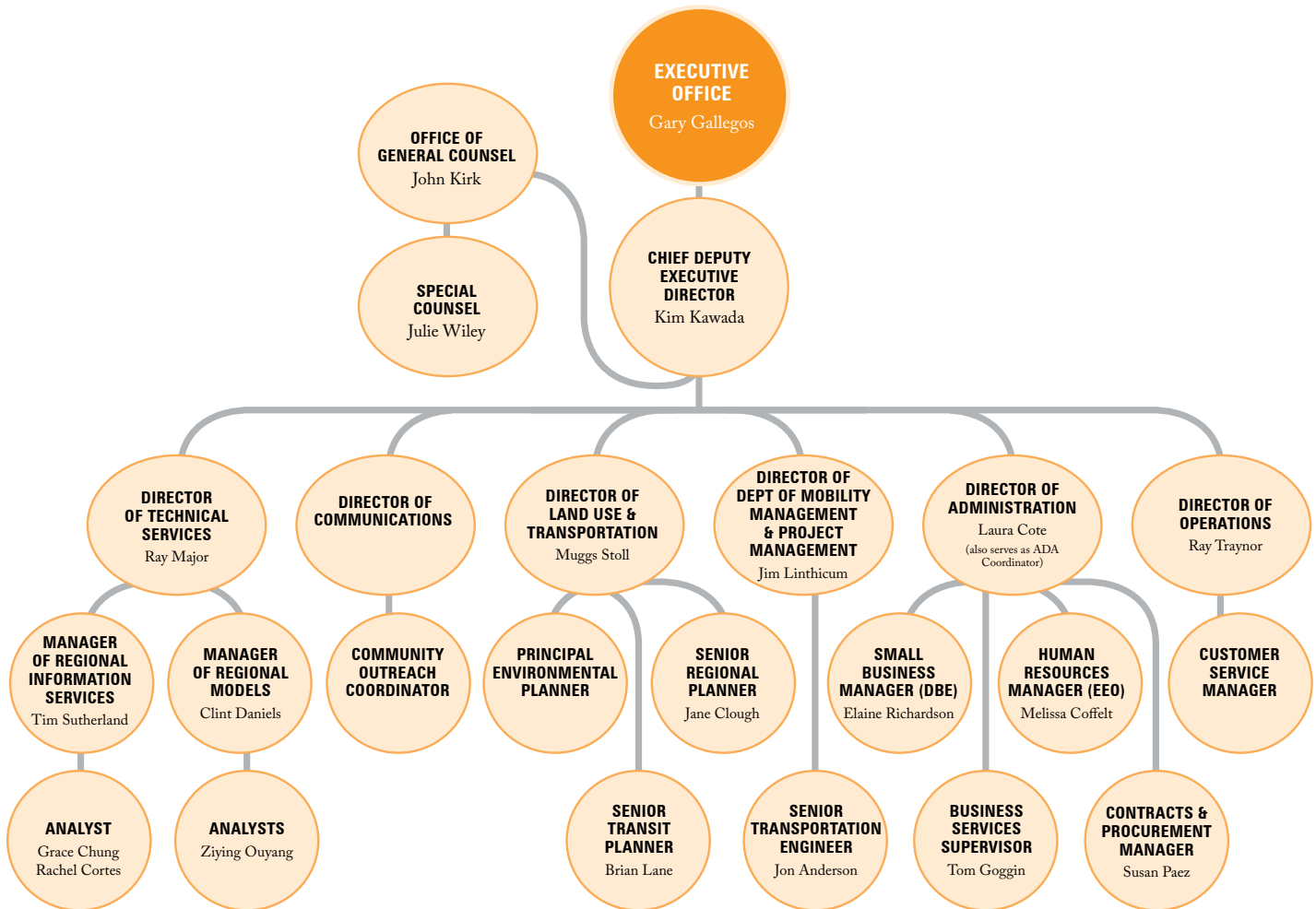
The core audience for this Handbook is SANDAG staff who are directly involved in implementing social equity measures and are the front-line in addressing allegations of social injustice. This document provides tools that staff can use in addressing a broad spectrum of social equity issues raised by a community or other stakeholders. Each situation may require a different and unique approach, and SANDAG staff will need to use their discretion in determining the appropriate method(s) of analysis. On a day-to-day basis, staff will have the responsibility to seek ways to integrate social equity considerations into SANDAG programs, projects, policies, and activities. Therefore, staff should use the framework presented in this Handbook to promote consistency in how social equity concepts are understood and addressed throughout SANDAG.

## Where To Go For Help

Many SANDAG staff members will carry out the very broad set of responsibilities and procedures discussed in this Handbook. Some of the key team members of this effort are shown in the chart below showing the SANDAG Social Equity Program Organizational Structure. As you use this Handbook you will see that some staff members have roles that involve helping other staff with implementing the procedures in the Handbook. The organizational chart can be used to quickly identify who to contact for more information or assistance in the relevant departments.

This Handbook is intended only to provide guidance to SANDAG staff, and is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against SANDAG or any other person or entity. This document identifies internal SANDAG policies and recommended procedures for SANDAG staff who are participants or managers developing or reviewing an action. This Handbook is not a rule or regulation and it may not apply to a particular situation based upon the circumstances. It does not change or substitute for any law, regulation, or any other legally binding requirement and is not legally enforceable. As indicated by the use of non-mandatory language such as “guidance,” “recommend,” “may,” “should,” and “can,” it identifies policies and provides recommendations and does not impose any legally binding requirements.

## Social Equity Program Organizational Structure



Another resource for staff is the Social Equity Interdisciplinary Working Group. This is a group of staff made up of representatives of all SANDAG departments that meet to discuss social equity implementation matters at SANDAG when needed. Jane Clough oversees this working group. If you have an issue that you think merits discussion by this group, please contact Jane.

There are also social equity issues that come up from time to time on which SANDAG will want to get public input, particularly from community stakeholder groups that represent the diverse populations of the region. In early 2013 SANDAG created a Community Based Organization (CBO) Partner Network. The CBO Partner Network's largest job was assisting SANDAG with outreach to Communities of Concern with regard to development of San Diego Forward, The Regional Plan, however, the CBO Partner Network was asked to take on additional tasks, such as feedback on active transportation and other projects. Future CBO groups will be formed for future updates to the Regional Plan. Jane Clough oversees the work of the CBO Partner Network and can be contacted by staff members who believe they have a topic that merits discussion by this group.

## How To Use This Handbook

After the Background and Laws, and Questions and Answer (Q&A) chapters, the Handbook is roughly organized by social equity task categories and departmental roles beginning in Chapter III, Tasks and Procedures. In some cases the task categories overlap closely with a particular department's roles – such as communications tasks being aligned with communications staff responsibilities. In other cases though, a social equity implementation task is carried out by multiple departments. For example, the section of the Handbook concerning pre-construction tasks contains elements that are implemented by both the Land Use and Transportation Planning (Planning) and Mobility Management and Project Implementation (Mobility) departments. No matter what department a project manager is in, it is helpful to understand how everyone else's roles tie into carrying out the various aspects of the project. If, however, a project manager wants to focus on particular responsibilities, the Handbook is set up to allow the project manager to hone in on the section(s) that concentrates on his/her department's tasks.

## Resource Library

This Handbook contains a Resource Library of laws, regulations, guidance and publications that can be used as a reference for more detailed discussion, ideas, and information. The contents of the Resource Library are listed at the end of this Handbook and the documents themselves can be opened using the hyperlinks.

## Reporting Complaints

If staff believe that actions have the potential to, or already have occurred, whether by SANDAG staff or officers, a consultant or contractor, or a member of the public, which conflict with the guidance in this Handbook, they should report their concern without delay to the Director of Administration or the Office of General Counsel. All complaints by third parties should be documented and handled consistent with Board Policy No. 009.





# CHAPTER I: BACKGROUND AND LAWS

## Introduction

SANDAG is a recipient of federal financial assistance and is therefore obligated to assure nondiscrimination in all its programs and activities. Additionally, SANDAG is required to have a comprehensive and proactive Title VI program to prevent and eliminate discrimination. These nondiscrimination provisions apply to all federally and non-federally assisted programs and activities of federal-aid recipients, sub-recipients, and contractors, regardless of tier. The provisions prohibit any use of federal financial assistance to subsidize, promote, or perpetuate discrimination based on race, color, national origin, sex, age, disability, or income status. As a primary recipient that distributes federal funds to others, SANDAG also is responsible for determining and obtaining compliance with these laws by its subrecipients and contractors.

### A. Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The Civil Rights Act is enforced by the Department of Justice (DOJ). DOJ's Title VI enforcement regulations can be found at 28 C.F.R. § 42.101 et seq. Title VI states that:

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 to which this part applies.

The landmark Civil Rights Act of 1964 was a product of the growing demand during the early 1960s for the federal government to launch a nationwide offensive against racial discrimination. In calling for its enactment, President John F. Kennedy identified “simple justice” as the justification for Title VI:

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation. [See H.R. Misc. Doc. No. 124, 88th Cong., 1st Sess. 3, 12 (1963).]

Over the last several decades, federal law and guidance have been created to ensure that the spirit and intent of the Title VI of the Civil Rights Act are incorporated into the guiding principles and missions of federal, state, and local public agencies.

## WHAT IS SOCIAL EQUITY?

This Handbook uses the term “social equity” as shorthand for an overarching goal that combines the concept of Environmental Justice (EJ) in Executive Order 12898, the federal laws in Title VI, the ADA, and NEPA, and various other federal and state laws intended to promote an equitable distribution of benefits and burdens.

***“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 to which this part applies.”***

From Title VI of the Civil Rights Act of 1964



As a recipient of federal funds, SANDAG cannot delegate away its Title VI obligations by hiring a contractor or agent to perform or deliver assistance to the public. Prohibitions against discriminatory conduct, whether intentional or through race neutral means with a disparate impact, apply to a recipient, whether committed “directly or through contractual or other arrangements.” (E.g., 28 CFR §§ 42.104(b)(1), (2)). For example, assume SANDAG contracts with Contractor Smith for the management and oversight of its I-15 FasTrak program. Employees of the Contractor Smith grant fine waivers to certain FasTrak customers, but not others, based on their race, color, or national origin. Or assume SANDAG contracts with a construction company that refuses to hire or pays less to some of its employees based on their race, color or nation origin. In both cases, SANDAG may be liable under Title VI for the contractor’s actions if the contractor is performing a program function for SANDAG.

## B. Executive Order 12898

In 1994, Executive Order 12898 on Environmental Justice (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) was issued and it expanded social equity principles to cover low-income as well as minority groups. The DOJ considers Executive Order 12898 to include the duty to collect data, disseminate information to the public and think through the impacts. The Executive Order creates no new obligations or rights, however, it does clarify that existing Title VI requirements on entities such as SANDAG that receive federal financial assistance must incorporate into their respective cost-benefit analyses a meaningful consideration of possible disproportionate adverse environmental and health impacts on minority and low-income populations.

Per Executive Order 12898, environmental justice (EJ) is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income.

While Title VI prohibits both intentional and unintentional discrimination, the concept of EJ is discussed in Executive Order 12898 as the process of “identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of [an agency’s] programs, policies, and activities on minority populations and low-income populations....” There are many definitions available of the concept of EJ. For example, in the context of transportation planning, the California Department of Transportation (Caltrans) considers EJ to be activities taken by a recipient of federal funding to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

The Presidential Memo, that accompanied Executive Order 12898, states that the Executive Order is designed to focus federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving EJ. The order is also intended to promote non-discrimination in federal programs substantially affecting human health and the environment, and to provide minority

and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.

### C. Executive Order 13166

More recently, another group to be recognized as a community that agencies such as SANDAG must focus on in order to implement social equity in regional planning is the segments of the population having limited English proficiency (LEP). Federal and state agencies have created guidance and implemented procedures to protect the interests of LEP groups. These documents include, but are not limited to: U.S. Department of Transportation Order on Environmental Justice (1998); Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency (2000); Federal Transit Administration (FTA) Title VI Circular 4220.1A; and Department of Transportation (DOT) Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.

### D. US DOT Order on Environmental Justice 5610.2(a)

US DOT Order 5610.2(a) states that it is the policy of DOT to promote the principles of EJ (as embodied in Executive Order 12898) through the incorporation of those principles in all DOT programs, policies, and activities. It envisions this goal being accomplished by DOT and its recipients fully considering EJ principles throughout planning and decision-making processes in the development of programs, policies, and activities, using the principles of the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964 (Title VI), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and other DOT statutes, regulations and guidance that address or affect infrastructure planning and decision making; social, economic, or environmental matters; public health; and public involvement. DOT mandates that procedures be established or expanded, as necessary, to provide meaningful opportunities for public involvement by members of minority populations and low-income populations during the planning and development of programs, policies, and activities (including the identification of potential effects, alternatives, and mitigation measures).

The Order requires that steps be taken to provide the public, including members of minority populations and low-income populations, access to public information concerning the human health or environmental impacts of programs, policies, and activities, including information that will address the concerns of minority and low-income populations regarding the health and environmental impacts of the proposed action. It also requires DOT and its recipients to identify, early in the development of the program, policy or activity, the risk of discrimination so that positive corrective action can be taken. Three tasks are discussed in the Order for carrying out these requirements.







Determine the population served and/or affected by race, color or national origin, and income level of your program, policy or activity;

Determine the proposed steps that will be used to guard against disproportionately high and adverse effects on persons on the basis of race, color, or national origin;

Review the present and proposed membership by race, color, or national origin, in any planning or advisory body which is part of the program.

Specific discriminatory actions prohibited are included in the Order. A recipient of federal DOT funds is prohibited from, directly or through contractual or other arrangements, on the grounds of race, color, or national origin:

Denying a person any service, financial aid, or other benefit provided under the program;

Providing any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

Subjecting a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

Limit a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

Treating a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;

Denying a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

Denying a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

In determining the types of services, financial aid, or other benefits, or facilities which will be provided under a program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; a recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Civil Rights Act.



The following examples, without being exhaustive, illustrate the application of the nondiscrimination provisions of federal law on projects receiving federal financial assistance from the DOT:

A recipient may not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, safety, engineering, property management, and fee contracts and other commitments with person for services and expenses incidental to the acquisition of right-of-way.

A recipient may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by right-of-way acquisitions.

Federal-aid contractors may not discriminate in their selection and retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment.

A recipient may not discriminate against the traveling public and business users of the Federally assisted highway in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under the right-of-way of such highways.

Neither a recipient, nor its contractors and subcontractors may discriminate in their employment practices in connection with construction projects or other projects assisted by the DOT.

A recipient shall not locate or design a capital project in such a manner as to require, on the basis of race, color, or national origin, the relocation of any persons.

A recipient shall not locate, design, operate, or construct a facility in such a manner as to deny reason able access to, and use thereof, to any persons on the basis of race, color, or national origin.

Any person who is, or seeks to be, a patron of any public vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.

No person who is, or seeks to be, an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.

No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.

The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.

## E. Other Federal Sources

In order to accomplish their goals, Executive Orders 12898 and 13166 require each federal agency to develop a written strategy to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. These written strategies from agencies that fund SANDAG, such as the Federal Highway Administration (FHWA) and FTA, take the form of United States DOT Orders and Circulars, which are referenced in this Handbook. DOT Order 5610.2(a), and the Federal Transit Administration Circulars that concern EJ (Circular 4703.1) and Title VI (Circular 4702.1B) are examples of these written strategies. These Orders and Circulars are intended to provide guidance to federal grantees such as SANDAG. References to relevant portions of these documents are included where appropriate in this Handbook.

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. SANDAG fulfills this requirement when it submits its annual certifications and assurances to FTA. SANDAG also contractually commits to comply with Title VI and EJ requirements when it signs the Master Agreement between itself and FTA. These same commitments are made by SANDAG in its agreement with Caltrans. SANDAG is a direct recipient of FTA funds, but is usually not a direct recipient of FHWA funds. Since FHWA funds that come to SANDAG usually flow through Caltrans, it is the agreement between Caltrans and SANDAG that passes through FHWA's obligations to SANDAG.

There are three other types of federal laws that are related to SANDAG responsibilities with regard to non-discrimination and equal access. One of these is the Americans with Disabilities Act (ADA), which prohibits discrimination and requires equal access for disabled persons. Another set of legal requirements that stem from Title VI are those applicable to



Disadvantaged Business Enterprises (DBE). Lastly, laws related to Equal Employment Opportunity (EEO) are tied to Title VI. The ADA should be considered at various stages of the decision making process described in this Handbook, but this Handbook is not intended to provide complete guidance on disability law. Questions concerning the ADA can be brought to the Director of Administration or Office of General Counsel. This Handbook also is not intended to provide guidance concerning DBE, but the SANDAG Small Business Manager or Office of General Counsel can provide a full range of assistance and materials to staff on this topic upon request. Staff desiring more information regarding EEO laws should contact Human Resources or the Office of General Counsel.

## F. State Laws

California Government Code Section 65040.12 defines EJ as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” SANDAG receives a portion of the funding used for its projects from the State of California and is thus subject to this definition. Also, pursuant to California Government Code section 11135, no person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. California’s Environmental Justice Strategy AB 1553 (2001), also provides helpful guidance. California statutes pertaining to non-discrimination and EJ are relevant, but this Handbook focuses on federal obligations, which for the time being impose stricter social equity requirements on SANDAG than state law.

## G. SANDAG Policies

SANDAG Board Policy No. 024, which is entitled “Public Participation/ Involvement Policy,” states that the SANDAG approach to social equity and EJ are meant to ensure the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities, is a key component of SANDAG public participation activities. The Board Policy goes on to state that social equity means ensuring that all people are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind, while EJ means ensuring that plans, policies, and actions do not disproportionately affect low income and minority communities.

Other policies relevant to this Handbook include Board Policy No. 007, which covers the SANDAG Equal Employment Opportunity Program, and Board Policy No. 009, which contains Discrimination Complaint Procedures.

### **THREE TYPES OF FEDERAL LAWS THAT RELATE TO SANDAG RESPONSIBILITIES WITH REGARD TO NON-DISCRIMINATION AND EQUAL ACCESS:**

Americans with Disabilities Act (ADA)

Disadvantaged Business Enterprises (DBE)

Equal Employment Opportunity (EEO)



## CHAPTER II: Q&A REGARDING SOCIAL EQUITY CONCEPTS AND ISSUES

### A. What Is the Difference Between Title VI, EJ, and Social Equity?

Both Executive Order 12898 and Title VI address non-discrimination, identify minority populations, are rooted in the constitutional guarantee that all citizens are created equal and both address involvement of affected citizens in the decision-making process. Environmental Justice (EJ) as envisioned in Executive Order 12898 covers minority and low-income populations while Title VI covers race, color, national origin, gender, age and disability. Executive Order 12898 mandates a process for inclusive decision-making, while Title VI prohibits discrimination. Title VI is a law focused on preventing comparatively worse treatment of minorities when compared to non-minorities, whereas EJ is a concept intended to prevent minority and low income persons from being burdened with more than their fair share of environmental harm or risks. The legal source for Title VI is in the Civil Rights Act of 1964. Title VI, the Americans with Disabilities Act (ADA) and the National Environmental Policy Act (NEPA) are all federal laws that can be used to enforce EJ goals and social equity principles. The concept and legal source of EJ for purposes of this Handbook is derived not only from Executive Order 12898, but also from the guidance, requirements and interpretations on how to implement the Executive Order by various federal agencies that provide funding to SANDAG.

EJ is defined as the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income.

EJ is a subset of social equity analysis that focuses on illegal discrimination against disadvantaged groups, usually as part of an environmental burdens analysis. This is often the lens through which transportation equity impacts are analyzed. Social equity (also called fairness) refers to the equitable distribution of impacts (benefits, disadvantages and costs). This is an important planning goal and a requirement for sustainable development, which balances economic, social and environmental objectives. Conventional transportation planning tends to focus on economic objectives (congestion reduction and increased travel speeds, travel cost savings, and traffic safety), and in recent decades, has added environmental objectives (resource conservation, emission reductions, and habitat protection). Various performance measures have been established to help evaluate economic and environmental impacts. In practice, transportation social equity issues are often addressed using a Title VI and/or EJ lens, which tends to focus on illegal and measurable harms to certain vulnerable minority groups. This approach is understandable, but it should not be the only result from a social equity assessment. Focusing solely on the worst categories of social inequities using a rigid formula that meets minimum legal requirements may not lead to a fully developed analysis for SANDAG decision makers.

**EJ IS DEFINED AS THE *FAIR TREATMENT AND MEANINGFUL INVOLVEMENT OF ALL PEOPLE REGARDLESS OF RACE, COLOR, NATIONAL ORIGIN, OR INCOME.***

***Fair treatment*** means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies. When implementing fair treatment SANDAG will consider not only how burdens are distributed across all populations, but also how benefits are distributed. Thus, SANDAG staff should not only evaluate the distribution of burdens by paying special attention to populations that have historically borne a disproportionate share of environmental harms and risk, but also to look at the distribution of the positive environmental and health consequences from SANDAG activities.

***Meaningful involvement*** means that: a) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; b) the public's contribution can influence the regulatory agency's decision; c) the concerns of all participants involved will be considered in the decision-making process; and d) the decision-makers seek out and facilitate the involvement of those potentially affected.

## B. Why Are the Terms “Minority”, “Social Equity”, and “Activity” Used in this Handbook?

Basically, these terms are a sort of shorthand for lengthier concepts. For example, Title VI language refers to “race, color and national origin.” In this Handbook, that phrase is summarized with the term “minority.” Although the term “minority” can be confusing because in many areas of the region a majority of the population is minority using this definition, the term “minority” is still used in this Handbook because the word is used in many regulations, circulars and guidance materials and because it is shorter.

This Handbook uses the term “social equity” as shorthand for an overarching goal that combines the concept of EJ, the federal laws in Title VI, the ADA, and NEPA, and various other federal and state laws intended to promote an equitable distribution of benefits and burdens. As discussed in this Handbook, people get confused regarding the differences between a Title VI analysis and an EJ analysis. The two types of analysis both vary and overlap with each other. Both types of analysis are performed at SANDAG and so although the terms are not interchangeable, when referred to together, this Handbook aggregates these two types of analysis in name only as a “Social Equity Impact Assessment” purely for ease of reference. Whenever a Social Equity Impact Assessment is discussed in this Handbook it is a reference to the process described in Chapter III(I). There is no single prescribed format or length for an EJ or Title VI analysis, but if the Preliminary Decision-making Matrix and Social Equity Impact Assessment Process described in Chapter III(I) are followed, the legal requirements for both analyses should be met.

The word “activity” is meant to cover a broad range of undertakings that trigger a Social Equity Impact Assessment. These could range for a proposal for a new or revised policy, procedure, or ordinance, to a regional planning document or project-specific plan, to a siting decision for a capital project, or implementation of a service or operation. “Activity” is meant to cover a broad swath of decision-points where EJ goals or Title VI obligations could point the way to the best decision.

## C. When Is a Disparate Impact or Disproportionate Effect Going to be Considered Problematic?

Neither California nor applicable Federal law imposes a hard and fast number as the threshold of significance for finding a disparate impact or disproportionate effect. In fact, because the derivation of protections for low income persons is in an Executive Order versus statute, there are no court opinions in which thresholds of significance used for low income disproportionate effect analyses have been discussed by the courts. In Board Policy No. 018, the SANDAG Board of Directors adopted a 10% threshold for determining a significant impact on low income persons for transit fare changes, but for the purpose of EJ analysis under Executive Order 12898, the focus of impact analyses on low income persons outside of the context of a fare change should be on whether there is a disproportionately high and adverse effect as defined in DOT Order 5610.2(a) rather than a specific percentage.

This Handbook uses the term “social equity” as shorthand for an overarching goal that combines the concept of EJ, the federal laws in Title VI, the ADA, and NEPA, and various other federal and state laws intended to promote an equitable distribution of benefits and burdens.



There are court opinions on disparate impact analyses for minorities, however, most court opinions on this topic take place within the context of alleged discrimination against employees in a work place environment. The focus of the inquiry by the courts has been on whether there is a disparity that shows up when statistical data comparing minorities to non-minorities is analyzed and if so is that disparity more than what would be expected due to randomness? In many cases, the courts have used one of the following measures to determine if a disparate effect is larger than what would be expected due to randomness:

- 1 Two standard deviations
- 2 20 percentage points different (80-20 rule)
- 3 The so-called “four-fifths rule” suggested by the Equal Employment Opportunity Commission; the four-fifths rule states that a selection practice is considered to have a disparate impact if it has a “selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5ths) (or eighty percent) of the rate of the group with the highest rate”

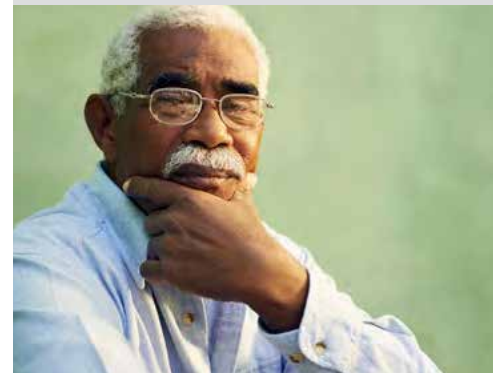
These measurements can be used as a guide, but they are not necessarily the standard SANDAG decision-makers or federal agencies monitoring SANDAG compliance with Executive Order 12898 or Title VI will use. For example, in Board Policy No. 018, the Board of Directors has determined that a disparity of more than 10% for a transit fare change negatively impacting minority riders will trigger a finding of disparate impact for purposes of Title VI.

## D. When do Title VI and EJ Requirements Apply?

Title VI and EJ apply to all SANDAG programs, policies, and activities, including, but not limited to: contracting, system planning, project development, implementation, operation, monitoring, and maintenance. This means that a social equity analysis is relevant at many stages and affects many SANDAG staff. The phrase used to describe such an analysis in this Handbook is “Social Equity Impact Assessment” and the types of actions that trigger an analysis are referred to as an “activity.”

## E. What Should I Consider When Budgeting for Title VI and EJ Analyses?

- 1 The strengths and weaknesses of available analytical tools and the range of potentially available information sources -
  - a. Is there relatively recent/accurate census or survey data available?
  - b. Will telephone, internet or paper surveys be needed?
  - c. Will translation or interpreter services be needed?
  - d. Is there an existing group of stakeholders or a committee that can be sought to obtain information and feedback?







e. Will focus groups, public outreach meetings, etc. be needed?

f. Will GIS/mapping or modeling resourced be needed?

g. Is the data that we have sufficiently disaggregated, for example, by racial and ethnic group, by income level, by age, by gender, by class of disability, by primary or home language?

h. Do we know the demographic characteristics of effected corridors or travel sheds?

i. Do we have origin/destination studies?

j. Do we know existing transit options/alternative driving routes?

- 2 Will internal staff be sufficient or will additional staff or consultant services be needed to carry out the social equity analysis?
- 3 What type of outreach/marketing/communications effort will be needed?
- 4 Will GIS/mapping or modeling staff resources be needed?
- 5 Will legal counsel review of the social equity analysis be needed?
- 6 Will a CEQA/NEPA analysis be required for the program or project?
- 7 What will be the scope of the analysis?

## F. What Dimensions of Social Equity Are Important to Consider?

- 1 Procedural fairness. Are determinations regarding eligibility for a benefit, service, program, funding, etc. using SANDAG policies and programs equal for all population segments?
- 2 Access. Are SANDAG's benefits, services, programs, funding, etc. distributed in an equitable manner?
- 3 Quality. Is the quality of the benefit, service, program, maintenance, operations, etc. consistent for all groups? For example, is the quality of the bus routes and vehicles provided equal across all population segments?
- 4 Outcomes. Even if decisions regarding eligibility, access and quality are equitable or even benevolent, social conditions and individual behavior can impact the outcome. When the alternatives for the benefit, service, program, funding, etc. are analyzed on a quantitative and/or qualitative basis does the resulting data show a disparate outcome for particular population segments? If so, what underlying conditions contribute to differences in outcomes and what can be done to mitigate the outcomes?

## G. What Communities Should Be Taken Into Account in a Social Equity Impact Assessment at SANDAG?

Although the concepts of Title VI and environmental justice analyses cover what can be considered the worst categories of social inequities (measurable discrimination against low income or minority (LIM) populations), and using the categories can help define a reasonable scope of issues that SANDAG can address, they have limitations. These categories sometime rely on ambiguous indicators, such as race and age, as surrogates for functional status such as poverty and physical disability. For example, although African Americans tend to have high poverty rates, it is wrong to assume that all African Americans are poor, and unfair to overlook white population poverty. Similarly, although seniors tend to have high disability rates, it is inaccurate to assume that all seniors are disabled, and unfair to overlook the needs of younger disabled people.

There are three issues the project manager should keep in mind when deciding what other population characteristics are relevant to assess. First, use of the “LIM” acronym does not mean that the low income and minority analyses can be combined. Not all low income individuals are minorities or vice versa. This means separate demographic information and analyses will be needed for these two groups.

Second, although LIM populations must be analyzed, there are other population characteristics that may be relevant when assessing social inequity. For example, in the Regional Plan adopted in 2015, the following groups were identified and are referred to as “Communities of Concern”, but these groups and their definitions may change in future regional plans:

- 1 Low Income
- 2 Minority
- 3 Age (over 75)

When conducting a Social Equity Impact Assessment, the project manager may want to analyze all of these Communities of Concern or add others. In this Handbook, when the term “Communities of Concern” is used, it is meant to have a fluid definition. Over time and depending on the program, project or activity being analyzed, the selected Communities of Concern may vary (however, at a minimum must at least include LIM).

Lastly, in order to conduct effective outreach to impacted communities, the project manager should begin by determining what languages are spoken by the communities who may be impacted. If potentially impacted communities include persons with limited English proficiency (LEP), the project manager will need to work with communications staff to identify what languages are spoken and how to create an outreach program that involves translation at meetings and of materials. SANDAG has a Language Assistance Plan (LAP) and LAP Guidelines that staff can reference. The two transit operators also have LAPs that can be consulted by the project manager and communications staff for additional guidance. More information on this subject can be found in this Handbook under the discussion of

### **THREE ISSUES PROJECT MANAGERS SHOULD KEEP IN MIND WHEN DECIDING WHAT POPULATION CHARACTERISTICS ARE RELEVANT TO ASSESS:**

1. Use of the “LIM” acronym does not mean that the low income and minority analyses can be combined.
2. Although LIM populations must be analyzed, there are other population characteristics that may be relevant when assessing social inequity.
3. In order to conduct effective outreach to impacted communities, the project manager should begin by determining what languages are spoken by the communities who may be impacted.

communications staff responsibilities. People in the community, including LEP populations can also help the project manager identify which population characteristics to analyze.

## H. Can the determinations and discussions of minority and low-income be combined?

The two terms “minority” and “low-income” should not presumptively be combined. Although the two terms are sometimes combined into the LIM acronym for ease of reference, each population group should be analyzed separately. There are minority populations of all income levels; and low-income populations may be minority, non-minority, or a mix in a given area. As the definition of minority indicates, even minority populations can be of several categories. When such distinctions exist, appropriate assessment, discussion, and consideration should be provided using appropriate and accurate descriptors. In addition, although the term “minority” is still widely used, it is clear that minorities make up a majority of the regionwide population. Despite it being counterintuitive, staff should realize that the term “minority” refers to persons of certain race, ethnicity or national origin, versus being a description of their numbers in the population.

## I. When should a Social Equity Impact Assessment occur?

This is not an exhaustive list, but such activities could occur:

- 1 When developing a plan for an agency program or service.
- 2 In the preliminary planning stages of a capital project, and various other stages through the construction stage.
- 3 When considering reducing or removing a service, program, funding etc. due to budgetary problems.
- 4 When considering how to allocate resources (budgeting, programming, prioritizing projects, grant programs).
- 5 When figuring out how to mitigate adverse impacts.
- 6 To ensure a decision is made that will avoid discrimination.
- 7 To show where community needs are and/or show the magnitude of community needs.

## J. What Are the Preliminary Steps in Deciding on the Scope of a Social Equity Impact Assessment?

Some topics the project manager should start with include:

- 1 What benefits and burdens will need to be evaluated?
- 2 Will any Communities of Concern other than low income and minority populations be analyzed?



- 3 What populations are likely to be effected/will need to be consulted?
- 4 What spatial/geographic scale will need to be analyzed to determine each impact of the potential decision?
- 5 What impact thresholds will be used to identify disproportionately high and adverse impacts; and
- 6 How will lack of data or data uncertainty be addressed?

## K. How can a Social Equity Impact Assessment be used?

- 1 Prior to the beginning of a project.
- 2 When considering closing services or facilities due to budgetary problems.
- 3 When considering how to allocate resources.
- 4 When figuring out how to mitigate adverse impacts.
- 5 To avoid discrimination.
- 6 To make a better case for the need for change.
- 7 To show where community needs are and/or show the magnitude of those needs.
- 8 For public health purposes.
- 9 To ensure compliance with social equity laws.

## L. Why does SANDAG have to conduct a Social Equity Impact Assessment if all of its decisions are made for valid reasons without any discriminatory intent?

Provisions in the Code of Federal Regulations were created to enforce the discrimination prohibitions in Title VI. One such regulation is 49 CFR Section 21.5, which contains language that clarifies that it is not just intentional discrimination that is prohibited. Even if discrimination was not intended, if the end result of a SANDAG decision causes an impact that creates more adversity or fewer benefits for minorities, a Title VI claim may be made. Policies or practices that appear race neutral, but result in a disparate impact for minorities can also be grounds for a claim that Title VI has been violated. The previously mentioned Section 21.5, which applies specifically to recipients of DOT funding, states in part:



- a. A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which **have the effect** of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.
- b. In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose **or effect** of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose **or effect** of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

As can be seen it is not just purposeful or intentional discrimination that is prohibited. Decisions that have a discriminatory effect must also be avoided. The best way to avoid such an effect is to conduct a Social Equity Impact Assessment.



## CHAPTER III: TASKS AND PROCEDURES

### A. Oversight, Advice, and Approvals (Executive Team and Office of General Counsel)

- 1 Generally speaking, the Executive Team’s role is to ensure that managers and staff administer SANDAG activities in a manner that ensures that no person is excluded from participating in, denied the benefits of, or subjected to discrimination under any SANDAG program or activity because of race, color, national origin, income, or disability. For purposes of this Handbook, the Executive Team includes the Executive Director, Chief Deputy Executive Director, and Department Directors. The SANDAG Executive Team oversees managers and staff as they administer SANDAG activities to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of SANDAG programs, policies, and activities on minority populations and low-income populations. The Office of General Counsel provides advice and assistance to all departments and the Board of Directors on compliance with social equity legal requirements and reviews contract documents to assure that they contain the correct provisions to pass through legal requirements discussed in this Handbook, which also apply to SANDAG contractors, consultants and vendors.
- 2 Title 49 CFR Section 21.9(b) requires SANDAG to submit reports to FTA in order for FTA to ascertain whether SANDAG is in compliance with the DOT Title VI regulations. SANDAG is also required to have available “racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.” Every three years the SANDAG Title VI Program must be approved by the Board of Directors prior to submission to FTA. The Title VI Program elements are described in detail in Chapter III of FTA Circular 4702.1B. The Title VI Program is just one element of the overall requirements the Executive Team is charged with overseeing and on which the Office of General Counsel is to provide advice. These Title VI Program requirements are summarized below and provided in more detail in FTA Circular 4702.1B:

- i. Provide Title VI Assurances in Transportation Electronic Award Management (TEAM) system
- ii. Ensure a Title VI Program is prepared and submitted every three years
- iii. Notify beneficiaries of their protections under Title VI (this is done on the SANDAG website, as well as in public brochures and agendas)
- iv. Develop Title VI Complaint Procedures and a Complaint Form (this is done in Board Policy No. 009)

#### WHAT ROLE DO OVERSIGHT, ADVICE, AND APPROVALS PLAY IN SOCIAL EQUITY?

Generally speaking, the Executive Team’s role is to ensure that managers and staff administer SANDAG activities in a manner that ensures that no person is excluded from participating in, denied the benefits of, or subjected to discrimination under any SANDAG program or activity because of race, color, national origin, income, or disability.



v. Record and Report Title VI investigations, complaints and lawsuits (this log is maintained by the Office of General Counsel)

vi. Promote inclusive public participation (this is carried out by Communications in coordination with project managers)

vii. Provide meaningful access to LEP persons (this is carried out by Communications in coordination with project managers)

viii. Track minority representation on planning and advisory bodies (this log is compiled by Communications)

ix. Provide assistance to and monitor SANDAG subrecipients' compliance with Title VI (this is carried out by the Planning Department)

x. Ensure the selection of a site or location for a facility does not cause an inequitably impact (analysis performed by Planning and Mobility Departments)

xi. Provide additional information to federal funding agencies upon request

**3** Creation, approval and implementation of plans, policies or procedures. The Title VI Program, as well as certain findings and documents discussed in this Handbook must be approved by the Board of Directors prior to submission to FTA. Many parts of the decision making process have been delegated to the Executive Director and staff, however, and it is the Executive Team's job to ensure SANDAG practices relevant to this Handbook are observed when policies, plans, procedures are being considered that qualify as an activity that merits some form of Social Equity Impact Assessment.

**4** The Executive Team and Office of General Counsel oversee staff as they prepare for and respond to compliance reviews and audits related to Title VI, EJ, DBE and the ADA.

**5** Upon request by staff, the Office of General Counsel is responsible for providing legal review of social equity documentation such as the Title VI Program documents, fare change analyses, and Social Equity Impact Assessments.

**6** SANDAG is required to notify the public, its employees, vendors and others it does business with that it operates in compliance with Title VI and the ADA and provide information regarding how to file a complaint alleging violation of these laws. The Executive Team should be aware of the contents of the written brochure (in English and Spanish) that is in Appendix 1 and ensure that it is available in SANDAG public areas such as the reception desks in SANDAG offices.



## B. Communications and Outreach (Communications Department)

- 1 The main role of the Communications Department is to assist staff with conducting outreach. SANDAG is required to obtain collaboration, seek feedback from, and provide information to the public regarding community needs and concerns and SANDAG's plans. The outreach should start prior to or during a decision making point for an activity. So for example on a capital project, the outreach should occur during the planning, site selection and preliminary design stages, just prior to construction, and as part of operations and maintenance of capital projects, as applicable. Meaningful and timely input from the public is also important during the development and planning stages for budgeting, planning and program documents. Communications staff should take measures to ensure the participation of a variety of stakeholders to fully represent the affected community's diversity, and project outcomes should be linked to the needs and preferences of stakeholders. Communications staff can assist project managers in synthesizing information gleaned during the outreach process. This will help the project manager take steps to incorporate diverse stakeholder input into the planning process and project goals and promote equitable outcomes.

According to the Environmental Protection Agency (EPA), "meaningful involvement" in environmental decision making means that: "(1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected." It is the Communication team's job to help make this happen.

- 2 The communications team should assist staff with the tools needed to carry out outreach and meaningful involvement. The communications team may advise staff to use one or more of the following outreach methods:

- i. Seek public comment via letters to persons on mailing lists, or by posting a notice on SANDAG website, in newsletters, and/or in newspapers.
- ii. Work with community based organizations in project area.
- iii. Post fliers and place advertisements in publications that cater to low-income, minority, and LEP populations.
- iv. Send general mailings to minority-owned businesses from a purchased mailing list.

### WHAT ROLE DOES THE COMMUNICATIONS DEPARTMENT PLAY IN SOCIAL EQUITY?

The main role of the Communications Department is to assist staff with conducting outreach. SANDAG is required to obtain collaboration, seek feedback from, and provide information to the public regarding community needs and concerns and SANDAG's plans.



- v. Look for any businesses that are owned by, cater to, or employ a number of low-income, minority, or LEP individuals.
- vi. Offer to give briefings to minority business coalitions and chambers of commerce.
- vii. Request feedback on the proposed activity from various committees and working groups that already exist at SANDAG. For example the Social Services Transportation Advisory Committee (SSTAC) has members representing senior and disabled populations.
- viii. Provide unstaffed information kiosks at churches or community centers.
- ix. Host open houses.
- x. Conduct telephone and web surveys.
- xi. Attend public meetings of city councils and community planning groups in affected jurisdictions.
- xii. Create and maintain a project website.
- xiii. Utilize communication staff email lists who in turn use websites and other resources to generate a list of additional social resources, businesses, and public services that serve low-income, minority, or LEP populations.
- xiv. Look for ethnic churches or churches that provided community services to low-income populations.
- xv. Distribute project materials (including materials in other languages) through businesses, social service agencies, libraries, community groups, and schools.
- xvi. Provide information booths at community events.
- xvii. Share information in newspaper and newsletter advertisements and radio spots.
- xviii. Utilize a diverse group of people to work on the project, including people from the affected area.
- xix. Ask for input from service providers like community health clinics as well as collections of local institutions called Community Collaboratives.

**3**

Staff from all departments will rely on Communications staff to assist them in tailoring the outreach for their activity to all appropriate population groups. This includes identifying LEP populations so that materials can be created that are targeted especially for those groups. Materials may have to be translated in advance and/or interpreters may



need to be provided at meetings. Staff may also require assistance from Communications with providing materials in large print or making sure there are hearing devices at meeting sites for persons who are elderly or have disabilities. Communications should have consultants on-call who can provide these types of services if SANDAG does not already have the necessary knowledge or tools. The public involvement effort should be sensitive to the following considerations:

- i. Are minority and diverse language media appropriately included in all notification processes for public meetings or public review of agency documents?
- ii. Has there been appropriate contact with minority groups or leaders to identify information needs and planning/programming issues of concern? Focus group discussions are also useful in exploring minority issues in depth.
- iii. Is technical information available in formats and at places and times conducive to review by minorities? This may require provision of information to people with visual impairments, non-English and LEP speakers, or to persons without extensive formal schooling.
- iv. Are persons traditionally underserved by transportation systems such as low-income, minorities or LEP persons actively sought out for involvement? This active effort goes beyond merely offering a passive opportunity to comment to those who see a notice in a newspaper of general circulation. It may be appropriate to translate bureaucratic documents into lay language and to describe why minorities and other groups should be interested in participating. Another effective approach is to use a neutral facilitator to encourage minority persons at public meetings to actively participate. Partnering with trusted community leaders and/or organizations can help gain credibility for SANDAG and the project manager and encourage participation. Meetings held in minority areas in the evening encourage minority attendance at far higher levels than meetings in downtown offices during the day.
- v. Do meeting formats encourage participation by minorities or people with disabilities? Less formal meetings are far less intimidating, e.g., circulating at an open house and asking agency staff one-on-one about plans or programs. Informal discussions provide information tactfully to persons who have difficulty reading. Comments made in one-on-one settings can encourage others to contribute their views.

**4** The Creative Services team plays an important role as part of the Communications team. Staff should use graphics to convey technical concepts to the public in an understandable manner. Translating conceptual plans into easily understandable visual graphics (e.g., 3-D images and water color sketches that show envisioned density levels, general building types, and greenspace) helps increase buy-in and understanding and demonstrates potential impacts to community

### **WHAT ROLE DOES THE CREATIVE SERVICES TEAM PLAY IN SOCIAL EQUITY?**

The Creative Services team plays an important role as part of the communications team by creating graphics that should be used to convey technical concepts to the public in an understandable manner. Translating conceptual plans into easily understandable visual graphics helps increase buy-in and understanding and demonstrates potential impacts to community members.



members. The opportunity for input must be meaningful. In order to effectively provide this opportunity, the public should be helped to understand how and when to participate in decisions that could affect their environment and their health. The public also should be informed of why their input is important, how their contributions will be taken into account, and decision-makers should seek out and facilitate the engagement of those potentially affected by their decisions.

- 5 The Communications team is in charge of implementing the SANDAG Language Assistance Plan (**LAP**). The LAP contains SANDAG strategy for ensuring LEP populations are provided an opportunity to among other things, participate in SANDAG planning processes and obtain notice of SANDAG services. In the 1974 case of *Lau v. Nichols* (414 U.S. 563), the Supreme Court interpreted Title VI regulations to hold that Title VI prohibits conduct that has a disproportionate impact on LEP persons. Guidance for staff on LEP issues has been prepared and is entitled **LEP Procedures**. Furthermore, various staff have volunteered to provide translation and/or interpretation assistance when needed so a list of **Bilingual Staff** is available for use. These materials are available on Oasis on the Legal page and under the heading Social Equity.

The communications staff is responsible for monitoring implementation of the LAP, updating the LAP, and assisting staff with outreach to LEP speakers. This includes providing on-call interpretation services for use at meetings and to translate documents. SANDAG has determined that the only language to meet its Language Translation Threshold is Spanish, however, other languages such as Chinese, Tagalog, and Vietnamese are spoken by a significant number of persons in the region and translation into these or other languages may be appropriate depending upon the project scope and outreach area.

One of the main tenets of the LAP to remember is that the more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services will be needed. Staff should determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. The importance and urgency of the program, activity, or service must be considered. If the activity is both important and urgent--such as the communication of information concerning the pending shutdown of a customer's FasTrak account--it is more likely that relatively immediate language services are needed. Alternatively, if the activity is important, but not urgent--such as the communication of information about, and obtaining informed consent for, changed privacy policies for FasTrak account information that will go into effect in six months, where delay will not have any adverse impact on the customer's ability to keep using the toll road-- it is more likely that language services are needed, but that such services can be delayed for a period of weeks. Finally, if an activity is neither important nor urgent--it is more likely that language services would not be needed.

Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information,

encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. Where appropriate, staff is encouraged to use the LAP to consistently determine, over time and across their various activities, what documents are “vital” to the meaningful access of the LEP populations being served.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of “meaningful involvement.” Lack of awareness that a particular program, right, or service exists may effectively deny LEP individuals meaningful involvement or access. Thus, where staff is engaged in community outreach activities in furtherance of an activity there is a need to assess the populations frequently encountered or affected by the activity to determine whether certain critical outreach materials should be translated. In determining what outreach materials may be most useful to translate, staff may want to consider consulting with appropriate community organizations. Furthermore, to the extent it is determined that there is a need to translate outreach materials, the translated version(s) of the outreach materials should be released to the public concurrently with the English version so that LEP populations receive the information on a timely basis.

- 6** The Communications team led the effort to develop a SANDAG Public Participation Plan (PPP), which is contained in Board Policy No. 025. The PPP serves as a guide for the participation process to ensure ongoing public involvement in the development and review of transportation plans, programs, and projects. The Communications team developed the PPP in consultation with interested parties. The applicable law concerning PPPs identifies “interested parties” as citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, and representatives of the disabled. The Communications team is charged with updating the PPP and making sure that Public Involvement Plans (PIPs) related to specific SANDAG planning efforts and projects are consistent with the PPP.
- 7** The Communications team is responsible for reviewing the effectiveness of the LAP, PPP, and PIPs in operation in terms of local minority and low income groups’ participation. To do this, sign-in sheets should be used at public meetings and outreach events to log the participation of various communities of concern. If certain segments of the population will be affected by an activity and those groups are not participating, the PPP, PIP or other form of outreach plan being used should be reviewed to determine what can be done to make it more effective. The Communications team monitors the effectiveness of the LAP by surveying staff and contractors that have contact with the public on SANDAG projects or services about the number and types of contact they have with LEP populations.

Sign-in sheets should be used at public meetings and outreach events to log the participation of various communities of concern. If certain segments of the population will be affected by an activity and those groups are not participating, the PPP, PIP or other form of outreach plan being used should be reviewed to determine what can be done to make it more effective.



8

Public involvement in regional transportation planning and programming is performance based. This means that the FHWA-FTA joint planning regulations do not have detailed specifications as to how the public, including minorities, are to be involved in regional planning efforts. Instead, the Federal agencies give performance specifications for public involvement processes in the joint planning regulations (23 CFR 450, Sections 212 and 316). This flexibility allows the Communications team to develop detailed public involvement processes custom tailored for local conditions. The National Cooperative Highway Research Program Report 710, entitled “Practical Approaches for Involving Traditionally Underserved Populations in Transportation Decisionmaking” provides over 500 pages of ideas for tailoring outreach and is available via the link in the Resource Library as Appendix 14.

## C. Recordkeeping (All Departments)

- 1 Recordkeeping and documentation are responsibilities of all staff at SANDAG. In order for SANDAG to respond to compliance reviews, monitor and enforce its programs and commitments, proactively prevent social equity complaints, and defend itself from such claims, adequate records must be kept that document SANDAG efforts.
- 2 One of the requirements in FTA Circular 4702.1B is that SANDAG keep records of the characteristics of representatives on various committees and working groups. Specifically, the Circular states that for: “transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by [SANDAG], [SANDAG] must provide a table depicting the membership of those committees broken down by race, and a description of efforts made to encourage the participation of minorities on such committees.” Communications staff Government Relations staff are responsible for preparing and updating a table showing the characteristics of those persons serving on SANDAG committees. Staff serving as committee and working group liaisons will be asked to assist with gathering the information to update the table from time to time. This table should be updated by Communications staff.
- 3 Interactions with the public for use in determining who we serve, what languages they speak, and what disability accommodations they may need should be kept. In this Handbook, the Office of General Counsel, Communications and Administrative Departments are given roles involving keeping logs of Title VI and ADA complaints, public meeting attendees (see sample log sheets in Appendix 2), and requests received for disability accommodations at our facilities or for use of our services. In addition, staff will be surveyed by Communications staff from time to time to update the SANDAG Language Assistance Plan with information regarding staff contact with LEP populations.
- 4 All complaints, whether they be formal or informal, concerning allegations of discrimination on the basis of minority, income or disability status need to be logged in and investigated. The Office of General Counsel and Director of Administration need to be informed immediately of any such complaints and will keep records concerning such complaints.

### **WHAT ROLE DOES RECORDKEEPING PLAY IN SOCIAL EQUITY?**

All staff at SANDAG are responsible for recordkeeping and documentation in order for SANDAG to respond to compliance reviews, monitor and enforce its programs and commitments, proactively prevent social equity complaints, and defend itself from such claims.



## D. Administrative Support (Administration Department)

The Administration Department has a broad range of responsibilities and therefore tasks for this department are broken down into subcategories below.

- 1 **Contracts and Procurements** – Contracts and Procurements staff are responsible for ensuring SANDAG contracts contain the correct boilerplate language found in templates used for solicitations and contracting. This means ensuring requisitions correctly report the sources of funds to be used on procurements so that the correct provisions from grantor agencies can be passed through to SANDAG subrecipients and contractors. Contracts staff also have a role in ensuring contractors and vendors turn in the appropriate forms assuring commitments to nondiscrimination, Equal Employment Opportunity and Disadvantaged Business Enterprise requirements.
- 2 **Section 508 of the Rehabilitation Act** – This law and federal rules that implement it concern requirements for information and technology accessibility. As a recipient of federal funds SANDAG is required to develop and procure hardware, software, websites and other technology that meet certain requirements for accessibility for persons with disabilities. Contracts and the Manager of Regional Information Systems have more information regarding these requirements.
- 3 **Small Business Development Diversity in Small Contractor Opportunities (DISCO) Program** – The DISCO program was developed to outreach to Small and Disadvantaged Business Enterprise firms that want to work on SANDAG contracts. The DISCO program is an umbrella program that outreaches to Disadvantaged Business Enterprise firms that are certified by the California Unified Certification Program (CUCP) and small businesses as certified by the State Department of General Services (DGS). The DOT’s DBE program began in 1980 as a minority and women’s business enterprise program under the authority of the Civil Rights Act of 1964. The Surface Transportation Assistance Act of 1982 contained the first statutory provision authorizing a DOT DBE program and now similar provisions are contained in MAP-21 and its progeny. Today the program is carried out under the rules and guidelines established in Title 49 CFR Part 26. As a recipient of funding from DOT, SANDAG must implement a DBE program and establish a triennial (three-year) overall goal to be reviewed on an annual basis. an. (49 CFR § 26.3; 49 CFR § 26.21; and 49 CFR §26.45.) The triennial goal is considered when implementing DBE goals in SANDAG contracts with federal funds.

- i. The DBE program has seven stated objectives, with DOT identifying three as primary: (1) providing a level playing field so DBEs can fairly compete for DOT-assisted projects, (2) ensuring that only eligible firms become certified as DBEs, and (3) assisting in the development of DBE firms so that they can compete outside the DBE program. DBE work is mostly subcontract work for a non-DBE prime contractor that commits to spend an established percentage of funding on DBE subcontractors, however, DBE firms can also be prime consultants or contractors.

## WHAT ROLE DOES THE ADMINISTRATION DEPARTMENT PLAY IN SOCIAL EQUITY?

The Administration Department has a broad range of responsibilities which can be broken down into the following subcategories:

- **Contracts and Procurements** responsible for ensuring SANDAG contracts contain the correct boilerplate language found in templates used for solicitations and contracting.
- **Small Business Development Diversity in Small Contractor Opportunities (DISCO) Program** developed to outreach to Small and Disadvantaged Business Enterprise firms that want to work on SANDAG contracts.
- **Human Resources** responsible for achieving an inclusive work environment by developing a system for the outreach and recruitment of a diverse pool of potential employees.
- **Office Support and Property** staff must assure that the purpose or effect of the selection of a site or location of a facility, will not exclude individuals from participation in, to deny them the benefits of, or to subject them to, discrimination under any program or activity, on the grounds of race, color, or national origin.



ii. In California, recipients of federal funds such as SANDAG, are limited by California law from implementing a DBE program without undergoing a disparity study to determine whether there has indeed been disparate treatment of minority-owned firms within the SANDAG market area. Then, only those groups found to have been underutilized (thus the term Underutilized Disadvantaged Business Enterprise or UDBE) can be used by SANDAG to meet its race-conscious DBE goals. Firms eligible to be certified as DBE must be small businesses that are majority-owned and managed by persons in the following groups:

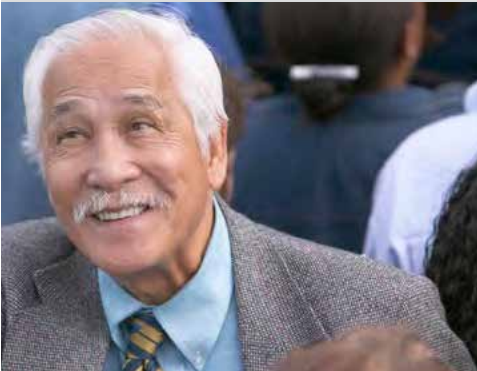
- a. Hispanic Americans
- b. African/Black Americans
- c. Asian Pacific Americans
- d. Subcontinent Asian Americans
- e. Native Americans
- f. Women

iii. A complicating factor for the SANDAG DBE Program is the fact that SANDAG receives funding from multiple federal agencies, including the Federal Railroad Administration, FTA, and FHWA. Because each of these agencies has implemented their DBE requirements in varying ways, the DBE provisions in SANDAG procurements will vary depending on which type(s) of these funds will be used.

iv. The SANDAG Small Business Manager and his/her staff are responsible for assisting and advising staff with the SANDAG overall agency DBE goals as well as contract and task/job order goal setting. If a project manager is planning a procurement with even \$1 of federal funds, s/he will need to consult with the Small Business Manager to determine how the DBE Program will apply to the procurement. The Small Business Manager also oversees the Small Business (SB) program at SANDAG, which is intended to provide opportunities to all small businesses regardless of ownership. Guidance and training on the SANDAG SB and DBE Programs is available from the Small Business Manager.

v. Monitoring of DBE, SB and prevailing wage obligations are also the responsibility of the Small Business Manager and the Principal Engineer for Construction.

**3 Human Resources** – Human Resources is responsible for achieving an inclusive work environment by developing a system for the outreach and recruitment of a diverse pool of potential employees. Human Resources staff also is responsible for implementing EEO laws to ensure SANDAG staff is not subject to illegal discrimination or harassment. The SANDAG Equal Employment Opportunity Policy can be found in Board Policy No. 007 and in the Employee Handbooks.



i. **Equal Employment Opportunity** - As a recipient of federal funds, SANDAG must not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Action should be taken to ensure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. SANDAG is responsible for assuring equality of opportunity to, and nondiscriminatory treatment of its employees.

ii. **Section 504 of the Rehabilitation Act and the ADA** – These laws also apply to SANDAG and are carried out by the Human Resources staff for purposes of interaction with SANDAG staff. The laws prohibit discrimination on the basis of disability and require SANDAG to engage in an interactive process in order to accommodate the needs of persons with disabilities.

**4 Office Support and Property** – Under the ADA, the term “facility” includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities. Due to the ADA and similar California state laws, staff must assure that the purpose or effect of the selection of a site or location of a facility, will not exclude individuals from participation in, to deny them the benefits of, or to subject them to, discrimination under any program or activity, on the grounds of race, color, national origin, or disability. Staff should ensure that the effect of a facility decision will not substantially impair the access for disabled, low income or minority persons.

i. **Leases** – When SANDAG enters into a lease for property, whether for its own use, or because it is leasing or subleasing its property to another entity, prohibitions against discrimination on the basis of disability, low income or minority status must be included in the language of the lease.

ii. **Meeting Rooms and Equipment** – When arranging for use of meeting rooms, whether at a SANDAG facility or the facility of another entity, staff should ensure that the meeting facility will not discriminate against persons on the basis of their disabled, low income or minority status, and the facility will be accessible to all populations. This also means that SANDAG should provide equipment and services (such as hearing devices and translation) to persons who notify SANDAG of their need of such equipment or services in order to observe or participate in SANDAG meetings.





## E. Demographics, Modeling, and Mapping (Technical Services Department)

Decisions regarding data collection, demographics to track, modeling and mapping tools, methods for measuring potential impacts and current conditions, and decisions regarding what source code and programming information to make available to the public on SANDAG initiative, are all social equity issues with which Technical Services is tasked. Staff will look to Technical Services for assistance with deciding on matters such as availability and reliability of demographic information, mapping and modeling capabilities, performance measure indicators and proxies, and which geographic unit is preferable to use (traffic analysis zone (TAZ), Census tract, block group, zip code, etc.)

The Technical Services Department has created a new tool for staff to use for Social Equity Impact Assessments. The new tool will be updated by this staff after each update to the Regional Plan and is called the Social Equity Data Viewer. The Viewer can be used by project managers as a preliminary screening tool for determining whether an activity could have impacts on Communities of Concern. If potential impacts are found, then the project managers will seek assistance in conducting further analysis from the Technical Services staff. During Regional Plan development, Technical Services staff uses more sophisticated modeling tools to conduct a Social Equity Impact Assessment for the proposed network scenarios.

More information regarding the areas of expertise within Technical Services that project managers should utilize follows.

**1 Regional Information Services (RIS)** – RIS provides technical support for SANDAG website, application, and GIS efforts.

- i. **Websites** – The SANDAG websites all need to be monitored for compliance with Title VI, Section 508, and the ADA, including LEP guidance in Executive Order 13166. Technical Services staff are responsible for keeping the websites in compliance with these and other laws.
- ii. **Geographic Information Systems (GIS)** – Project managers will need to utilize maps created by staff in this group to check for the presence of relevant Communities of Concern. If these population groups are found, then more refined maps will be needed to analyze social equity factors and alternatives. If outreach is being conducted and planning or project documents are being produced, then maps will be needed to help decision makers and the public visualize the burden and benefit impact areas. In addition, maps that show the spatial distribution of relevant population groups may be a very effective tool this staff can provide to help decisionmakers determine the magnitude of the populations that could be impacted by a proposed action. If a plan, program or project will have cumulative impacts or multiple impact factors, Technical Services staff can create density maps showing which areas will experience the heaviest impacts.

### WHAT ROLE DOES THE TECHNICAL SERVICES DEPARTMENT PLAY IN SOCIAL EQUITY?

Decisions regarding data collection, demographics to track, modeling and mapping tools, methods for measuring potential impacts and current conditions, and decisions regarding what source code and programming information to make available to the public on SANDAG initiative, are all social equity issues with which Technical Services is tasked.



**2 Regional Models** – Modeling staff will need to assist other staff in determining what social equity indicators can be successfully modeled using software and tools available to SANDAG. A goal of staff in this group should be to locate and recommend modeling tools that will assist staff with Social Equity Impact Assessments. Technical Services staff should also be able to assist with modeling the allocation of funds among projects when appropriate for a planning document such as a Regional Plan or for distribution of grant program funds. Staff have transitioned SANDAG to use of an Activity Based Model (ABM) for the Regional Plan. The ABM is a next generation modeling tool and is intrinsically different from the model used for previous Regional Plans. Modeling staff can provide guidance to project managers on enhanced ABM features and how they differ from other SANDAG modeling tools.

Another task with which staff with expertise in this field can assist, is to work with Planning staff involved in health impact analyses on using tools that can model benefits and burdens such as physical activity, air pollution, and traffic injuries on human health. GIS-based maps that are available for project managers to use and modeling staff will be further developing the Activity Based Model (ABM) with the addition of the Integrated Transportation and Health Impacts (ITHIM) Model. Public Health is an emerging area & Healthy Regions along with Healthy Communities & Environment were adopted by the SANDAG Board into both the Vision and Goals respectively for San Diego Forward: The Regional Plan.

Similar measures are likely to be included in updates to the Regional Plan. A new tool, known as the Social Equity Analysis Tool (SEAT) is expected to be used for 2019 Regional Plan update. The SEAT is intended to be used by MPOs on a statewide basis. In addition to modeling tools under development by SANDAG, other agencies have created health screening tools that may be useful to staff attempting to model impacts. Some of these tools include C-FERST: Community-Focused Exposure and Risk Screening Tool developed by the United States EPA, and CalEnviroScreen, which has been developed by the California EPA. Project managers should work with modeling staff to evaluate whether these tools are compatible with tools under use by SANDAG. Links to these tools can be found in the Resource Library, Appendix 14.

**Demographics** – This team within Regional Models helps SANDAG fulfill its responsibility as a Metropolitan Planning Organization (MPO) to provide a demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate; and provide demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level (where available), and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by SANDAG. The demographics staff also is relied upon to provide provided SANDAG member agencies and grantees with regional data to assist them in identifying low income, minority, and LEP populations in their jurisdictions.

In addition, this team is responsible for providing data for LIM and LEP analyses. SANDAG is required to maintain demographic data on the race, ethnicity, national origin, sex, age, or disabilities of the population it serves. (40 C.F.R. § 7.85(a).) Staff should keep in mind that demographic data based on a Census tract, transportation analysis zone (TAZ), etc. may not provide complete information regarding impacted populations. For example, if there is a pocket of low income persons in a wealthy area, the data may not be granular enough to show this. If more granular analysis is possible and would be helpful in an analysis, Technical Services staff should use their expertise to point this out to the project manager as a possibility.



Some sources of information staff may need to use include:

- i. The American Community Survey, which is updated annually, provides estimates on a city block basis for race, ethnicity, and household income.
- ii. Data used for Social Equity Impact Assessments will need to be updated every four years along with the Regional Plan, and updates should be done on an interim basis when SANDAG produces its annual estimates and when decennial Census data becomes available for use.
- iii. In order to determine what data will be used for analysis, decisions will need to be made regarding whether more Communities of Concern than just low income and minority populations will be analyzed. For example, staff should consider whether to include low mobility, elderly, disabled, etc.
- iv. Technical Services staff also may be able to help other staff identify and obtain data from sources such as:
  - School district enrollment figures by race, ethnicity, limited English proficiency, school
  - Discounted lunch eligibility
  - National Center for Education Statistics (NCES) demographic data on students enrolled in schools in the study area
  - Food stamp usage
  - Food bank usage
  - Homelessness statistics
  - Poverty rates
  - Home Mortgage Data (HMDA), which shows home purchase loans by race and ethnicity
  - School data
  - Dropout and graduation rates by race and ethnicity
  - Student achievement rates by race and ethnicity
  - Health data (available from the County Health & Human Services Agency (HHSA))
  - Infant mortality by race and ethnicity
  - Medicaid receipt rates by race and ethnicity

- Air quality databases such as those kept by the American Lung Association
- Criminal justice data
- Sentencing rates by race and ethnicity
- Traffic accident rates
- Census data
- Poverty data
- Social services listings (dialysis centers, Meals on Wheels, etc.)
- Data kept by paratransit providers
- Health departments (State, tribal, or local as applicable)
- Utility providers (for electricity dependent individuals)
- Job Access Services
- Large-scale senior housing developments
- Congregate care facilities
- Schools (especially those with significant proportion of students with disabilities or with limited English proficiency)
- County emergency alert list serves
- Information from local, state, and federal human rights commissions and agencies
- Location of Section 8 and public housing
- Car ownership statistics, disaggregated by race and ethnicity
- Ridership on existing bus routes in the service area, which is available in Onboard Transit Survey data that SANDAG is required to collect no less than every five years pursuant to Chapter IV of the FTA Title VI Circular

Two additional informational resources are available from the Census Bureau that can support more detailed evaluation of the travel needs of LIM populations and the available modal options: Census Transportation Planning Package (CTPP) and Longitudinal Employer and Household Dynamics (LEHD). The CTPP presents results from the ACS in a series of tables describing worker characteristics, work place characteristics, and worker flow data; all at units of geography specified by MPOs. These data should permit a comparative assessment of accessibility, travel times, travel mode usage, and other travel attributes across LIM and non-LIM populations. The LEHD uses modern statistical and computing techniques to combine Federal and State administrative data on employers and employees with core Census Bureau data. Together, these data may provide a useful picture of travel behavior, flows, and mode choice.



Performance Measures and Indicators – Staff may not know what data are available, whether the data are reliable, or whether the data will serve as a good proxy for what staff wants to analyze. Before any new social equity performance measure or indicator is used Technical Services staff should be sure that it:

- a. Is well-founded in technical, empirical, theoretical, and scientific terms;
- b. Is based on national or regional standards and consensus about its validity as a measuring tool;
- c. Lends itself to being linked to computer modeling and forecasting; and
- d. Lends itself to being incorporated into data information systems.

Furthermore, the data required to support each social equity indicator should be:

- a. Quantifiable, verifiable, and time-specific;
- b. Readily available or made available at a reasonable cost/benefit ratio;
- c. Adequately documented and of known quantity; and
- d. Updated at regular intervals in accordance with reliable research procedures.







## F. Budgeting and Allocation of Funding at Agency-Wide Level (Finance, Planning, Operations and *TransNet* Departments)

1 The Finance Department has responsibility for preparing the budget that is ultimately approved by the Board of Directors. The DOT requires SANDAG to analyze its investments in way that identifies and addresses any disparate impacts. This means that members of the Finance Department may need to incorporate social equity information into reports concerning the budget and funding allocations. Decisions regarding project funding or selection, ranking or evaluation criteria are usually carried out by staff in the Planning and Operations Departments, but in some cases the Finance staff will need to be involved in the public outreach efforts associated with budget documents that should have been subject to a Social Equity Impact Assessment. The documentation of the Assessment should be prepared by the relevant project manager, who should document that an analysis was conducted to ensure there will be an equitable distribution of funds among racial and income groups in the project area. Selection and/or ranking criteria should take social equity factors into account where appropriate. This will apply both to SANDAG’s ranking of its own projects and well as projects for which SANDAG provides grant funding. By the time Finance staff prepares a Board or committee report, the project manager should provide language for the report that states something like: “The allocation of funding for the proposed projects/services was evaluated to ensure the proposed program of projects/services will benefit the various social and geographic constituencies in the region on an equitable basis”; or “The proposed criteria are intended to ensure access to jobs, services, and recreation for populations with fewer transportation choices, and create equitable transportation opportunities for all users, regardless of age, ability, race, ethnicity, or income.”

2 Another responsibility that Finance staff have related to budgets, the Overall Work Program (OWP), Regional Transportation Investment Plan (RTIP) and other similar documents that rank or identify projects that will be funded, is a requirement that the public have had a meaningful opportunity for input. This means Finance staff will need to work with communications staff to ensure an adequate plan for public notice, outreach and comment periods is prepared and implemented. More information regarding the efforts necessary for this task can be found in FTA Circular 4703.1. That Circular states: “As with the long-range planning process, selection of projects for the TIP or STIP also requires public engagement and comment.” The goal is to give the public the opportunity to comment on the proposed ranking and funding decisions.


When a Regional Plan is developed, a quantitative evaluation of the distribution of activities/projects to be implemented should have occurred. Planning staff should have assured that system-level impacts of the collection of projects in the long-range plan were analyzed. The

### **WHAT ROLE DOES BUDGETING AND ALLOCATION OF FUNDING PLAY IN SOCIAL EQUITY?**

The Finance Department has responsibility for preparing the budget that is ultimately approved by the Board of Directors. The DOT requires SANDAG to analyze its investments in way that identifies and addresses any disparate impacts. Decisions regarding project funding or selection, ranking or evaluation criteria are usually carried out by staff in the Planning and Operations Departments, but in some cases the Finance staff will need to be involved in the public outreach efforts associated with budget documents that should have been subject to a Social Equity Impact Assessment.

### **WHAT LANGUAGE SHOULD BE INCLUDED IN BOARD AND COMMITTEE REPORTS WHEN AN ACTIVITY NEEDS A SOCIAL EQUITY ANALYSIS?**

“The allocation of funding for the proposed projects/services was evaluated to ensure the proposed program of projects/services will benefit the various social and geographic constituencies in the region on an equitable basis”; or “The proposed criteria are intended to ensure access to jobs, services, and recreation for populations with fewer transportation choices, and create equitable transportation opportunities for all users, regardless of age, ability, race, ethnicity, or income.”



analysis of any Title VI or EJ impacts at the long-range plan level concerning the distribution of activities and projects should translate to the RTIP level. One way of assuring this occurs is to use the most recent Census and land use data available, supplemented by any local surveys, to identify the areas where low-income and/or minority populations live, work, and play. By overlaying the geographic location of proposed investments, including access points to those investments, staff can determine whether a proportionate share of anticipated investments will serve those who are minorities and/or low-income. It is important to determine whether a new project will provide a proportionate level of access to members of Communities of Concern. DOT does not require a stand-alone Social Equity Impact Assessment for the RTIP, but it assumes that as projects are prioritized from the Regional Plan into the RTIP, and then selected from the RTIP for implementation, that the activities/projects will be equally reflective of social equity considerations as the Regional Plan from which it is derived. Selection/ranking criteria for pulling activities/projects from the Regional Plan into the RTIP should result in a situation where projects that primarily benefit a LIM community would be equally likely to move forward into implementation as any other project.

- 3 Investments in infrastructure and services made by SANDAG must be consistent with federal Title VI and EJ requirements. The FTA's Circulars establish that FTA considers public outreach to, and involvement of, individuals in low income and minority communities covered under Title VI and Executive Order 12898 to be critical to both local and regional decisions. Based on the Circulars and DOT regulations, Finance Department staff working on documents such as the SANDAG Budget and the RTIP should work with the Communications staff to prepare a public outreach strategy that will engage the public in the decisionmaking associated with programming of funds, including low income and minority populations.
- 4 Section 6 of Chapter VI-2 of Circular 4702.1B, states that MPOs must prepare and maintain the following information:

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.

This means that requests for funding from the transit operators and from applicants for JARC/New Freedom grant programs, need to be documented, and that criteria used to select the projects or proposals yield a list of funded projects that do not create Title VI or EJ issues. In addition, if performance indicators will be used by SANDAG staff or by the transit operators to compare individual projects or project lists (such as when deciding which projects should be funded in a particular funding cycle), the performance indicators should include factors that will allow for a comparison of the benefits and burdens of the various alternatives on LIM populations. Examples of such performance measures are discussed in Subchapter G. If SANDAG will be relying on a social equity analysis performed by another agency, staff should obtain sufficient documentation from that agency to establish that the analysis was conducted.

If the Social Equity Impact Assessment indicates that non-LIM populations will receive a disproportionately high benefit compared to LIM populations, SANDAG will need to consider revising the funding allocation plan to produce a more equitable distribution of projects across all populations. Because SANDAG could be held accountable for the funding decisions, staff needs to ensure that the ranking criteria used and projects submitted as part of the budgeting and funding process to SANDAG by the transit operators include social equity considerations and that the resulting list of projects will not result in a disparity for low income or minority groups. Staff will need to work closely with transit operators' staff to obtain adequate documentation to show that the projects and services SANDAG incorporates into its budget and funds will not cause a disparate impact or disproportionate effect.

- 5 Members of the Finance Department are responsible for uploading the SANDAG Title VI Program into FTA's Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program should be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the current Title VI Program.
- 6 The *TransNet* Department is responsible for making recommendations regarding the implementation of new phases of work or new projects to be funded by *TransNet*. When recommending assessing options, *TransNet* Department staff should keep in mind that substantial changes to the timing or elements of the projects may have impacts requiring new social equity impact analyses.





## G. Planning, Programming, and Policy Development (Planning, Finance & Executive Teams)

### 1 Land Use Planning and Coordination Staff

- i. Low-income, minority, and tribal communities face an array of challenges, many of which are related to how their neighborhoods and regions are planned and developed. For example, many such communities:
  - Are located in close proximity to polluting facilities such as landfills, power plants, incinerators, chemical plants, smelters, and refineries, all of which can cause a variety of health impacts.
  - Live in neighborhoods with fewer jobs or educational opportunities; inadequate infrastructure and services; and lacking important amenities such as health clinics, open space, and places to buy healthy food.
  - Do not have access to cars, high-quality public transportation, or safe places to walk or bicycle.
  - Face the risk of displacement from their homes when new investments contribute to rising property values.
  - Have difficulty engaging in decision-making due to a lack of transparency in public processes, inattention to language and educational differences, and other factors.

Planning staff works on strategies that link smart growth, equitable development, healthy communities, and tribal relations.

- ii. Social equity is an important part of the SANDAG planning process and should be considered in all phases of planning. This includes all public-involvement plans and activities, the development of Regional Plans, Transportation Improvement Programs (TIPs), and overall work programs (OWPs). A truly integrated and effective planning process actively considers and promotes social equity within projects and groups of projects, across the total plan, and in policy decisions. Minority and low-income populations should be identified as early as possible and their concerns should be examined and addressed, preferably early in the planning stage. The Technical Service and Communications staff are great resources to assist Planning and Finance staff with these processes.

### WHAT ROLE DOES PLANNING, PROGRAMMING & POLICY DEVELOPMENT PLAY IN SOCIAL EQUITY?

The staff at SANDAG who support Planning, Programming & Policy Development play an important role in Social Equity in the following areas:

- **Land Use Planning and Coordination**
- **Grant Programs**
- **Long-Range Transportation Planning and Binational Planning**
- **Goods Movement Planning**
- **Tribal Liaison Program**
- **Transit Service Planning**
- **Environmental Planning**

**Land Use Planning and Coordination Staff** work on strategies that link smart growth, equitable development, healthy communities, and tribal relations. It is important for staff to consider social equity throughout all phases of planning in order to create a truly integrated and effective process that actively considers and promotes social equity within projects and groups of projects, across the total plan, and in policy decisions.



iii. If a project manager is developing a study, white paper, or planning document such as the Regional Plan, Smart Growth Map, Safe Routes to School or the Healthy Communities Atlas, or is in the preliminary planning stage for what will eventually be a new/changed service or project for SANDAG, s/he will likely need to take social equity matters into consideration. Social equity factors should be considered in the early planning stages to ensure that staff do not get too far along in the planning process before realizing a proposed activity could cause unequal benefits or burdens for certain groups. Land Use and Technical Services staff may be asked to work with project managers in the planning stages of their projects to model or map health impacts using indicators such as air quality, disease, and traffic injuries when appropriate.

iv. A key element for addressing Title VI during the planning phase is having an effective public involvement process that project managers discuss with Communications staff in advance for budgeting and scheduling purposes. The public involvement process should be proactive and provide complete information, timely public notice, full public access to key decisions and an opportunity for early and continuing involvement. A public involvement process will also include a process for seeking out and considering the needs of those who are traditionally left out or underserved. Community engagement strategies that may be used to identify social equity issues by Planning and Finance staff working with Communications staff are: multilingual outreach, community assessments, community-based participatory research, design charettes, and community planning and visioning workshops. Ideas for concepts to be considered when conducting planning activities can be found in the National Cooperative Highway Research Program Report 710, entitled "Practical Approaches for Involving Traditionally Underserved Populations in Transportation Decisionmaking", which is available in the Resource Library, Appendix 14.

v. The project manager will need to work closely with Communications staff to identify what populations will be impacted by an activity, plan or policy development. Whether the planning is for a particular project that is not region-wide in nature, such as a capital project, or for a region-wide or agency-wide plan, program or policy decision, the Communications and Technical Services Departments can help identify the demographics of the low income and minority populations that will be impacted. In addition, Communications staff can help determine if populations with limited English proficiency will be impacted necessitating translation of notices and meeting materials. Some planning projects will be small and will utilize the Public Participation Plan in Board Policy No. 025, while others will be significant enough to merit a tailored public participation plan that is consistent with Board Policy No. 025. Budgeting for and utilizing the Communications staff is essential to an effective public involvement process.

- vi. Four public engagement strategies that are particularly applicable to planning activities are: multilingual outreach, community assessments, community-based participatory research, and community planning and visioning workshops. Ideas for concepts to be considered when conducting planning activities are in Section B of Chapter III. Even if the current work effort being carried out by staff is to catalog existing conditions, it is recommended that Planning staff use planned project maps with an overlay identifying LIM tracts and determine whether there any gaps in funding projects that benefit certain social groups or a disparate amount of burdens caused by existing conditions that could be addressed in future funding and planning efforts, whether by SANDAG or others.
- vii. At the start of the planning process, project managers will need to determine whether social equity issues exist and use data and other information to: (1) determine benefits to and potential negative impacts on minority populations and low-income populations from proposed investments or actions; (2) quantify expected effects (total, positive and negative) and disproportionately high and adverse effects on minority populations and low-income populations; and (3) determine the appropriate course of action, whether avoidance, minimization, or mitigation. If issues are not addressed at the planning stage, they may arise during project development, or later when they could be more difficult to mitigate and delay project decisions.
- viii. Executive Team members in particular should keep in mind that plans, policies and programs have the potential of being discriminatory in more subtle ways than capital projects. The major area of impact by plans, policies and programs is through decisions that identify one or more planned improvements or investments over other options. This consequence may result from procedures and processes that exclude a group from the process, or from the failure to consider the impacts of various alternatives and programs or projects on one or more identified groups. To the extent that plans and programs include proposed improvements or investments with disproportionate beneficial impacts or reflect decision processes that exclude certain groups, the long-term agenda for transportation improvements or investments may be inappropriately biased. This could lead to project implementation that is inconsistent with nondiscrimination requirements. The actual impacts may only be experienced as projects are implemented. The planning process represents a comprehensive perspective from which to assess the potential consequences of such decisions.

## 2 Grant Programs Staff

SANDAG provides grants via a competitive process for a number of programs. These programs include: Senior Mini-Grants, Active Transportation, Environmental Mitigation Program Land Management, and Smart Growth. In addition, SANDAG is responsible

Even if the current work effort being carried out by staff is to catalog existing conditions, it is recommended that Planning staff use planned project maps with an overlay identifying LIM tracts and determine whether there any gaps in funding projects that benefit certain social groups or a disparate amount of burdens caused by existing conditions that could be addressed in future funding and planning efforts, whether by SANDAG or others.

**Grant Programs Staff** support SANDAG in providing grants via a competitive process for a number of programs. Part of the Social Equity Impact Assessment process for these grant programs should include preparation of a map of projects proposed for funding in each grant cycle with an overlay of the LIM areas in order to assure that the funds will be allocated equitably among LIM and non-LIM areas.



for recommending allocations of certain types of federal funds. Among these are Jobs Access & Reverse Commute (JARC) and New Freedom grants (now called 5310 grants). Part of the Social Equity Impact Assessment process for these grant programs should include preparation of a map of projects proposed for funding in each grant cycle with an overlay of the LIM areas. Technical Services staff can be consulted for modeling or mapping the allocation of funds to grant projects. The map should assist the project manager in assuring that the funds will be allocated equitably among LIM and non-LIM areas. The Social Equity Data Viewer tool can be used to create these maps. If the maps indicate an inequity, a disparate impact analysis should be performed.



A key point that grant programs staff should understand is that since SANDAG is the primary recipient of these FTA funds, FTA has made it clear that if a SANDAG subrecipient is out of compliance with Title VI--or any other Federal requirement--then so is SANDAG.

- i. The 5310 grantees (called "subrecipients" by FTA) are required to sign certifications and gather, maintain, and submit Title VI information to SANDAG as required by FTA through the DOT Title VI regulations (49 C.F.R. Part 21), the U.S. DOT's Order to Address Environmental Justice in Minority Populations (62 FR 18377, April 15, 1997), and U.S. DOT Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005). SANDAG must then incorporate the subrecipients' information in the triennial Title VI report submitted by SANDAG for SANDAG related activities. A key point that grant programs staff should understand is that since SANDAG is the primary recipient of these FTA funds, FTA has made it clear that if a SANDAG subrecipient is out of compliance with Title VI--or any other Federal requirement--then so is SANDAG. Thus, it is in the best interest of SANDAG to both assist its subrecipients with compliance, and monitor that compliance. SANDAG is supposed to collect and review subrecipients' Title VI Programs. FTA Circular 4702.1B does not specify exactly how a primary recipient is supposed to monitor a subrecipient's compliance, but it expects SANDAG to have a plan and documentation of its process for ensuring subrecipients are complying with Title VI.
- ii. Pursuant to FTA Circular 4702.1B, SANDAG is required to keep a record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record must identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record is supposed to indicate which applications were rejected and accepted for funding by SANDAG. SANDAG is also required to keep a description of how it developed its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description must emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants. Finally, SANDAG is required to prepare a description of its criteria for selecting entities to participate in a FTA grant program.

iii. The forms that 5310 federal grantees/subrecipients must sign and the requirements they must meet are entitled as shown below and can be found in Appendix 3.

- a. Grantee/Subrecipient Title VI Templates for Use with 5310 Grants
- b. Disadvantaged Business Enterprise Program Statement
- c. Certification of Civil Rights Assurances
- d. Civil Rights Reporting and Submittal Requirements
- e. Equal Employment Opportunity Certificate

iv. Senior Mini-Grant and other grantees should also be required to provide documentation regarding anti-discrimination policies and language, race and economic information regarding persons served using funds derived from SANDAG. All of the grantee information can then be used by SANDAG to monitor who is being served by funding allocated by SANDAG and to ensure the allocation is equitable. In addition, this information can be used by Communications Department staff to track how often LEP persons are utilizing SANDAG-funded services.

v. Although social equity concerns are frequently raised during capital project development as part of the environmental documentation process, Title VI applies equally to the plans, programs, and activities of planning, such as prioritization of projects and programming of funds. Decisions regarding project selection or evaluation criteria and ranking, and analyses to ensure there is an equitable distribution of funds are largely within the Planning Department's areas of concern. Planning staff should ensure that SANDAG competitive selection processes and programs of projects are created using methods that ensure the equitable distribution of funds to minority or low income populations, including Native American tribes, where present. Planning staff should be aware that starting at the stage when the project selection and/or ranking criteria are being developed to determine which projects should end up in a planning document and in what priority order, they will need to take social equity factors into account where appropriate. This will apply both to SANDAG's ranking of its own projects and well as projects for which SANDAG provides grant funding. Ideas for social equity ranking criteria concepts to be considered when conducting programming activities are in Appendix 4. When developing studies, white papers, and planning documents such as the Regional Plan, TIP, Safe Routes to School or the Healthy Communities Atlas, staff also should take social equity matters into consideration.

Planning staff should ensure that SANDAG competitive selection processes and programs of projects are created using methods that ensure the equitable distribution of funds to minority or low income populations, including Native American tribes, where present. Planning staff should be aware that starting at the stage when the project selection and/or ranking criteria are being developed to determine which projects should end up in a planning document and in what priority order, they will need to take social equity factors into account where appropriate.



vi. By the time a project manager prepares a working group, Board, or committee report, s/he should be able to state something like: “The proposed projects were evaluated to ensure the project benefits and/or burdens will be equitably distributed among the various social and geographic constituencies in the region”; or “The proposed criteria are intended to ensure access to jobs, services, and recreation for populations with fewer transportation choices, and create equitable transportation opportunities for all users, regardless of age, ability, race, ethnicity, or income.”

vii. Additionally, SANDAG grant agreements should contain language requiring our grantees to keep a log of the racial, income, age and disability status of the persons they are serving so that SANDAG can track which groups are benefiting from its funding.

viii. Discrimination can take many forms, including negative environmental consequences from projects, and providing more funding and accessibility to services for projects in non-minority areas versus minority areas. This is why it is important that the criteria used to select projects for funding take social equity into account and that the resulting list of projects be analyzed to ensure a disparate impact for minorities will not occur.

ix. FTA’s Circulars state SANDAG should consider equitable solicitation and selection of project candidates in accordance with Title VI and Executive Order 12898. Therefore, all decisions regarding evaluation criteria and project rankings for purposes of budgeting and funding should be subjected to a social equity evaluation. SANDAG is required to ensure that its programs do not have a disparate impact on, or deny benefits to, minority or low income populations. In order for SANDAG to carry out this requirement, it must make sure the services and projects it chooses to fund will not cause a disparate impact by for example, providing funding to projects that will benefit non-minorities more than minorities.

x. Staff working to prepare a solicitation for a grant program should have their solicitation and contract documents reviewed by the Office of General Counsel so that reporting, monitoring and compliance provisions are included. Examples of some of the forms that may be used to accomplish these goals can be found in Appendix 3. In addition, the evaluation criteria used to select grantees should include point values for social equity criteria tailored to the purpose of the grants. The goal should be to reward applicants who will take the needs of low income and minority communities into account when developing their project or providing services, that the grantees will ensure equitable accessibility or other benefits to these populations and that the projects or services will not negatively impact those populations, and that the grant funds are distributed equitably to LIM and non-LIM populations. If the evaluation criteria do not take these topics into consideration and the selected projects as a group end up showing a disparate impact or disproportionate effect, it may be too late to mitigate the issue and cause the solicitation process to have to be redone.

- xii. If a project manager has a grant program that has an item that goes to a PAC as an information item initially to provide the PAC with preliminary information regarding the recommended grantees, the Social Equity Impact Assessment needs to occur before the information item is taken to the PAC. This is because if a disparity is found there will still be an opportunity to consider options for avoiding or mitigating the disparity. Once the recommended grantee list is provided to the PAC and the public it may be too late to make necessary adjustments. Project managers should consult with the Special Counsel if a social equity analysis method is being changed or a disparity is found.
- xii. In addition, SANDAG should require all subrecipients to comply with the Title VI obligation to record Title VI investigations, complaints, and lawsuits (49 C.F.R. Section 21.9(b)). Prior to contract execution, and annually thereafter, subrecipients will be required to prepare and submit a list of any active investigations, lawsuits or complaints alleging the subrecipient discriminated on the basis of race, color or national origin. This list should include the date, summary of allegations, current status, and actions taken by the subrecipient in response to the investigation, lawsuit, or complaint.
- xiii. The Equal Employment Opportunity (EEO) provision also should be included in grantee agreements. It requires that all recipients of FTA or *TransNet* funds provide equal employment to all people, without regard to race, color, religion, sex, or national origin. SANDAG requires that subrecipients certify their compliance with the EEO federal requirements of Title VII of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000e and 49 U.S.C. 5332) and any implementing requirements FTA or SANDAG may issue. This should be required prior to contract execution and annually thereafter.

### **3 Long-Range Transportation Planning and Binational Planning Staff**

Long-range plans such as the Regional Plan, Airport Multi-Modal Accessibility Plan, sales tax measures such as *TransNet*, the Congestion Management Plan, and Regional Bicycle Plan, all should include a Social Equity Impact Assessment. The Assessment can take the form of a stand alone document or paper, or a section or chapter in the planning document itself. Guidance for staff on how to right-size an Assessment is discussed in Chapter III(I).

As staff identify future needs in the planning process, they may want to conduct travel behavior and needs surveys and supporting studies. SANDAG planning processes should seek to identify and respond to the unmet accessibility and mobility needs of all communities, with general parity across LIM and non-LIM populations. Special studies, such as those performed in support of the local coordinated public transit-human service transportation plan (Coordinated Plan), may provide further insight into the needs of LIM populations and the most appropriate strategies for addressing those needs.

**Long-Range Transportation Planning and Binational Planning Staff** identify future needs in the planning process, seeking to identify and respond to the unmet accessibility and mobility needs of all communities, with general parity across LIM and non-LIM populations.

It is important to remember that long-range plans like Regional Plans are multi-modal plans that must balance various modal needs within financial constraints. This usually means that there will not be sufficient funding to meet all of the needs and there will, by default, be projects or programs that cannot be implemented. This scenario is when the criteria used to rank the projects that will actually be funded and the timing of that funding becomes critical. As discussed above in the portion of this Subchapter concerning allocation of grant funds, Planning staff should be diligent about assuring that the criteria selected either include social equity factors and/or will not result in a list of projects or programs that favor non-LIMs over LIMs. In addition, performance measures will be used to compare network alternatives. The performance indicators should include factors that will allow for a comparison of benefits and burdens of the various alternatives for LIM and non-LIM populations. Some candidate factors that can be used as performance measures for social equity can be found in Appendix 5.

When staff conducts surveys of SANDAG and transit operator customers regarding the usage of their systems, the demographic characteristics of users, and patterns of customer comments on unmet needs and overall satisfaction with services, these survey results and others may provide information useful for the planning process. It is recommended that staff leverage these survey opportunities to gather as much information as possible regarding the needs of Communities of Concern.

While the needs of all communities should be proportionately reflected by projects and strategies within the 20-year or more horizon of the long-range plan, staff should also consider the needs of Communities of Concern when setting priorities of projects contained in the plan, as reflected by the projects programmed in the Regional Plan and TIP. As with the long-range planning process, selection of projects for the TIP also requires public engagement and comment.

Staff responsibilities to engage Communities of Concern do not end with the completion of a long-range plan or a short-range plan like a TIP. Rather, staff should maintain a regular and open dialogue with these populations to monitor the effectiveness of the plan and identify future trends in transportation for future plans. The planning process should provide for the continued monitoring and surveying of the use of transportation facilities, the demographic characteristics of transit customers, the performance of the systems, and how patterns of exceptional and inferior performance are experienced by customers.

4

#### **Goods Movement Planning Staff**

The Regional Freight Strategy identifies a list of prioritized projects known as the San Diego Regional Goods Movement Action Plan (GMAP) based upon objective criteria. The Regional Plan includes actions to pursue funding for GMAP projects not already included in the highway and rail plans. Staff charged with development of goods movement planning for SANDAG are responsible for ensuring that the objective criteria used to prioritize goods movement projects include criteria that give significant consideration to whether projects will avoid/minimize/mitigate rather than increase, negative impacts for low income and minority populations or other communities of concern.

**Goods Movement Planning Staff**, charged with development of goods movement planning for SANDAG, are responsible for ensuring that the objective criteria used to prioritize goods movement projects include criteria that give significant consideration to whether projects will avoid/minimize/mitigate rather than increase, negative impacts for low income and minority populations or other communities of concern

**Tribal Liaison Program Staff** should work with Indian tribal governments, making special efforts to reach out to those segments of society that have been traditionally underserved during the planning process to secure their input and provide opportunities for active involvement in statewide and metropolitan transportation planning and programming. Staff should recognize and be sensitive to tribal customs and to the nationally recognized sovereignty of tribal governments.

## 5 Tribal Liaison Program Staff

The San Diego region is home to 18 Native American reservations represented by 17 Tribal Governments, the most in any county in the United States. Coordination with the 17 Tribal Governments is an important part of SANDAG's work plan. Tribal lands are federal lands held in trust for tribal nations. As such, the federal government expects tribal lands to be served by the regional transportation system. It is important to distinguish between Native Americans as a minority population who may or may not be tribal members of the nations in this region and the government to government framework for communication, consultation, and collaboration with tribal nations.

Projects that usually have the greatest potential for discriminatory impacts are those within metropolitan areas that involve large numbers of relocations and/or community disruption. Some rural projects, however, also have potential for discrimination, especially those impacting Native Americans. Furthermore, users of the transportation system, rural or metropolitan, may be adversely impacted by its development, operation and/or maintenance. Hence, it is very important that special efforts are made to reach out to those segments of society that have been traditionally underserved during the planning process to secure their input. It is necessary for SANDAG to provide opportunity for active involvement of Indian tribal governments in statewide and metropolitan transportation planning and programming. It is important for agency staff to recognize and be sensitive to tribal customs and to the nationally recognized sovereignty of tribal governments. Tribal governments should be actively solicited to participate in the development of SANDAG plans and programs as sovereign nations with attendant rights and responsibilities rather than as specific minority groups. Staff should work with the SANDAG Interagency Technical Working Group on Tribal Transportation Issues and its staff liaison in the Planning Department for assistance in coordinating projects that may impact Native Americans.

## 6 Transit Service Planning Staff

- i. The group of employees charged with short-range and long range transit planning is responsible for ensuring adequate outreach is utilized to obtain input on these plans from low income and minority groups. In addition, transit planning documents should contain impact analyses to ensure minority or low income groups will not suffer a disparate impact or disproportionate effect if the plan is implemented. Some of the planning documents for which this outreach and impact analysis should occur include:
  - 1) The Coordinated Plan
  - 2) The Regional Plan
  - 3) Regional Short-Range Transit Plan
  - 4) Title VI Program Updates (for both SANDAG and the transit operators)
  - 5) Comprehensive Regional Fare Ordinance

**Transit Service Planning Staff** are responsible for ensuring adequate outreach is utilized to obtain input on these plans from low income and minority groups. In addition, transit planning documents should contain impact analyses to ensure minority or low income groups will not suffer a disparate impact or disproportionate effect if the plan is implemented.

ii. FTA requires SANDAG to conduct assessments of Title VI, in order to demonstrate nondiscrimination of services and facilities for minority communities. The transit operators in the region also are required to have Title VI Plans. As a result of an MOU, SANDAG prepares these reports for itself and the operators every three years on a non-concurrent schedule.

iii. FTA also requires analyses of disparate impacts to minorities and disproportionate effects on low income populations before fare changes are made. Transit planning staff at SANDAG are responsible for carrying out these analyses if a fare change will involve an amendment to the Regional Comprehensive Fare Ordinance. These analyses also are required for transit service changes (new services or “major” service changes), but are performed by the transit operators. The operators, however, may require data from SANDAG in order to carry out this responsibility.

To ensure compliance with 49 CFR Section 21.5(b)(2), 49 CFR Section 21.5(b)(7), and Appendix C to 49 CFR part 21, SANDAG is required to engage in a fare equity analysis before changes to fares are implemented. The requirements for transit fare and service change analyses under Title VI and Executive Order 12898 are set forth in FTA Title VI Circular (Circular 4702.1B) and Environmental Justice Circular (Circular 4703.1). In addition, Board Policy No. 018 (Transit Service Policies) and Board Policy No. 029 (Regional Fare Policy and Comprehensive Fare Ordinance) contain important requirements imposed by the SANDAG Board of Directors that must be taken into account when SANDAG carries out its transit-related functions.

The steps of a Social Equity Impact Assessment for fare and service changes are not repeated in this Handbook. Staff should refer to Board Policy No. 018 and FTA Circulars 4072.1B and 4703.1 for guidance.

**Environmental Planning Staff** are tasked with assisting staff in the Planning and Mobility Departments with obtaining the necessary environmental permits and documentation for their projects. In many cases, environmental planning staff will want to utilize the guidance in Sections H and I of Chapter III to carry out their social equity tasks.

## **7** Environmental Planning Staff

i. **Environmental Documents and Permitting** – Planning staff in this group are tasked with assisting staff in the Planning and Mobility Departments with obtaining the necessary environmental permits and documentation for their projects. With the exception of the Regional Plan, and perhaps sales tax measures, most planning documents do not require an environmental analysis under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). Instead it is capital projects that typically require the expertise of this staff and/or consultants to create the environmental documentation required by these laws. Therefore, the bulk of the guidance for this group of Planning staff is under Pre-Construction in the next Section of this Handbook.

- ii. **Healthy Communities** – With chronic diseases, such as diabetes and asthma, increasing, the social and physical environments are important aspects of health-promotion strategies. Health is now viewed as not merely the absence of disease or infirmity, but as a state of physical, mental, and social well-being. In 2012 SANDAG published its first Healthy Communities Atlas. The Atlas is a region-wide compilation of information that is designed to compile, visualize and analyze conditions related to health and wellness in the San Diego region. The Atlas maps and GIS tool can be used to identify areas that already support health, as well as areas that need further investment in infrastructure, programs or policies. The Atlas and Health Impact Assessments (HIAs) are discussed in this Handbook because a correlation is sometimes found between the health of a community and low income or minority populations.

From time to time SANDAG may decide that a particular program or project is a good candidate for a separate HIA. For example, if a particular community has been identified to already have poor air quality as compared to the rest of the region and a project is being planned for that community that could add to that impact cumulatively, an analysis of the health impacts of the project could help decision-makers choose among project alternatives. An HIA focuses on assessing population health. It is a tool to help decision-makers recognize the health consequences of the decisions they make so they can contribute to a healthier living environment. As such, if an HIA is going to be prepared, it should be done before decisions are made about siting and other project alternatives.

Modeling and Planning staff are developing a Health Impact Assessment Tool as part of the Community Transformation Grant with the County Health and Human Services Agency that should be available for staff to use in 2014. HIAs have been used widely internationally, in places such as Europe, Canada, and Australia, but their use is still evolving in the United States. Because the nature of the action being analyzed influences the HIA, detail in these assessments can vary from a simple checklist to a more extensive review of research and other relevant information. Examples of project level HIAs are available on the internet from sources such as the Centers for Disease Control. In summary, a HIA is a voluntary process that focuses on health outcomes such as obesity, physical inactivity, asthma, injuries, and social equity. If a project manager is contemplating whether an HIA is appropriate for his/her project, the project should be discussed with SANDAG Planning Department staff with expertise in healthy community planning. The HIA may be appropriate to reference in a Social Equity Impact Assessment, the elements of which are discussed in more detail in later sections of this Handbook.







iii. **Social Equity Impact Assessments** – These Assessments are intended to be a type of framework of analysis that can determine how a proposed action or plan could differentially impact different populations. They can be used as a process to evaluate the effects of an activity on a community and its quality of life. Its information can be used to mold the plan and its projects, and provide documentation of the current and anticipated social and economic environment of a geographic area with and without the proposed action. The assessment process is generally comprised of the following steps: (1) define the project, study, or planning area; (2) develop a community profile; (3) analyze impacts; (4) identify solutions; (5) use public involvement; and (6) document findings. These steps are consistent with the steps elaborated on in FHWA’s Community Impact Assessment: A Quick Reference for Transportation, and its companion document, Community Impact Mitigation: Case Studies, published in 1998. Another resource is the Desk Guide prepared for Caltrans entitled “Environmental Justice in Transportation Planning and Investments.” These documents are part of the Resource Library, Appendix 14. The steps proposed for a Social Equity Impact Assessment in this Handbook can be found in Section I of Chapter III.

## H. Capital Project Pre-Construction (Planning, Operations and Mobility Departments)

### 1 Introduction to Pre-Construction Stage

The term “pre-construction” in this Handbook refers to the stage of a highway, transit, active transportation or other capital project in which preliminary design occurs and environmental study is carried out under the National Environmental Policy Act (NEPA) and/or the California Environmental Quality Act (CEQA). The pre-construction phase begins with planning and is continued through all other developmental phases, final design, and right-of-way acquisition. Project managers of capital projects should collaborate with Environmental Planning staff, the Office of General Counsel, and/or consultants hired to work during the pre-construction stage to implement Title VI and EJ legal requirements and procedures, when applicable.

When Planning, Operations or Mobility staff are in the pre-construction stage for a capital project they will need to consider accessibility (for all populations groups, including the disabled), cultural needs, community cohesion, safety, health impacts, relocation of housing or businesses, alternative routes and access during construction including vehicles, bicyclists and pedestrians, and other relevant factors identified in the community outreach and planning stages for their project.

Displacement and gentrification issues can be serious local concerns and so also are topics for consideration during pre-construction. When planning and designing a capital project staff should seek to preserve existing neighborhoods as much as possible, while adding density and services in a context-sensitive way. For example, efforts can be made to either provide for or ensure that there is no loss of affordable housing and jobs.

The level of detail that should be included in a Social Equity Impact Assessment during pre-construction will vary depending upon the severity and type of impacts identified and the project involved. For example, a project that is unlikely to be controversial with the public and that will utilize a statutory or categorical exemption under NEPA or CEQA will probably only need a one page social equity analysis. More information on right-sizing Assessments is covered in Chapter III(I).

There are a wide range of social equity issues for which Project managers should seek assistance from Environmental Planning staff and/or consultants during pre-construction, including: environmental documentation under NEPA/CEQA. It is highly recommended that project managers ensure that the consultants SANDAG has hired to carry out project design or environmental work are aware of the need to ensure the positive and negative impacts of the project are considered, that the project is accessible to the disabled, and the design will not negatively impact the community(ies) in which it is sited. Furthermore, project managers will need to check with Tribal Liaison staff on special issues that could arise if tribal members or property could be affected by the project.

### WHAT ROLE DOES CAPITAL PROJECT PRE-CONSTRUCTION PLAY IN SOCIAL EQUITY?

The staff of the Planning, Operations and Mobility Departments, in the pre-construction stage for a capital project, will need to consider accessibility (for all populations groups, including the disabled), cultural needs, community cohesion, safety, health impacts, relocation of housing or businesses, alternative routes and access during construction including vehicles, bicyclists and pedestrians, and other relevant factors identified in the community outreach and planning stages for their project.

A Title VI analysis and an EJ analysis both vary and overlap with each other. Both types of analysis are performed at SANDAG and so although the terms are not interchangeable, when referred to together, this Handbook aggregates these two types of analysis into a process called a “Social Equity Impact Assessment”.

If a project manager is in process of evaluating alternatives, including siting or alignment of a project, s/he will need to ensure that a Social Equity Impact Assessment is conducted before these decisions are finalized.

## 2 Social Equity Impact Assessments

This Handbook uses the term “social equity” as shorthand for an overarching goal that combines the concept of EJ in Executive Order 12898, the federal laws in Title VI, the ADA, and NEPA, and various other federal and state laws intended to promote an equitable distribution of benefits and burdens. A Title VI analysis and an EJ analysis both vary and overlap with each other. Both types of analysis are performed at SANDAG and so although the terms are not interchangeable, when referred to together, this Handbook aggregates these two types of analysis into a process called a “Social Equity Impact Assessment”. Whenever a Social Equity Impact Assessment is discussed in this Handbook it is a reference to the process described in Chapter III(I). There is no single prescribed format or length for an EJ or Title VI analysis, but if the Preliminary Decisionmaking Matrix and Social Equity Impact Assessment outline referenced in Chapter III(I) are followed, the legal requirements for both analyses should be met.

It is important to note that if a capital project is what is being analyzed, the EJ analysis, which concerns environmental burdens should be included within the CEQA/NEPA documents. The Title VI portion of the analysis should be done concurrently, but is a separate document from the CEQA/NEPA documents. The LIM versus non-LIM analysis needs to evaluate both benefits and burdens to determine if there will be a disparity.

If a project manager must work with a consultant that does not know how to conduct an EJ or Title VI analysis, the project manager should have the consultant review Chapter III(I). Additionally, the project manager can contact the Office of General Counsel for advice.

## 3 Site/Alignment Selection Process for Capital Projects

If a project manager is in process of evaluating alternatives, including siting or alignment of a project, s/he will need to ensure that a Social Equity Impact Assessment is conducted before these decisions are finalized. A project can have more than one Social Equity Impact Assessment. It might have one during planning stages, and another (or a supplement) during pre-construction. If the project involves new transit service, it might also require a service and/or fare equity analysis. FTA Circular 4702.1B now makes it clear that a Title VI analysis should be done for fare and service changes that may result from a new capital project during the design stage by the affected transit operator (it should be done about six months before revenue service begins) rather than SANDAG, but that does not mean that SANDAG does not still have to conduct a Social Equity Impact Assessment during the pre-construction stage for the capital project itself. Keep in mind that even projects that qualify for a CEQA or NEPA exemption will still require a Title VI analysis separate from an EJ analysis.

A critical step in carrying out a Social Equity Impact Assessment during the site selection or alignment decision process, is the requirement to look at alternatives. The law requiring an alternatives analysis can be found in Title 23 CFR § 771.105, a DOT regulation which requires, among other things that:



- i. Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; of the social, economic, and environmental impacts of the proposed transportation improvement; and of national, State, and local environmental protection goals.
- ii. No person, because of handicap, age, race, color, sex, or national origin, be excluded from participating in, or denied benefits of, or be subject to discrimination under any program or procedural activity required by or developed pursuant to this regulation.

Keep in mind that even projects that qualify for a CEQA or NEPA exemption will still require a Title VI analysis (that looks at minorities, but not low income impacts) separate from an EJ analysis.

Understandably, this language is pretty generic and it does not specifically mention EJ, but the language is broad enough that DOT has interpreted the law to require that an EJ and Title VI analysis be done.

FTA Circular 4702.1B provides that, “If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.” Title 49 CFR Section 21.9(b)(3) states, “In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.”

Additionally, Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters or transit amenities that do not require land acquisition or displacement of persons. For bus shelters and amenities SANDAG is supposed to make sure the amenities are evenly distributed in low income and minority (LIM) and non-LIM areas.

FTA Circular 4702.1B contains the steps FTA recommends that SANDAG follow for site or alignment selections. It calls for SANDAG to complete its Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. SANDAG also is supposed to engage in outreach to persons potentially impacted by the siting of facilities so project managers should be working actively with communications staff during this process. As discussed in more detail in Chapter III(I), which contains the step by step process that can be used for a Social Equity Impact Assessment, the analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.



SANDAG should consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

According to FTA, when evaluating potential locations of facilities, SANDAG should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts. Technical Services staff can assist with this work effort. If SANDAG determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, SANDAG may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. Staff will need to document how both tests are met; it is important to understand that in order to make this showing, SANDAG should consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

More specific guidance, with step by step descriptions of the EJ analysis needed for transit capital projects can be found in Chapters II and V of FTA Circular 4703.1. When reading Circular 4703.1, assume that each reference to NEPA is also a reference to CEQA as DOT has also made it clear that it expects EJ and Title VI analyses on all SANDAG projects regardless of funding since the agency is a federal grantee. The only real difference is the Title VI analysis for a project that is subject CEQA will be separate from the environmental document, whereas it can be included in the NEPA document. A helpful graphic from Circular 4703.1 summarizing the process is below. These steps are incorporated into the Social Equity Impact Assessment Process described in Chapter III(I) and the Outline in Appendix 6.



#### 4 Coordinating Environmental Documentation With Social Equity Impact Assessments

NEPA requires that all agencies using federal funding examine and disclose the possible and likely effects of their actions on the human environment. The term, “human environment” is used in its broadest sense to include neighborhoods, communities, and natural ecosystems. Similarly, effects on the human environment include a broad array of impacts including direct physical effects to air, water, and land, as well as less quantifiable effects, such as impacts to cultural resources, community life and land use patterns. Under NEPA, a project that has impacts or that is controversial usually necessitates the preparation of an Environmental Impact Statement (EIS), and the analogous document

under CEQA is known as an Environmental Impact Report (EIR). SANDAG projects with federal funding sometimes require preparation of a joint CEQA/NEPA environmental document. When this occurs, the environmental document is required to satisfy whichever legal requirements are the most stringent for each particular issue.

CEQA is similar to NEPA in many respects, but is broader than NEPA in some respects and narrower than NEPA in others. For example, CEQA and NEPA both require disclosure to decision-makers and the public regarding the impacts of a project, but CEQA has an additional requirement that the impacts be mitigated. On the other hand, NEPA has broader requirements than CEQA when it comes to analysis of social and economic impacts, which is relevant to SANDAG obligations with regard to carrying out a Social Equity Impact Assessment.

Under NEPA, the definition of “human environment” states that economic or social effects alone are not intended to require preparation of an EIS, however, when an EIS is prepared, the economic and social effects must be discussed if they are interrelated with the natural or physical environmental effects (40 CFR § 1508.14). The definition of “effects” also includes economic and social factors (40 CFR § 1508.8). Furthermore, under Executive Order 12898, NEPA documents must contain an EJ analysis that examines whether the action will result in a disparate impact or disproportionately adverse effect on either low income or minority populations. NEPA’s requirements can serve as a tool to assist the project manager, decision-makers, and the public in identifying EJ issues, but project managers should not think of EJ or Title VI analyses contained in a Social Equity Impact Assessment being required by NEPA. Social Equity Impact Assessments are required by different sources of law than NEPA; namely Executive Order 12898 and Title VI. **This is why even when an exemption or exclusion is available under NEPA or CEQA so that an EIS or EIR are not needed, an analysis for LIMs still needs to be performed pursuant to Title VI and the Executive Order.**

Under CEQA, economic and social changes resulting from a project are not treated as significant effects on the environment (CEQA Guidelines § 15064(f)). Effects in an EIR must be related to a physical change in the environment (CEQA Guidelines § 15358(b)). If a physical change in the environment will result in economic and social changes, which in turn will have secondary physical effects, those effects may be evaluated in the EIR, but otherwise CEQA does not require a discussion that could be called an EJ impacts analysis. So, unlike NEPA, CEQA does not require the evaluation of EJ impacts. CEQA documents typically analyze impacts of the project on people, but the analysis is not based on the income level or minority status of those people.

On the other hand, the analysis called for in Executive Order 12898 is consistent with the analysis for social and economic impacts that are to be included in NEPA environmental documents. Another commonality between NEPA and Executive Order 12898, is the requirement to review alternatives and their impacts on the human environment, including social and economic impacts. Due to this overlap, there can an alignment of the analysis with this portion of the NEPA analysis

NEPA’s requirements can serve as a tool to assist the project manager, decision-makers, and the public in identifying EJ issues, but project managers should not think of EJ or Title VI analyses contained in a Social Equity Impact Assessment being required by NEPA. Social Equity Impact Assessments are required by different sources of law than NEPA; namely Executive Order 12898 and Title VI.



Social Impact Equity Assessments are done during the pre-construction phase and before a preferred alternative is selected by decision-makers, but the documentation of that analysis is provided in a separate document from the CEQA document.

that can make it convenient to utilize the social and economic impacts analysis in the NEPA document as the analysis needed to cover the Executive Order requirements. The project manager must remember, however, that this overlap does not exist in CEQA documentation, and is not sufficient to cover the additional requirement that may apply to conducting a Title VI analysis.

Since a CEQA document does not need to contain the type of analysis that leads to a comprehensive discussion of Title VI or Executive Order issues, it is not the right location for a Social Equity Impact Assessment. Because the NEPA document can be the right place for this analysis, however, project managers get confused as to how to carry out the Social Equity Impact Assessment when the project only requires a CEQA document. The answer though is simple: all the project manager needs to remember is that the analyses are done during the pre-construction phase and before a preferred alternative is selected by decision-makers, but the documentation of that analysis is provided in a separate document from the CEQA document.

It is important that the Social Equity Impact Assessment occur before a preferred alternative is selected for a capital project. This is because if the preferred alternative is selected and then the completed analyses disclose a disparate impact or disproportionate effect on minority or low income groups, it will be too late in the process to take effective steps to analyze how to avoid, minimize or mitigate those impacts. It is true that the decision and selection of a preferred alternative should be based on how well the alternative will meet the stated purpose and need of a project. The potential for avoiding, minimizing or mitigating social, economic and environmental impacts that are likely to result from the implementation of a given alternative should be considered for any proposed alternative regardless of its ability to satisfy the purpose and need or meet the transportation goals of a given area.

If a Draft EIR or EIS will be prepared, the preferred alternative will usually not be identified in the DEIS or DEIR (but must be when one is known at the time) because selection of a preferred alternative should be deferred until the results of various analyses are understood and the public has had an opportunity to comment. The decision on the preferred alternative must be documented in the Final EIS or EIR. No matter when a preferred alternative is selected, however, it is up to the project manager to ensure the Social Equity Impact Assessment has been completed and the results provided to those making the decision on the preferred alternative.

The publication entitled “Environmental Justice Guidance Under NEPA,” published by the Council on Environmental Quality (CEQ) is a helpful reference for staff. It confirms that there is not a standard formula for how EJ issues should be identified or addressed under NEPA. The CEQ implementing regulations define environmental “effects” or “impacts” to include “ecological...aesthetic, historic, cultural, economic, social or health, whether direct, indirect or cumulative.” Neither Executive Order 12898 nor CEQ guidance, however, prescribes any specific format for examining EJ, such as designating a specific chapter or section in an EIS or EA on



EJ issues. Staff's goal should be to integrate analyses of EJ concerns in an appropriate manner so as to be clear, concise, and comprehensible within the general format suggested by 40 C.F.R. § 1502.10.

CEQ Guidance also contains the following helpful guidance concerning an alternatives analysis:

Sec. 1502.14 Alternatives including the proposed action. This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public.

Section 1502.16 Environmental consequences. This section forms the scientific and analytic basis for the comparisons under Sec. 1502.14. It shall consolidate the discussions of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in Sec. 1502.14.

The following six principles from the CEQ provide general guidance that staff can use when conducting a Social Equity Impact Assessment during the pre-construction stage to determine any disproportionately high and adverse human health or environmental effects to low-income, minority, and tribal populations. The principles are:

1. Consider the composition of the affected area, to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by the proposed action, and if so whether there may be disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, or Indian tribes.
2. Consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available. For example, data may suggest there are disproportionately high and adverse human health or environmental effects on a minority population, low-income population, or Indian tribe from the agency action. Agencies should consider these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the agency proposing the action.







3. Recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed agency action. These factors should include the physical sensitivity of the community or population to particular impacts; the effect of any disruption on the community structure associated with the proposed action; and the nature and degree of impact on the physical and social structure of the community.
4. Develop effective public participation strategies. Agencies should, as appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and should incorporate active outreach to affected groups.
5. Assure meaningful community representation in the process. Agencies should be aware of the diverse constituencies within any particular community when they seek community representation and should endeavor to have complete representation of the community as a whole. Agencies also should be aware that community participation must occur as early as possible if it is to be meaningful.
6. Seek tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United States and tribal governments, the federal government's trust responsibility to federally-recognized tribes, and any treaty rights.

Executive Order 12898 does not change the prevailing legal thresholds and statutory interpretations under NEPA and existing case law. For example, for an EIS to be required, there must be a sufficient impact on the physical or natural environment to be “significant” within the meaning of NEPA. Agency consideration of impacts on low-income populations, minority populations, or Indian tribes may lead to the identification of disproportionately high and adverse human health or environmental effects that are significant and that otherwise would be overlooked. Under NEPA, the identification of a disproportionately high and adverse human health or environmental effect on a low-income population, minority population, or Indian tribe does not preclude a proposed agency action from going forward, nor does it necessarily compel a conclusion that a proposed action is environmentally unsatisfactory. Rather, the identification of such an effect is a signal that SANDAG should heighten agency attention to alternatives (including alternative sites), mitigation strategies, monitoring needs, and preferences expressed by the affected community or population.

Consideration of existing environmental conditions and the potential for a proposed project to negatively or positively affect or impact the human environment actually begins much earlier than the pre-construction stage with the regional planning processes. (See discussion

in Chapter III(G)). In some cases the environmental documentation discussed in this section will also be applicable during some planning or policymaking activities, as well as capital projects. For example, the Regional Plan and sales tax ordinances such as *TransNet* may require development of the types of environmental documents discussed in this section. If this is the case, the project manager of such planning or policymaking activities will need to carry out the responsibilities discussed in this section of the Handbook.

Outreach efforts required by NEPA or CEQA may overlap with what public outreach efforts staff may plan with the Communication staff or a consultant to meet Public Participation Plan (Board Policy No. 25) requirements for a project. Remember to discuss LEP in the public participation and outreach portion of the NEPA/CEQA environmental document. It should also be included in either the social impacts chapter of the NEPA document or in the Social Equity Impact Assessment if a NEPA document will not be used and the demographic analysis identifies the LEP population as minority or low-income. If the LEP population is not low-income or a minority, such as Ukrainian or Basque, then this could also be documented.

This Handbook is not intended to provide information regarding how to select which type of environmental document a project will require, but if an EIR, EIS or combination thereof needs to be performed, the project manager will be required to seek meaningful input from impacted communities during each developmental stage of the environmental documentation. The table below identifies the key stages during which the project manager, working with communication staff, must ensure adequate notice and feedback opportunities to the public.

Requirement	Scoping Process	Draft Document	Final Document	Decision
NEPA	Notice of Intent	Draft EIS	Final EIS	Record of Decision
CEQA	Notice of Preparation	Draft EIR	Final EIR	Notice of Determination

Since SANDAG goals include working to ensure its projects fit harmoniously within the community and the natural environs as well as taking steps to ensure its projects are carried out in an equitable manner, all projects should be analyzed for positive and negative impacts to Communities of Concern, no matter what type of environmental documentation may occur during the pre-construction phase. Thus, even if a project will not require an EIR or EIS, it does not mean that a project manager can skip the Social Equity Impact Assessment. Certain types of SANDAG projects qualify for exemptions or exclusions from CEQA or NEPA, or require a lesser form of documentation. The following table shows some of these variables in environmental documentation requirements.



<b>NEPA</b>	Categorical Exclusion	Environmental Assessment	Finding of No Significant Impact
<b>CEQA</b>	Categorical/Statutory Exemption	Initial Study	Negative Declaration or Mitigated Negative Declaration

Ask the community in the area that will be affected by the project, program or service being analyzed to help you identify appropriate avoidance, minimization, mitigation, and enhancement measures. Document their responses and how their responses were addressed in the Assessment.

Remember, no matter which of these documents is used, they should include appropriate measures to mitigate for significant adverse environmental impacts. Environmental commitments, such as noise barriers, joint use facilities, replacement housing and others should be monitored to assure that these mitigative measures are included in the design plans and the construction of the project. Consider the fairness in distribution of avoidance, minimization, mitigation and enhancement measure between LIM and non-LIM populations. When considering these measures for LIM population versus the entire project area, keep in mind that the measures should be proportional to the level of effect on each. Ask the community in the area that will be affected by the project, program or service being analyzed to help you identify appropriate avoidance, minimization, mitigation, and enhancement measures. Document their responses and how their responses were addressed in the Assessment.

In addition, when one of the forms of environmental documentation shown in the above table will not be used, the project manager will still need to document that a Social Equity Impact Assessment has occurred. The difference is, the analyses will need to be contained in a separate document from the environmental document, and will likely be much less robust in the case of projects that don't need an EIS or EIR. Right-sizing the Social Equity Impact Assessment documentation is discussed in Chapter III(I) of this Handbook.

Furthermore, no matter what type of environmental laws and documentation may be required for a project, the project manager will always need to keep in mind his/her responsibility to ensure meaningful public involvement in the decision making process. In other words, even if a project does not merit an EIR or EIS and will instead require simple documentation in the form of a categorical exemption/exclusion, it is up to the project manager to determine how communities may be impacted by the project. The project manager should work with communications staff and visit the potential site(s)/alignment(s) of the project to understand those impacts and then provide notice and feedback opportunities for those communities.



## I. Social Equity Impact Assessments (All Departments)

- 1 Social Equity Impact Assessments are a tool that can be used by project managers, decision-makers and the public to understand the positive and negative impacts of a project on various communities, including Communities of Concern. Social Equity Impact Assessments, whether documented in a NEPA environmental document or separate documentation, should include a compilation and analysis that contains the elements in the Social Equity Impact Assessment Process Outline located in Appendix 6. Guidance concerning how to progress through the steps of the Outline that are not discussed elsewhere in the Handbook are contained in this Section. This Section also contains “right-sizing” guidance to help project managers decide how comprehensive and lengthy the Assessment documentation should be. In some cases, the documentation may be fairly brief, in which case the Social Equity Determination Letter template in Appendix 7 may be helpful. If the Assessment will not be part of a NEPA document, the project manager should plan to either self-perform the Assessment with the assistance of staff shown in the SANDAG Social Equity Program Organizational Structure contained in the Introduction to this Handbook, or have a consultant conduct the steps of the Assessment.
- 2 Before a project manager begins a Social Equity Impact Assessment s/he should consider the following key factors influencing a Social Equity Impact Assessment:

- a. The selection of the benefits and burdens to be evaluated;
- b. The identification of the Communities of Concern;
- c. The choice of spatial scale for the analysis;
- d. The choice of comparison populations;
- e. The choice of impact thresholds for identifying disproportionately high and adverse impacts; and
- f. The manner in which data uncertainty will be addressed.

Keep in mind that impact thresholds (threshold measurement at which an impact will be considered significant) need to be selected with care and the reason(s) for the selection of a threshold will need to be documented in the Assessment or Letter. If the activity on which the Assessment is performed will be subject to environmental documentation under NEPA or CEQA, it is important that the thresholds selected will not conflict with the thresholds of significance identified in the environmental documentation.

If the activity on which the Assessment is performed will be subject to environmental documentation under NEPA or CEQA, it is important that the thresholds selected will not conflict with the thresholds of significance identified in the environmental documentation.

**NOTE:** Not all SANDAG projects require the preparation of a lengthy Social Equity Impact Assessment on a particular subject to adequately address project effects. Project managers can use the Preliminary Decisionmaking Matrix (on pg. 75) to help reach some initial conclusions on whether to prepare a lengthier Social Equity Impact Assessment versus a Social Equity Determination Letter for the project file.

### 3 Social Equity Impact Assessment Documentation

#### i. Introduction

Not all SANDAG projects require the preparation of a lengthy Social Equity Impact Assessment on a particular subject to adequately address project effects. The Preliminary Decisionmaking Matrix (Matrix) is provided to help project managers reach some initial conclusions before using the Social Equity Impact Assessment Process Outline (Outline) and deciding on whether to prepare a lengthier Social Equity Impact Assessment (Assessment) versus a Social Equity Determination Letter (Letter) for the project file.

#### ii. Scaling the Documentation

Comprehensive Assessments should be completed when effects to Communities of Concern are expected, the project manager is unsure of any of the activity's effects, or when the activity is expected to cause public controversy. If an Assessment is necessary, the project manager should right-size the social equity analysis according to the level, type and intensity of effects.

If there are no LIM populations in the study area or there are LIM populations, but there are no disproportionate effects, a Letter to the project file that includes demographics along with other documentation may take the place of a full Assessment. A template for the Letter is in Appendix 7. If an Assessment is required and a NEPA document is prepared, the Assessment can be included in the body of or in an appendix to the NEPA document. If an Assessment is appropriate and a CEQA document is prepared, the Assessment should not be included in the CEQA document. The Assessment should be prepared concurrently time-wise with the CEQA document, but should be a stand-alone document entitled Social Equity Impact Assessment.

The Matrix is designed to help project managers reach some initial conclusions regarding the need for an Assessment and to help project managers identify what breadth of documentation is appropriate. Once the Matrix is utilized, the project manager can proceed with using the Outline. Using the Matrix and Outline requires professional judgment. The facts of any particular activity may not fit neatly within the examples given in the Matrix or Outline and will require the project manager to use best professional judgment. Project managers can consult with other SANDAG staff, including the Executive Team and Office of General Counsel, to agree on the appropriate level of documentation.

#### iii. Determining if the Project Is Exempt from Environmental Analysis

The first step in using the Matrix is to determine whether the proposed activity is exempt. Not all SANDAG activities require NEPA/CEQA documentation and NEPA and CEQA contain exemptions for some of the types of projects SANDAG carries out.

If an activity is exempt, excluded or excepted from these environmental laws concerning the physical environment, it is unlikely, but still possible that it will result in disproportionately high and adverse effects on LIM populations, so the Matrix should be still be used. This is because there may be protected social impacts that could result in disproportionately high and adverse effects on low income or minority populations even when an activity does not require a full environmental analysis under one of these laws. In addition, if an activity is statutorily exempt from CEQA, it might still have a significant environmental impact even though a statutory exemption applies.



#### iv. Preliminary Decisionmaking Matrix

Work through the questions in the Matrix on page 75 to help determine whether an activity's effects on LIM populations should be documented in a right-sized Assessment or Letter. Remember, an activity's effects can be both positive and negative and the negative effects may be balanced out by the positive ones so documenting both types is important. Also remember that the term "project" in NEPA/CEQA includes development of new programs and services or substantial changes to those programs or services. This Matrix should also be used for activities such as development of a Regional Plan, or changes to tolls or FasTrak user procedures.

Keep in mind that the area of effects (study area) is defined as the furthest limits of potential activity effects on LIM populations or whatever broader set of Communities of Concern has been selected. If the activity has an environmental document that contains a social and economic impacts chapter, the study areas should match each other. For a capital project these boundaries will likely extend further than the physical limits of the project, often  $\frac{1}{2}$  mile from center line, and may be different during construction than during post-construction or operations. For example the beach sand project will perhaps have an area of effects within a  $\frac{1}{2}$  mile of the beach nourishment sites, but have a much broader area of impact post-construction since the project benefits are arguably region-wide. For a tolling project, the project manager may need to establish a travelshed as well as a study area. The purpose of a travelshed is to identify the users of the facility so the effects on users can be identified.

For transit projects FTA has made recommendations for the study area used to determine social equity impacts on ridership. Those include Census blocks within  $\frac{1}{4}$  mile walk of bus stops,  $\frac{1}{2}$  mile of walk of rail stops, and a 3-5 mile drive of rail systems with parking facilities. The project manager can select a different study area than those FTA suggests, but should document why the data supports a contrary area.

Since many activities/projects change over the course of the planning and design process, it is important to occasionally re-evaluate the answers to these questions. Public controversy or cumulative effects could make an Assessment rather than a Letter appropriate, even if other effects are minor.

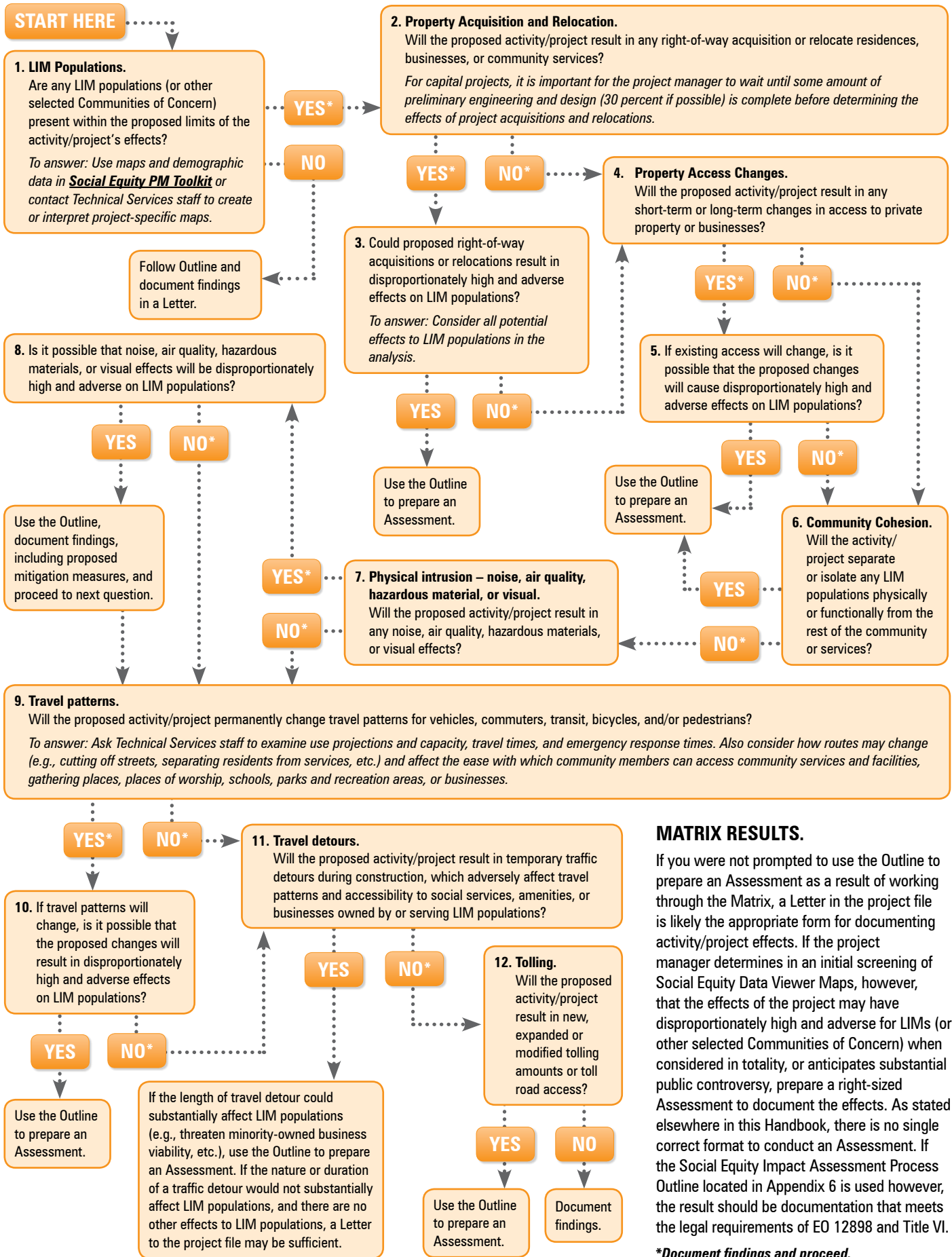
The Matrix is a step-wise screening approach that uses a series of questions with yes or no answers to provide direction. Normally, the Matrix is applied at the start of an activity/project during scoping. Since many activities/projects change over the course of the planning and design process, it is important to occasionally re-evaluate the answers to these questions. Public controversy or cumulative effects could make an Assessment rather than a Letter appropriate, even if other effects are minor.

- 4 The first step in the Social Equity Impact Assessment Outline is to develop a community characteristics inventory for the activity by looking at the following characteristics and others in the communities that could be impacted by the activity:

- a. Large-scale senior housing developments
- b. Congregate care facilities
- c. Schools
- d. Hospitals
- e. Day care centers (for children or senior citizens)
- f. Nursing homes
- g. Places of worship
- h. Grocery stores
- i. Section 8 and public housing
- j. Small businesses owned by low income or minority persons
- k. Physical barriers, such as freeways, railroad tracks, bodies of water, bridges.
- l. Car ownership statistics.
- m. Ridership on existing bus routes in the service area.
- n. Examine impact of haul routes for construction.
- o. Existence of toll roads, bridges, and tunnels, and other measures and devices with an economic impact.
- p. Past construction in the impacted community – has this community had to deal with ongoing or high-impact construction in its recent past?
- q. Cumulative impacts



# Preliminary Decisionmaking Matrix



## MATRIX RESULTS.

If you were not prompted to use the Outline to prepare an Assessment as a result of working through the Matrix, a Letter in the project file is likely the appropriate form for documenting activity/project effects. If the project manager determines in an initial screening of Social Equity Data Viewer Maps, however, that the effects of the project may have disproportionately high and adverse for LIMs (or other selected Communities of Concern) when considered in totality, or anticipates substantial public controversy, prepare a right-sized Assessment to document the effects. As stated elsewhere in this Handbook, there is no single correct format to conduct an Assessment. If the Social Equity Impact Assessment Process Outline located in Appendix 6 is used however, the result should be documentation that meets the legal requirements of EO 12898 and Title VI.

**\*Document findings and proceed.**



Remember, the order of priority for the project manager is to start by attempting to avoid a negative impact. Only if avoidance is not feasible, should the project manager look at minimizing the impact, followed by investigation of mitigation measures.

The project manager should become aware of other actions that have occurred in the impacted area and of how these actions were perceived by members of the community. The project manager should effectively utilize public involvement techniques to identify issues of discriminatory potential as early as possible in the project development process. The project manager should study avoidance, minimization, mitigation and enhancement strategies, working with the affected community on the specifics as a definite proposal begins to take shape. Remember, the order of priority for the project manager is to start by attempting to avoid a negative impact. Only if avoidance is not feasible, should the project manager look at minimizing the impact, followed by investigation of mitigation measures. It is very important that a project manager “walk” the communities or areas that will be impacted by a project. If the activity affects a broad area, driving may be appropriate, and if it is an active transportation project, biking the area may provide the best insights. Without seeing the neighborhoods and businesses first-hand, and meeting with community members, it may be very difficult to identify the particular needs of the affected populations; identify pockets of poverty, small businesses, cultural resources, or clusters of Communities of Concern; or conduct meaningful outreach.

- 5 Remember that a Social Equity Impact Assessment is intended to identify beneficial impacts such as increased access to facilities/services and upgrading of affected communities, reduction in cut-through traffic or congestion within communities; use of local businesses to construct or operate the project; creation of parks, bike or walking paths, enhanced transit access, creation of jobs; and reduction in air quality impacts. The project manager also should make sure that the Assessment identifies adverse impacts such as: diminished access to facilities/services; disruption of community cohesion; disruption of people, businesses and farms; changes in tax base and property values; traffic and noise; relocation of residences and businesses; and diminished quality of the water, air, or natural environment used by residents. Keep in mind that the analysis in the Assessment should include more than residential effects. Businesses, social and cultural resources should also be examined for disproportionate, adverse effects. It is particularly important to identify businesses that are minority owned, employ a large number of minority workers, or serve specific minority or low-income populations.

Public comment and outreach will help a project manager identify these positive and negative impacts and mitigation measures the impacted communities would prefer. The Technical Services staff can assist project managers in looking at cumulative impacts through use of the Environmental Protection Agency’s EnviroJustice tool or other tools that may developed. It may be the net results of offsetting benefits and mitigation against burdens that will be the most critical element for an equitable final decision on a proposed project.

It also is important to remember that even if a project will require little or no CEQA or NEPA documentation, SANDAG is supposed to complete a social equity analysis during the planning/pre-construction stage to determine if the project could have disparate impacts on low



income or minority populations. If it will have such impacts, SANDAG may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and there are no alternative locations that would have a less adverse impact on members of a group protected under Title VI. Examples of such projects include vehicle storage facilities, parking lots, and maintenance and operations facilities.

- 6 An example of a draft analysis performed for a project that did not end up moving forward as originally planned and that was covered by an exemption is the downtown bus layover facility. The social equity analysis document for this project was fully developed prior to the project being changed and thus it can be used as an example of what a right-sized Assessment might look like for a project without an EIR/EIS. The Draft Downtown Bus Parking Lot (Layover Facility) Title VI Analysis can be found in Appendix 8.





## J. Right-Of-Way, Construction, and Post-Construction (Mobility Department)

### 1 Right-of-Way Oversight

- i. While the pre-construction phase of a capital project is in progress, the right-of-way phase is initiated if additional real property will be needed for the project during construction or operations. Title VI requirements of nondiscrimination apply during all phases of the right-of-way process (See 49 CFR Part 21 Appendix C). Certain activities, such as preparation of an abstract of title and consideration of hardship and protective buying, may be underway while the environmental documents are being processed. The design work must be finished and, if people are affected, relocation planning must be completed before proceeding with actions that will cause displacement. Right-of-way functional activities include appraisal of all properties to be purchased, negotiation with property owners, acquisition of the property, management of the property acquired, relocation of people and businesses and the adjustment of utilities. Replacement housing must be made available to all displaced persons before FHWA, FTA or FRA will authorize advertising for construction bids.
- ii. Appraisal activity should comply with Title VI, nondiscrimination in federally assisted programs and Title VII, and EEO laws. When contract appraisers are hired, the contracting and assignment process must be done without restriction as to race, color, national origin, sex, age, or disability. Available and qualified minority and/or disadvantaged appraisers must be included in the hiring process. Excessive qualifications standards may impose unacceptable barriers. Information gathering, analysis and reporting must be objective, without regard to race, color, national origin, sex, age, or disability. Appraisal reports should not reflect bias by including unfounded statements, inappropriate data, prejudicial analysis or misleading conclusions. Such practices are unethical and illegal. The same concerns may apply to appraisal review reports.
- iii. To meet Title VI requirements, all relocation services and payments must be provided without discrimination. In determining the location of replacement properties made available to the displacee, SANDAG must also ensure that the selection process is conducted without discrimination. Persons who are required to move from their homes due to a Federal or federally assisted project should be provided advisory assistance in relocating to decent, safe and sanitary replacement dwellings. Owners and tenants of displaced businesses, farms and nonprofit organizations are to be provided similar assistance in obtaining suitable replacement properties. Advisory assistance includes those measures and services necessary to determine the relocation needs and preferences of persons displaced and an explanation of the relocation payments and other assistance

### WHAT ROLE DOES THE MOBILITY DEPARTMENT PLAY IN SOCIAL EQUITY?

The Mobility Department plays an important role in social equity through Right-of-Way Oversight, Construction Oversight, and Contractor/Consultant Monitoring.

for which such persons may be eligible. Assistance also includes providing current and continuous information on the availability, purchase prices and rental costs of comparable dwellings or suitable replacement properties for businesses, farms or nonprofit organizations. Relocation benefits provided to displacees includes the provision of relocation payments.

In addition to prohibitions against discrimination, the relocation regulations also provide affirmative provisions to ensure equal treatment of displacees and to ensure that assistance will be given to those in special need. Examples of these provisions are as follows: when possible, without the expenditure of a larger payment than is necessary to relocate to comparable housing, minorities will be given the opportunity to relocate to replacement dwellings not located in areas of minority concentration, that are within their financial means; and all persons, especially the elderly and disabled, should be offered transportation to inspect housing to which they are referred.

## **2** Construction Oversight

i. In the construction phase of a capital project, staff should implement mitigation measures developed during the pre-construction phases. During that stage, staff and/or consultants should have considered whether the project construction would create substantial safety, health impacts, or disruption of services or businesses. Even if these impacts will be relatively short-lived in nature, they should be considered and analyzed to ensure a particular Community of Concern will not suffer an unfair amount of the burden. If burdens on certain groups are found, additional mitigation measures may be necessary. Some ideas for mitigation of health impacts to all social groups that may be appropriate during construction are described in Appendix 9. Staff should consult with Environmental Planning staff if assistance is needed in implementing mitigation for impacts and the communications staff for help with public meetings, fliers or signage to alert the communities that will be impacted during construction.

ii. Project managers in the construction phase are responsible for monitoring changes to the design after the pre-construction phase that could affect the measures identified in the planning or pre-construction phases that call for avoidance, minimization or mitigation of impacts. Project managers in this phase are also responsible for monitoring and completion of mitigation measures described in the environmental document and/or Social Equity Impact Assessment. Typical measures include:

1. Restoration of circulation and pedestrian patterns for disrupted communities.
2. Provision of relocation assistance and advisory services, replacement housing and payments for moving displaced families and businesses.



3. Provision for maximum retention of existing trees and shrubs included in grading plans for ramp areas and along right-of-way.
4. Provision for last resort housing.
5. Provision of traffic control.
6. Improvements in traffic signalization and street lighting.
7. Establishment of priorities for employment, training and contracting opportunities for residents of the affected community.
8. Provision of noise barriers and buffer zones.
9. Provision of landscaping.
10. Functional replacement of publicly-owned facilities displaced by the project.
11. Coordination with community development agencies to implement jointly funded initiatives.
12. Coordination with community groups and community leaders, including those representing small business owners or communities of concern. Use of DBE and other small businesses to construct the project.

These monitoring efforts should be documented. The documentation should be used so that the impacts can be monitored and communicated to the public as needed. Furthermore, the documentation should establish that the mitigation measures are effective.

### **3 Contractor/Consultant Monitoring**

In addition to the monitoring and enforcement of required mitigative measures included in the environmental documents, project manager monitoring responsibilities include the sampling and testing of all materials for acceptance, and contractor compliance with prevailing wage, EEO provisions, and DBE program requirements. SANDAG contract templates contain the necessary language to inform consultants and contractors of EEO, DBE, and prevailing wage requirements. Advice on these provisions and monitoring and enforcement can be obtained from the Director of Administration, the Small Business Manager, and the Office of General Counsel.

### **4 Public Contact Generally**

It is not uncommon for Mobility Staff or contractor/consultant personnel working for SANDAG during right-of-way, pre-construction, and construction stages of a project to come into contact with the public. Mobility staff should work with Communications staff to ensure written and oral communications are provided in other languages in the event the impacted public have limited English proficiency.





## K. Operations (Executive Team and Operations Department)

### 1 Introduction

Operations and TDM staff have responsibility for making changes that can affect the types of services provided to the public or the public’s access to SANDAG services, such as for Transportation Demand Management (511, carpools, vanpools, etc.), Service Authority for Freeway Emergencies (SAFE) and Freeway Service Patrol. Also, this staff is responsible for services related to FasTrak transponders and toll road operation. Changes to these services that may affect accessibility by low income, minority or disabled populations can trigger the need for a Social Equity Impact Assessment. Operations staff will need to consider the potential positive and negative impacts of the proposed action on various social groups, including persons with Limited English Proficiency. Communications staff should be consulted for assistance with determining whether Operations changes will require community outreach or translation into another language. Staff for these programs and at SANDAG Operations provide customer service and have constant contact with the public. It is particularly important that these staff are aware of how to assist and communicate with disabled persons and LEP populations.

### 2 Operational Changes to Toll Roads and Managed Lanes

Review of the LIM populations impacted by a proposed toll road or managed lane operational change should be conducted in order to ensure inequity will not result. A sample of what such an analysis could include can be found in the SR 125 Toll Decrease Social Equity Impact Assessment (Appendix 10). Likewise, if access to transponder purchase sites will be changed an analysis should be performed. A sample of what such an analysis could include can be found in the Social Equity Analysis for Adding SR 125 Toll Road Transponder Sales Locations (Appendix 11). If operational changes will include tolling equipment installation, lane modifications, or other construction, staff should utilize the guidance in Chapter III, Sections H – J of this Handbook.

### 3 Customer Service

Multi-language phrase books and “I Speak” cards are available from communications staff and should be used by staff in toll operations, receptionists, FSP tow truck drivers and other staff that work with the public. (“I Speak” Samples can be found in Appendix 12.) Staff with skills in languages other than English and translators should be utilized when needed. The communications staff maintains a list of persons at SANDAG who speak languages other than English that are willing to help with translations. In addition, materials containing information for the public regarding their rights or on how to access SANDAG services may need to be translated, whether in audio or written form. Communications staff can assist with these efforts too. A project manager contemplating changes to a policy or procedure that affects SANDAG customers may need to give advance notice to customers of the changes. If so, the project manager should consult with the Office of General Counsel. If the documents are

## WHAT ROLE DOES OPERATIONS PLAY IN SOCIAL EQUITY?

Operations and TDM staff have responsibility for making changes that can affect the types of services provided to the public or the public’s access to SANDAG services, such as for Transportation Demand Management (511, carpools, vanpools, etc.), Service Authority for Freeway Emergencies (SAFE), Freeway Service Patrol, FasTrak, and toll road operation.



considered “vital” documents under the SANDAG Language Assistance Plan, the notices and procedures themselves may also need to be translated.

#### **4 Accommodation for Persons with Disabilities**

The ADA requires that SANDAG communications with individuals with disabilities are as effective as communications with others. Customer service and reception staff as well as others whose job entails contact with the public should be aware that SANDAG can and should provide appropriate auxiliary aids and services for people with disabilities (e.g., qualified interpreters, notetakers, computer-aided transcription services, assistive listening systems, written materials, audio recordings, computer disks, large print, and Brailled materials) to ensure that individuals with disabilities will be able to effectively communicate. Staff can often communicate effectively with individuals who are deaf or hard of hearing through standard written materials and exchange of written notes. For simple transactions like paying bills or filing applications, these methods may be sufficient. For more complex or extensive communications, however, such as public meetings, interpreters or assistive listening systems are likely to be necessary. SANDAG has teletypewriter (TTY) equipment at its main reception desk for persons with hearing disabilities and all written or electronic information provided to the public should contain the TTY number, which is (619) 699-1904.

#### **5 Monitoring of Services**

Staff should monitor the effectiveness of SANDAG operational programs and services and track the distribution of its services to determine whether the benefits of those services are being equitably distributed among Communities of Concern. For example, are the vanpool subsidies being distributed broadly throughout the region? Are there corridors with gaps of FSP that could lead to an argument that LIM communities are not receiving an equitable amount of these services? In addition, staff involved in operations should track contacts from LEP persons requesting assistance and from disabled persons seeking accommodations. These tracking logs can then be used to update the SANDAG Title VI Plan and Language Assistance Plan.

#### **6 Collection of Data**

Operations staff should use surveys and other tools to gather information regarding the users of SANDAG services. Information that should be collected includes racial, income, and LEP data. This information is needed in order to carry out Social Equity Impact Assessments prior to service change decisions.



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## YOUR RIGHTS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND THE AMERICANS WITH DISABILITIES ACT OF 1990

### What is Title VI of the Civil Rights Act?

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive federal financial assistance. This also includes other civil rights provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial aid.

Pursuant to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and other non-discrimination authorities, it is the policy of the San Diego Association of Governments (SANDAG) that discrimination on the grounds of race, color, national origin, disability/handicap, sex, age or income status shall not occur in connection with programs or activities receiving federal financial assistance.

In operating federally-assisted programs, Title VI prohibits SANDAG from discriminating either directly or through contractual or other means by:

- Denying programs, services, financial aids or other benefits.
- Providing different programs, services, financial aids or other benefits, or providing them in a manner different from that provided to others.
- Segregating or separately treating individuals or groups in any matter related to the receipt of any program, service, financial aid or benefit.
- Denying person(s) the opportunity to participate as a member of a planning, advisory or similar body on a discriminatory basis.
- Denying person(s) the opportunity to participate in the program through the provision of services, or affording

the opportunity to do so differently from those afforded others.

### Environmental Justice

In 1994, President Clinton signed Executive Order 12898: Federal Action to Address Environmental Justice in Minority Populations and Low-income Populations, which focused attention on Title VI by providing that, “each agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low income populations.”

### Title VI and Limited English Proficiency

The federal government, and those receiving assistance from the federal government, must take reasonable steps to ensure that persons of Limited English Proficiency (LEP) have meaningful access to the programs, services and activities of those entities. This means that SANDAG will create solutions to address the needs of this ever-growing population of individuals for whom English is not their primary language.

### Who is a LEP person?

Persons who do not speak English as their primary language and have a limited ability to read, speak, write or understand English may be considered Limited English Proficient or LEP. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Anyone requiring assistance may contact SANDAG.

### What is the Americans with Disabilities Act?

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990, Government Code Section 11135, and other applicable

codes, SANDAG does not discriminate against qualified individuals on the basis of disability in admission to, access to, or operations of its programs, services, and activities. SANDAG provides programs, services, and activities that are readily accessible to and usable by individuals with disabilities including:

- *Effective Communications* - Upon request, SANDAG provides appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in SANDAG programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
  - *Modification to Policies and Procedures* – SANDAG will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcome in SANDAG offices, even where pets are generally prohibited.
  - *Accessibility* – SANDAG ensures that when it constructs public works facilities that those facilities are constructed in compliance with ADA so that they are accessible to persons with disabilities. In addition, SANDAG ensures that its public meetings are held in facilities that can accommodate persons with disabilities.
- The ADA does not require SANDAG to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

# TITLE VI & ADA YOUR RIGHTS

from SANDAG employees will be handled in accordance with the established procedures of the SANDAG Employee Handbooks by the SANDAG ADA Coordinator. Discrimination complaints from SANDAG applicants for employment will be handled in accordance with the established procedures in SANDAG Board Policy No. 009 by the SANDAG ADA Coordinator and Office of General Counsel.

### Consumers of SANDAG services

Consumer complaints and grievances will be handled in accordance with the provisions of the Rehabilitation Act of 1973 and the ADA as amended. Information on making a complaint may be obtained from SANDAG Board Policy No. 009, which can be found at sandag.org/legal or obtained from SANDAG using the contact information in this notice.

### CONTACT INFORMATION

Questions, concerns or complaints regarding Title VI or the ADA with regard to SANDAG programs, services and/or activities may be forwarded to

The SANDAG ADA Coordinator  
and Office of General Counsel  
401 B Street, Suite 800, San Diego, CA 92101  
Voice phone (619) 699-1900  
TTY (619) 699-1904

This notice can be made available in alternate format as a reasonable accommodation by contacting the SANDAG ADA Coordinator.

**What discrimination is prohibited by Title VI and the ADA?**  
Discrimination is an act (action or inaction), whether intentional or unintentional, through which a person or group, solely because of race, color, national origin, disability, sex, age, or income status has been otherwise subjected to unequal treatment or impact, under any program or activity receiving federal financial assistance.

**Who may file a complaint?**  
A complaint may be filed by any individual or group who believes they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability, and/or income level. The complaint may be filed by the affected party or representative and must be received in writing.

**How to file a complaint**  
You may submit a complaint in accordance with the procedures in SANDAG Board Policy No. 009, which can be found at sandag.org/legal or obtained from SANDAG using the contact information in this notice.

**What if SANDAG retaliates against me for asserting my rights or filing a complaint?**  
SANDAG is prohibited from retaliating against you or any person because he or she reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI or the ADA.

**Employment**  
SANDAG does not discriminate on the basis of race, color, national origin, sex, age, disability, income level, or other grounds prohibited by law in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA and the Fair Employment and Housing Act. Discrimination complaints



UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964  
AND THE AMERICANS WITH DISABILITIES ACT OF 1990



## SUS DERECHOS SEGÚN EL TÍTULO VI DE LA LEY DE DERECHOS CIVILES DE 1964 Y LA LEY DE ESTADOUNIDENSES CON DISCAPACIDAD DE 1990

### ¿Qué es el Título VI de la Ley de Derechos Civiles?

El Título VI de la Ley de Derechos Civiles de 1964 (Civil Rights Act) se refiere a la ley federal que protege a las personas y grupos contra la discriminación por motivos de raza, color y país de origen en programas y actividades que reciben ayuda financiera federal. Esto también incluye otras disposiciones de derechos civiles de leyes federales y autoridades relacionadas, en la medida que prohíban la discriminación en programas y actividades que reciben ayuda financiera federal.

De conformidad con el Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987 (Civil Rights Restoration Act) y otras autoridades de no discriminación, es la política de la Asociación de Gobiernos de San Diego (SANDAG, por sus siglas en inglés [San Diego Association of Governments]), que la discriminación por motivos de raza, color, país de origen, discapacidad o incapacidad, sexo, edad o situación de ingresos, no tendrá lugar en relación con los programas y actividades que reciban ayuda financiera federal.

En la conducción de programas con ayuda federal, el Título VI prohíbe a SANDAG discriminar en forma directa o a través de medios contractuales u otros, mediante:

- La negación de programas, servicios, ayuda financiera u otros beneficios.
- La prestación de programas, servicios, ayuda financiera u otros beneficios distintos o prestarlos de una manera distinta a la que se les proporcione a los demás.
- La segregación o un trato de separación hacia personas o grupos en cualquier asunto relacionado con la recepción de cualquier programa, servicio, ayuda financiera o beneficio.
- La negación a las personas de la oportunidad de participar como miembro de una planificación, asesoría u organismo similar sobre una base de discriminación.

- La negación a las personas de la oportunidad de participar en el programa a través de la prestación de servicios u ofrecer la oportunidad de hacerlo de manera distinta a la permitida a los demás.

### Justicia ambiental

En 1994, el presidente Clinton firmó la Orden Ejecutiva 12898: Acciones federales para abordar la justicia ambiental en las poblaciones minoritarias y poblaciones de bajos ingresos (Federal Action to Address Environmental Justice in Minority Populations and Low-income Populations), que se centra en el Título VI y estipula que, "Cada organismo tendrá como parte de su misión el logro de la justicia ambiental mediante la identificación y atención, según corresponda, de los efectos desproporcionadamente altos y adversos para la salud humana o el ambiente de sus programas, políticas y actividades sobre las poblaciones minoritarias y de bajos ingresos".

### Título VI y dominio limitado del idioma inglés

El gobierno federal y las personas que reciben su ayuda, deben tomar las medidas razonables para garantizar que las personas con dominio limitado del idioma inglés (LEP [Limited English Proficiency]) tengan un acceso significativo a los programas, servicios y actividades de esas entidades. Esto significa que SANDAG creará soluciones para abordar las necesidades de esta población en continuo crecimiento de personas cuyo idioma materno no es el inglés.

### ¿Qué personas tienen un dominio limitado del idioma inglés?

Las personas que no hablan el inglés como su lengua materna y tienen una capacidad limitada para leer, hablar, escribir o comprender el inglés, se pueden considerar que tienen un dominio limitado del idioma inglés o LEP. Estas personas pueden tener derecho a ayuda idiomática en relación con un tipo particular de servicio, beneficio o reunión. Todas las personas que necesiten ayuda pueden comunicarse con SANDAG.

### ¿Qué es la Ley de Estadounidenses con Discapacidad?

De conformidad con los requisitos del Título II de la Ley de Estadounidenses con Discapacidad de 1990 (ADA, por sus siglas en inglés [Americans with Disabilities Act]), la Sección 11135 del Código Gubernamental y otros códigos aplicables, SANDAG no discrimina a las personas calificadas sobre la base de discapacidad en la admisión, acceso ni operaciones de sus programas, servicios ni actividades.

- SANDAG proporciona programas, servicios y actividades que son de acceso fácil y que pueden usar las personas con discapacidades como:
- Comunicaciones eficaces: A solicitud, SANDAG proporciona la ayuda y los servicios apropiados conducentes a una comunicación eficaz para las personas calificadas con discapacidades, de manera que puedan participar equitativamente en los programas, servicios y actividades de SANDAG, como son los intérpretes de lenguaje de señas especializados, documentos en Braille y otras formas de hacer la información y las comunicaciones accesibles para las personas que tienen deficiencias del habla, auditivas o de la vista.
- Modificación de políticas y procedimientos: SANDAG hará todas las modificaciones razonables a las políticas y procedimientos para garantizar que las personas con discapacidades tengan igualdad de oportunidades para disfrutar de todos sus programas, servicios y actividades. Por ejemplo, las personas con animales de servicio son bienvenidas a las oficinas de SANDAG, incluso donde por lo general las mascotas están prohibidas.
- Accesibilidad: SANDAG garantiza que cuando construya instalaciones de obras públicas, estas serán construidas de conformidad con la Ley ADA, de manera que sean accesibles para las personas con discapacidades. Además, SANDAG garantiza que sus reuniones públicas

se realicen en instalaciones que puedan alojar a personas con discapacidades.  
La Ley ADA no obliga a SANDAG a emprender ninguna acción que alterase fundamentalmente la naturaleza de sus programas o servicios ni que impusiera una carga financiera o administrativa excesiva.

**¿Qué discriminación está prohibida por el Título VI y la Ley ADA?**

La discriminación es un acto (acción o inacción), ya sea intencional o sin intención, a través del cual una persona o grupo, exclusivamente por motivos de raza, color, país de origen, discapacidad, sexo, edad o situación de ingresos, ha sido sometido a un trato o afectación desigual, en cualquier programa o actividad que reciba ayuda financiera federal.

**¿Quién puede presentar una queja?**

Cualquier persona o grupo de personas que estime que ha sido objeto de discriminación o represalias por motivos de raza, color, país de origen, sexo, edad, discapacidad y nivel de ingresos, puede presentar una queja. La queja la puede presentar la parte afectada o un representante y debe ser por escrito.

**Cómo presentar una queja**

Puede presentar una queja de acuerdo con los procedimientos de la Política N.º 009 de la junta directiva de SANDAG, la cual se puede encontrar en sandag.org/legal u obtener de SANDAG mediante la información de contacto en este aviso.

**¿Qué ocurre si SANDAG toma represalias en mi contra por hacer valer mi derecho a presentar una queja?**

SANDAG tiene prohibido tomar represalias contra usted o cualquier otra persona por el hecho de denunciar una política o práctica ilegal, o presentar cargos, testificar o participar en cualquier queja, amparados en el Título VI o la Ley ADA.

**Empleo**

SANDAG no discrimina sobre la base de raza, color, país de origen, sexo, edad, discapacidad, nivel de ingresos ni otros fundamentos prohibidos por ley, en

sus contrataciones ni prácticas de empleo y cumple con todos los reglamentos promulgados por la Comisión de Igualdad de Oportunidades de Empleo de EE.UU., según el Título I de la Ley ADA y la Ley de Igualdad en el Empleo y la Vivienda (Fair Employment and Housing Act). Las quejas por discriminación de los empleados de SANDAG serán manejadas de acuerdo con los procedimientos establecidos en los Manuales del empleo de SANDAG por el coordinador de SANDAG y ADA. Las quejas por discriminación de los solicitantes de empleo de SANDAG serán tratadas de acuerdo con los procedimientos establecidos en la Política N.º 009 de la junta directiva de SANDAG por el coordinador de SANDAG y ADA, y la Oficina del Asesor Jurídico.

**Consumidores de los servicios de SANDAG**

Las quejas y reclamos de los consumidores serán manejados de acuerdo con las disposiciones de la Ley de Rehabilitación de 1973 (Rehabilitation Act) y la Ley ADA, y sus enmiendas. Se puede obtener la información para presentar una queja en la Política N.º 009 de la junta directiva de SANDAG, la que podrá encontrar en sandag.org/legal u obtenerla de SANDAG mediante la información de contacto de este aviso.

**INFORMACIÓN DE CONTACTO**

**Las preguntas, inquietudes o quejas relacionadas con el Título VI o la Ley ADA con respecto a los programas, servicios y actividades de SANDAG se pueden enviar a:**

*El coordinador de SANDAG y ADA y la Oficina del Asesor Jurídico*

401 B Street, Suite 800, San Diego, CA 92101

Teléfono (619) 699-1900

TTY (619) 699-1904

*Este aviso se puede obtener en un formato alternativo como un servicio razonable, comunicándose con el coordinador de SANDAG y ADA.*

# TÍTULO VI Y LA LEY ADA



## SUS DERECHOS

SEGÚN EL TÍTULO VI DE LA LEY DE DERECHOS CIVILES DE 1964 Y LA LEY DE ESTADOUNIDENSES CON DISCAPACIDAD DE 1990



## Public Participation Survey

The following information is being collected in order to comply with Title VI of the Civil Rights Act of 1964, Nondiscrimination in Federally Assisted Programs. Please take a few moments to complete the following questions. The data that you provide will enable us to identify impacted residents and communities affected by the Federal-Aid Highway Program. Please check the appropriate boxes with an "X" which best describe you and return the survey to the meeting coordinator. Submittal of this information is voluntary.

### Sex

- Female       Male

### Race

- Asian/Pacific Islander       African American  
 American Indian/Alaskan Native       Hispanic  
 White (not Hispanic)       Other \_\_\_\_\_

### Disability

- Yes     No

### Age

- Under 40  
 Over 40

### Income

- Less than \$22,051  
 Over \$22,050

### Language

What language is primarily spoken in your household? \_\_\_\_\_

## Encuesta de la Participación Pública

La siguiente información está juntada a fin de cumplir con el Título VI del Acta de los Derechos Civiles de 1964, para no tener discriminación en programas de asistencia federal. Por favor tome un momento para completar las siguientes preguntas. Los datos que usted suministra nos permitirá identificar a los residentes impactados y las comunidades afectadas por el Programa de Carretera de ayuda financiera federal. Por favor marque las cajas apropiadas con una "X" a lo que más le describe y devuelve la encuesta al coordinador de la junta. La presentación de esta información es voluntaria.

### Sexo

- Femenino     Masculino

### Raza

- Asiático/Isleño Pacífico                       Africano Americano  
 Indio Americano/Nativo de Alaska     Hispano  
 Norteamericano (no Hispano)               Otro \_\_\_\_\_

### Incapacidad

- Sí     No

### Edad

- Menores de 40 años  
 Más de 40 años

### Ingresos

- Menos de \$22,051  
 Más de \$22,050

### Idioma

¿Qué idioma se habla principalmente en su hogar? \_\_\_\_\_





## Guide to Developing a Title VI Plan for FTA Subrecipients

### Introduction

All programs receiving financial assistance from the Federal Transit Administration (FTA) are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation’s Title VI implementing regulations. SANDAG holds competitive grant processes to award federal funds through the Section 5310 program. As a subrecipient of grant funds through this program, your organization is required to comply with Title VI regulations including the requirement to develop and implement a Title VI Plan. The FTA requires SANDAG to ensure subrecipient compliance with Title VI.

Title VI of the Civil Rights Act of 1964 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. 42 U.S.C. §2000d.

In addition to Title VI requirements applying to SANDAG and its subrecipients of federal funds, Executive Order 12898 is also applicable. In 1994, Executive Order 12898 on Environmental Justice (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) was issued and it expanded social equity principles to cover low income as well as minority groups. The Executive Order clarifies that existing Title VI requirements on entities such as SANDAG that receive federal financial assistance must incorporate into their respective cost-benefit analyses a meaningful consideration of possible disproportionate adverse environmental and health impacts on minority and low-income populations. Per Executive Order 12898, environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income.

This Guide to Developing a Title VI Plan for FTA Subrecipients is designed to guide you through the process of gathering the appropriate materials and developing the necessary policies to ensure Title VI and Executive Order 12898 compliance and to complete a Title VI Plan.

## Glossary of Terms

Please refer to Federal Transit Administration (FTA) Circular 4702.1 B for additional terms and information related to those defined below.

**Discrimination** – any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

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

**Disproportionate Burden** – a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.

**Disparate Treatment** – actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, or national origin.

**Limited English Proficient (LEP) Persons** – persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

**Low-income Person** – an individual whose family income is at or below 200 percent (200%) of the poverty line as defined by the Office of Management and Budget based on the most recent data available from the Census Bureau for a household of the size being evaluated.

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

**Minority persons** include the following:

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

**Minority Population** – any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA-funded program, policy, or activity.

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

**Noncompliance** – a determination that a recipient or subrecipient is not in compliance with the Department of Transportation (DOT) Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination.

## Title VI Plan Compliance Checklist

As a subrecipient of federal funds, you must provide documentation that you are compliant with DOT Title VI regulations and Circulars. We have outlined the requirements for a Title VI Plan below and provided templates for your organization. You will be required to certify that you have all the documentation required herein, including a resolution from your organization’s governing body approving the Title VI Plan that is adopted and in place prior to the execution of a grant agreement with SANDAG. A few documents, which are described below, are required with your grant application. All other documentation must be submitted to SANDAG prior to the execution of a grant agreement with SANDAG and available for inspection upon request by SANDAG at any time during the term of the grant agreement.

### **Title VI Notice to the Public (Non-Discrimination Statement)**

The Title VI Notice to the Public template is provided in Appendix A. Create your organization’s Title VI Notice to the Public. If applicable, include a translated version of the Title VI Notice for limited English proficiency (LEP) populations. Translation is needed if there is a language spoken other than English by more than five percent (5%) of the persons your organization may serve. (Translation needs are determined based on the results of your Language Assistance Plan.) The SANDAG Public Notice can be found on its website at [www.sandag.org/titlevi](http://www.sandag.org/titlevi).

#### **A Title VI Notice to the Public must include the following:**

- (1) statement that indicates your organization complies with Title VI and operates programs without regard to race, color, or national origin
- (2) description of the procedures that members of the public should follow to request additional information on your organization’s Title VI obligations
- (3) description of the procedures that members of the public should follow to file a Title VI discrimination complaint against your organization

### **Posting to Title VI Notice to the Public**

Per the FTA, the Title VI Notice to the Public must be posted, at a minimum, in the following areas. Please check the appropriate boxes to confirm your organization’s compliance and include documentation of posting locations within your Title VI Plan. Documentation may include physical location and description, links, screenshots, or photos depicting the locations where the Title VI Notice to the Public is posted.

**YES    N/A**

    Organization’s website. Please provide a link to where the Title VI Notice to the Public is posted:

    Any public area of the organization’s office including the reception desk and meeting rooms

    Transit vehicles and/or stations or stops (applicable to those organizations operating vehicles)

    Other:

### **Complaint Form and Procedures**

Per the FTA, your organization is required to develop procedures for investigating and tracking Title VI complaints filed against it and make your procedures for filing a complaint available to the public. This includes developing a Title VI complaint form, and making the form and procedures for filing a complaint available on your organization’s website. A complaint form and procedure template is provided in Appendix B. If applicable, include a translated version of the complaint form and procedures for LEP populations. Translation is needed if there is a language spoken other than English by more than five percent (5%) of the persons your organization serves.

Please provide the link where your complaint form and complaint procedures are posted on your website:

If your organization does not have a website, please explain how your organization ensures that its Title VI complaint form and procedures are made available to the public, including for non-English speakers, in the space provided below.

### **Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits**

If your organization has received any complaints or lawsuits alleging discrimination on the basis of race, color, creed, national origin, income level, sex, age, or disability related to your transportation service or program, you must complete the Record and Report of Discrimination Investigations, Complaints, and Lawsuits Worksheet provided in Appendix C and include it in your Title VI Plan. After award of a grant agreement, subrecipients must keep a log using this report, or another form that your organization has developed, to track Title VI-related complaints or lawsuits against your organization and related to your transportation service or program. The complaint log must be made available for inspection upon request by SANDAG at any time during the term of the grant agreement. Additionally, complaints must be reported on progress reports included in your invoice and submitted on at least a quarterly basis. The progress report should track any unresolved complaints and include a description of the steps your organization has taken to resolve these complaints.

### **Public Participation Plan**

Per the FTA, your organization is required to have a Public Participation Plan (PPP). A PPP is a document that explicitly describes proactive strategies, procedures, and desired outcomes that guide your public participation activities. More Information on PPPs and a Public Participation Questionnaire have been provided in Appendix D to help your organization develop a PPP. The Questionnaire includes several considerations for how your organization can ensure inclusiveness through your public participation process.

### **Meaningful Access to Limited English Proficient (LEP) Persons**

Per the FTA, your organization is required to have a Language Assistance Plan (LAP). A LAP is a document that describes the measures your organization employs to provide language assistance to LEP persons that you serve or are eligible to receive your services. Information on how to develop a LAP, including step-by-step instructions to complete a Four Factor Analysis, are provided in Appendix E. Appendix F provides guidance on how to access Census data that should be included in Factor 1 of a Four-Factor Analysis.

#### **A LAP must include at a minimum:**

- Results of the Four Factor Analysis, including a description of the LEP population(s) served or are eligible to receive your services
- Description of how your organization provides language assistance services by language
- Description of how your organization provides notice to LEP persons about the availability of language assistance
- Description of how your organization trains employees to provide timely and reasonable language assistance to LEP persons
- Description of how your organization monitors, evaluates and updates your LAP

❑ **Minority Representation on Planning and Advisory Bodies**

If your organization has transit-related, non-elected governing boards, advisory councils, or committees, the membership of which is selected by your organization, you are required to provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees. Please include a completed Minority Representation on Planning and Advisory Bodies form, provided in Appendix G, within your Title VI Plan, or alternately, include a description of how this requirement is not applicable to your organization.

❑ **Resolution**

As previously stated, your Title VI Plan must be adopted by your organization's governing body. A sample resolution is provided in Appendix H. The Title VI Plan must be adopted by resolution by your organization's governing body and approved by SANDAG prior to the execution of a grant agreement with SANDAG.

## Appendix A: Notice of Public Rights Template

[Organization Name] operates its programs without regard to age, gender, disability, income status, race, color, and national origin in accordance with Title VI of the Civil Rights Act and other applicable federal and state laws prohibiting discrimination on publicly funded projects. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with [Organization Name].

For more information on the [Organization Name]'s civil rights program, and the obligations and procedures to file a complaint, contact [insert phone number]; email [insert email address]; or visit our administrative office at [insert address]. For more information, visit [insert Organization website address if applicable].

If information is needed in another language, contact [insert phone number].

Si desea obtener información en español por favor contacte a [name], [phone number] o [email].

## Appendix B: Discrimination Complaint Procedures Template

**1. Applicability.** The following complaint procedures are applicable to all persons who believe that they have been subject to discrimination by [Organization Name] related to its [name of SANDAG-funded transportation service or program], which is funded in whole or in part by SANDAG. In general, it is designed to address disputes, including but not limited to the following:

- 1-2. Disagreements regarding a requested service, accommodation, or modification of a [Organization Name] practice or requirement.
- 1-3. Inaccessibility of a program, publication, or activity.
- 1-4. Harassment or discrimination prohibited by California or federal law.

**2. Preliminary Review Process.** The following process must be completed prior to filing a Formal Complaint with SANDAG.

- 2-1. Informal Resolution - Prior to submitting a formal complaint, the complaining party shall contact [title of position at Organization responsible for Title VI Compliance or discrimination complaints] for assistance in resolving the matter informally as soon as is practical, generally within 15 calendar days of the time from when the subject of the complaint occurred or the complaining party became aware of [Organization Name]'s alleged non-compliance with state or federal non-discrimination laws.

**The [title of position responsible for Title VI Compliance at Organization] can be reached at [insert address]; [insert phone number].**

[Organization] will notify SANDAG of the complaint within 72 hours of receiving the complaint and record the complaint and steps taken toward resolution. [Organization] is responsible for informing the complaining party about [Organization]'s complaint procedure, including the opportunity to file a formal complaint with SANDAG and/or the Federal Transit Administration (FTA) as described below.

- 2-2. Report of Results to SANDAG and Complaining Party –[Organization Name] will email or mail SANDAG and the complaining party the results of the informal resolution process within 30 calendar days of receiving the complaint. If the complaining party is not satisfied with [Organization]'s disposition of the matter, the complaining party may file a formal complaint with SANDAG following the procedure described below.

**3. Formal Complaint.** If the procedure for Preliminary Review and informal resolution by [Organization] does not yield a successful resolution, then the complaining party may file a formal, written complaint with SANDAG in the manner described below. SANDAG materials can be made available in alternative languages. To make a request, call (619) 699-1900. Los materiales de SANDAG están disponibles en otros idiomas. Para hacer una solicitud, llame al (619) 699-1900

- 3-1. Complaints must be filed within ten (10) calendar days of the complaining party's receipt of notice of the end of the Preliminary Review process described above.
- 3-2. Complaints must be in writing and must include an attached copy of any correspondence concerning the complaint with [Organization].
- 3-3. Complaints must be filed with the SANDAG Title VI Compliance Officer at 401 B Street, Suite 800, San Diego, CA 92101; Fax number (619) 699-1995; TTY (619) 699-1904.
- 3-4. Investigation – The SANDAG Title VI Compliance Officer will initiate an investigation, which may include interviewing, consulting with, and/or requesting a written response to the issues raised in the complaint from any individual the SANDAG Title VI Compliance Officer believes to have relevant information, including the ADA Compliance Officer, [Organization] staff and members of the public. SANDAG may also hold an informal hearing.



- 3-5. Review Panel – The SANDAG Title VI Compliance Officer will convene a review panel that will consist of the Title VI Compliance Officer, the ADA Compliance Officer if applicable, a member of the SANDAG management staff, the Chief Deputy Executive Director (or designee), and (depending on the issues) other personnel as may be appropriate. This panel will review the request, investigate, and attempt to resolve the issues within 30 calendar days of receipt by SANDAG of the complaint.
- 3-6. Representation - The complaining party, and any party against whom the complaint is directed, have the right to have a representative.
- 3-7. Findings and Notification - The SANDAG Title VI Compliance Officer and/or ADA Compliance Officer will prepare and provide the complaining party, and all other parties involved, a final report containing a summary of the investigation, written findings, and a proposed disposition. This report will be provided to the complaining party and [the Organization] within 45 calendar days of the filing of the formal complaint.
- 3-8. Final Disposition - The disposition proposed by the review panel will be put into effect promptly. The complaining party or any party against whom the complaint or the proposed disposition is directed may appeal. The appeal to the Executive Director (as set forth below) will not suspend the implementation of the disposition proposed by the SANDAG review panel, except in those circumstances where the SANDAG Executive Director decides that good cause exists making the suspension of implementation appropriate.

## 4. Appeal

- 4-1. Within 10 calendar days of the issuance of the final report, the complaining party may appeal to the SANDAG Executive Director.
- 4-2. An appeal is taken by filing a written request for review by the SANDAG Executive Director.
- 4-3. The written request for review must specify the particular substantive, and/or procedural basis for the appeal, and must be made on grounds other than general dissatisfaction with the proposed disposition. Furthermore, the appeal must be directed only to issues raised in the formal complaint as filed or to procedural errors in the conduct of the complaint procedure itself, and not to new issues.
- 4-4. The review by the Executive Director or his or her designee normally shall be limited to the following considerations: Were the proper facts and criteria brought to bear on the decision? Were improper or extraneous facts or criteria brought to bear on the decision that substantially affected the decision to the detriment of the complaining party? Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the complaining party? Given proper facts, criteria, and procedure, was the decision one that a person in the position of the decision-maker might reasonably have made?
- 4-5. A copy of the Executive Director's written decision will be expected within 30 calendar days of the filing of the appeal and shall be sent to all parties involved and, if appropriate, to persons whose authority will be needed to carry out the disposition. The deadline may be extended by the Executive Director for good cause. The decision of the Executive Director on the appeal will be SANDAG's final decision.

- 5. File with the FTA.** Any person who believes himself or herself or any specific class of persons to be subjected to discrimination prohibited by Title VI also may file a written complaint with the FTA. A complaint should be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA. Title VI complaints regarding federally funded programs at [Organization] can be sent to the applicable funding agency below:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor - TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590



**Appendix C: Transit Related Title VI Investigations, Complaints and Lawsuits  
Record and Report of Discrimination Investigations, Complaints and Lawsuits Related to [Name of Organization’s SANDAG-funded Program]**

Please fill out the table below completely. This list shall include the date that the lawsuit was filed or complaint was made; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by your organization in response, or final findings related to, the investigation, lawsuit, or complaint. Please attach additional pages if necessary. Your organization is required to keep this record up to date and available for inspection by SANDAG upon request.

Date Filled	Summary of Allegations	Status	Actions Taken/Final Findings

## Appendix D: Information On Public Participation Plans

Grant subrecipients are required to develop and implement a Public Participation Plan (PPP). This document describes the proactive strategies, procedures, and desired outcomes that underpin your organization’s public participation activities.

Your organization has the freedom to determine how, when, and how specific public participation activities should take place, and which specific measures are most appropriate. Your organization should make these determinations based on a demographic analysis of the persons you serve and/or are eligible to receive your services, the type of transportation program and/or service your organization is providing, and the resources available to your organization for public outreach.

Your PPP should include a description of how your organization interacts with minority and limited English proficient (LEP) populations. Efforts to involve minority and LEP populations can include both comprehensive measures as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in your organization’s decision-making process. Some effective practices may include:

- Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities
- Employing different meeting sizes and formats
- Coordinating with community and faith based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of minority and/or LEP communities
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments
- Holding meetings in locations that are accessible by public transit and are in compliance with the ADA
- Providing childcare at meetings.

The SANDAG Public Participation Plan can be found at [www.sandag.org/ppp](http://www.sandag.org/ppp).

Questions within this questionnaire have been designed to represent various strategies that your organization may use to ensure inclusive public participation. Given the unique nature of individual programs and service areas, some public participation activities may not be appropriate strategies for your organization or program. Please consider the questions based on your organization’s current practices as well as any future plans to increase public participation activities. Use these questions to develop your organization’s PPP.

You may include documentation of your organization’s public outreach efforts in your PPP by attaching materials used by your organization to market your program, encourage public participation, and perform outreach. Examples of materials include: program brochures or flyers, meeting announcements, public comment solicitations, translated materials, email notices, social media posts, newsletter inclusions, organization outreach procedures, and letters of support from partnering agencies

## Public Participation Plan Questionnaire

Use this questionnaire to help develop your organization's Public Participation Plan (PPP) or update your current PPP to ensure further inclusiveness within your organizations public participation activities.

### Meetings and Events to Which the Public Is Invited

	YES	NO	N/A
Does your organization schedule public meetings and events at different times to accommodate varying work schedules?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization schedule public meetings/events at different locations so that they are accessible to clients who may live in different areas of the program service area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization hold meetings to get public input using different sizes or formats?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization provide notice of public meetings/events at least 72 hours in advance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization provide materials in languages other than English?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization provide interpretation services or employ bilingual staff at public meetings/events?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization hold meetings at locations that are accessible by public transportation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization hold meetings at locations that are accessible for people with disabilities (ADA compliant)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Provide a description of how meetings/events to which the public is invited are advertised as well as efforts to ensure that different members of the public including minority, LEP populations, and individuals with disabilities have access to the meeting and are encouraged to attend.

### Program Marketing and Outreach

	YES	NO	N/A
Does your organization perform outreach activities on a regular basis (at least quarterly)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization perform outreach activities in a number of different areas or communities within your service area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization market its programs/services through a variety of mediums in order to reach a greater population?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization provide translated outreach materials in appropriate languages given the communities served?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**YES    NO    N/A**

Does your organization coordinate with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of minority and/or LEP communities?

Does your organization employ bilingual staff?

Describe your organization's outreach program including activity locations and frequencies, program marketing publications, and coordination efforts with partnering agencies. Attach any relevant marketing material(s).

**Program Monitoring**

**YES    NO    N/A**

Does your organization administer customer satisfaction surveys or feedback forms to solicit input from your clients?

Does your organization have a complaint form and procedures?

Does your organization administer any other type(s) of surveys?

Describe how your organization monitors programs and services provided including surveys, customer interviews, rating systems, or other methods that may apply. Attach any relevant material(s).

## Appendix E: Four Factor Analysis

### Requirements:

Per Federal Transit Administration (FTA) requirements and Executive Order 13166, your organization must assess and address the needs of limited-English proficient (LEP) persons and take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of your programs and activities for LEP persons. Federal guidance states that “meaningful access” is “contingent on a number of factors.” Those factors are included in the Four Factor Analysis described below. “Reasonable steps” to provide oral and written services in languages other than English is to be determined by your organization on a case-by-case basis through a balancing of all four factors.

To ensure meaningful access to programs and activities, use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. If your client base is the entire San Diego region, you may use the Factor 1 Analysis in SANDAG’s Language Assistance Plan (LAP), which can be found at [www.sandag.org/lap](http://www.sandag.org/lap). Per the SANDAG LAP all Tier 1 documents must be translated into Spanish. Information regarding how a Tier 1 document as well as other tiers of documents are defined can be found in the SANDAG LAP. If you adopt SANDAG’s Factor 1 Analysis, you are still responsible for conducting your own analysis for Factor 2-4 and developing the remainder of your organization’s LAP.

The analysis necessary to develop its own LAP is outlined below.

### Four Factor Analysis:

1. The number or proportion of LEP persons eligible to be served by your transportation program
2. The frequency with which LEP persons come into contact with the program
3. The nature and importance of your organization’s transportation program, activity, or service to people’s lives
4. The resources available to your organization for LEP outreach as well as the costs associated with the outreach

Following a Four Factor Analysis, use the results of the analyses to develop your organization’s LAP. A LAP shall, at a minimum:

- a. Include the results of the Four Factor Analysis, including a description of the LEP population(s) served
- b. Describe how your organization provides language assistance services by language
- c. Describe how your organization provides notice to LEP persons about the availability of language assistance
- d. Describe how your organization trains employees to provide timely and reasonable language assistance to LEP populations
- e. Describe how your organization monitors, evaluates and updates the language access plan

### Resources:

The SANDAG LAP can be found at [www.sandag.org/lap](http://www.sandag.org/lap) or on the agency’s public participation webpage [www.sandag.org/ppp](http://www.sandag.org/ppp). The Department of Transportation (DOT) provides a handbook designed to assist transit providers in conducting a Four Factor Analysis and developing a LAP. The DOT handbook is available at [www.lep.gov/guidance/guidance\\_Fed\\_Guidance.html#DOT](http://www.lep.gov/guidance/guidance_Fed_Guidance.html#DOT). The FTA outlines Title VI requirements and guidelines through Circular 4702.1B, which is available for download at <https://cms.fta.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>.

The following instructions have been developed based on these resources.

## Language Assistance Plan – Step-by-Step Instructions

### Four Factor Analysis:

#### **Factor 1: The Number or Proportion of LEP Persons Eligible to Be Served By Your Transportation Program**

Summary of federal guidance:

The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed.

Steps:

1. Analyze Census Data to identify the number or percentage of LEP persons within your organization's program service area. Step by step instructions are provided in Appendix F.
2. Supplement the data collected from the Census Data with prior experiences with LEP persons in your service area.

Questions to guide the analysis for Factor 1:

- Describe the LEP population in your service area.
- How many LEP persons are eligible to be served by your program? (Or, what percentage of the population in your service area are LEP persons?)
- Are there any concentrations of LEP persons within your service area that you are aware of? (Include the Census Data you collected to support your answer as well as a map or a description of your service area.)
- Are LEP persons underserved by your transportation program due to language barriers?
- What are the literacy skills of LEP populations in their native language? Would translated materials be an effective method of communicating with LEP populations?

#### **Factor 2: The Frequency with Which LEP Persons Come into Contact with the Transportation Program**

Summary of federal guidance:

Your organization should assess, as accurately as possible, the frequency with which you have contact with LEP individuals from different language groups seeking assistance. The more frequent the contact, the more likely enhanced language services will be needed.

Steps:

1. Identify the number of LEP persons that contacted your organization and the percentage of total contacts that are LEP persons
2. Assess the frequency with which LEP persons access your transportation program

Methods to determine the frequency with which your organization comes in contact with LEP individuals may include:

- Customer service interactions with LEP persons
- Ridership surveys
- Participation of LEP persons in public meetings

Questions to guide the analysis for Factor 2:

- How frequent do LEP persons come into contact with your organization?
- How did you come to this conclusion? Outline the methods your organization used to answer this question.



**Factor 3: The Nature and Importance of Your Organization's Program, Activity, or Service to People's Lives**Summary of federal guidance:

The more important the activity, information, service, or program; or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. Your organization needs to determine whether denial or delay of access to services or information could have serious or life-threatening implications for the LEP individual.

Steps:

1. Review the relevant programs, activities, and services your organization provides and their importance to the population group served.
2. Determine the transportation needs of LEP persons and the role transportation plays in their day-to-day lives

There are several methods that may be used to determine the transportation needs of LEP persons and the frequency with which they access your program. The following are some examples:

- Customer service interactions with LEP person
- Outreach to community organizations that serve LEP person
- Partnering with these organizations to perform one-on-one interviews or focus groups
- Ridership surveys

Questions to guide the analysis for Factor 3:

- What are the transportation needs of the LEP persons eligible to be served by your program?
- What role does transportation play in the lives of these LEP persons?
- How did you come to this conclusion? Outline the methods your organization used to answer this question.

**Factor 4: The Resources Available to Your Organization for LEP Outreach As Well As the Costs Associated with the Outreach**Summary of federal guidance:

An organization's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller agencies with more limited budgets are not expected to provide the same level of language services as larger agencies with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Your organization should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

Steps:

1. Inventory language assistance measures currently being provided by your organization and their associated costs.
2. Determine if any additional services are needed.
3. Analyze your organization's budget.
  - a. Determine what percentage of the budget can be devoted to language assistance expenses
  - b. Determine if the budget for these expenses will remain stable over time or may be subject to reduction
  - c. Estimate the cost of providing new or additional language assistance by getting price quotes from translating and interpreting firms or by consulting with other transit agencies who have implemented language assistance measures

4. Consider cost effective practices for providing language services. Possible cost-effective practices may include:
  - a. Access to language assistance products that have been developed and paid for by local, regional, or state government agencies
  - b. Bilingual staff that could provide language assistance on an ad hoc or regular basis
  - c. Pre-established arrangements with qualified community volunteers to provide written or oral language translation
  - d. Telephonic and video conferencing interpretation services
  - e. Translating critical documents using a credible website
  - f. Pooling resources and standardizing documents to reduce translation needs
  - g. Centralizing interpreter and translator services to achieve economies of scale
  - h. Adding the Google translate toolbar to your organizations website

Questions to guide the analysis for Factor 4:

- What resources (both financial and services) are available to your organization to perform LEP outreach as well as provide language assistance to LEP persons?
- What are some cost-effective practices that your organization uses or plans to use to provide language assistance?

**Implementation:**

1. Describe how your organization provides language assistance services by language
2. Describe how your organization provides notice to LEP persons about the availability of language assistance
3. Describe how your organization trains employees to provide timely and reasonable language assistance to LEP populations
4. Describe how your organization monitors, evaluates and updates the LAP

**Safe Harbor:**

The following actions will be considered strong evidence that your organization is compliant with written-translation obligations:

- a. Your organization provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered by your SANDAG-funded transportation program. Translation of other documents, if needed, can be provided orally; or
- b. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger above, your organization does not translate vital written materials, but instead provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

## Appendix F: Accessing Census Data

### Instructions for Accessing Census Data:

1. Go to [factfinder2.census.gov](https://factfinder2.census.gov)
2. In the upper left hand side of the webpage, below Community Facts, click on “Guided Search” and then click on “Get Me Started”

The guided search provides step-by-step access to Census information.

3. The first step is intended to narrow down what type of information you are looking for.

Keep the default selection: “I’m looking for information about people” and then click the next button on the bottom of the page.



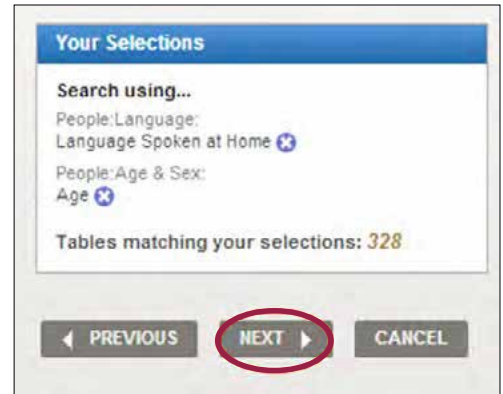
4. In Step 2, you narrow down the topic even more.

Click the + sign next to **Language** to expand that category. There will be two options. Click on the second option “Language Spoken at Home.”

“Language Spoken at Home” will move over to the box entitled “Your Selections.” If you clicked a different topic by mistake, you can click the blue X next to the topic to remove it from your selections.

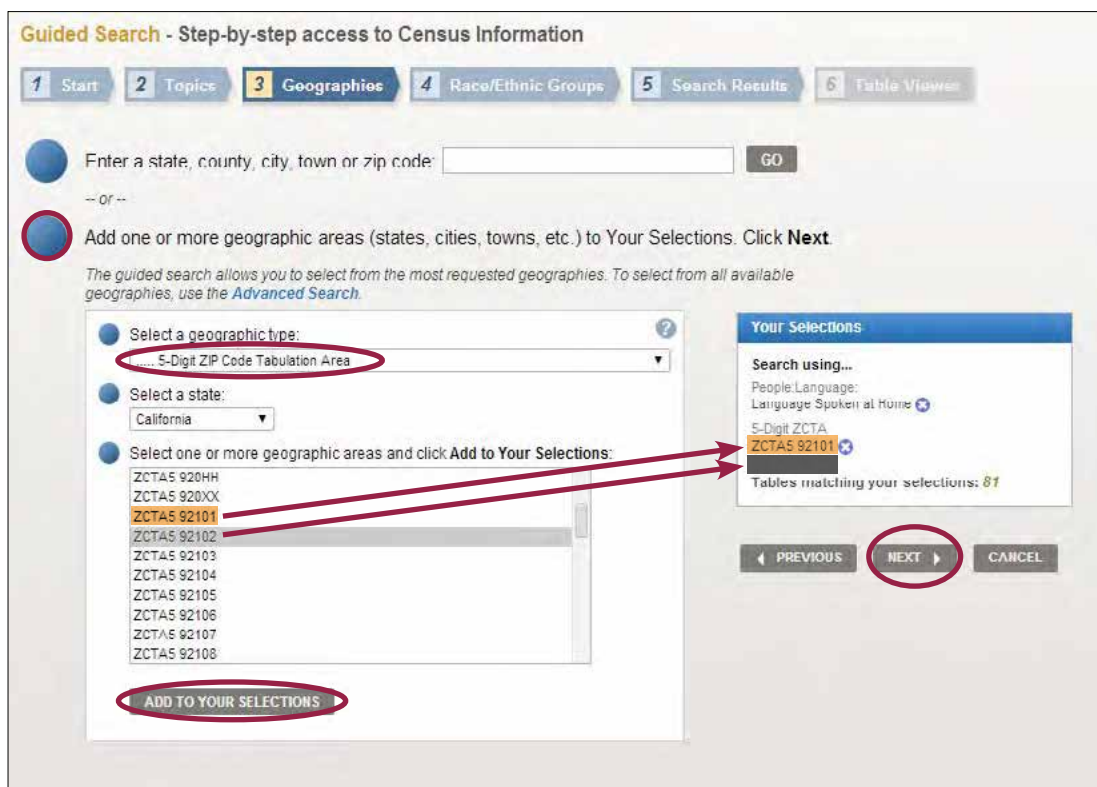


Click the + sign next to **Age & Sex** to expand that category. There will be three options. Click on the first option “Age.” Now that we have selected “Language Spoken at Home” and “Age” the “Your Selections” box should look like the image to the right. Click on the Next button to continue.



5. In Step 3, you will be selecting the geographic boundary of the information you have selected. This will be your service area. We will use the second option (second big blue circle) where we can “Add one or more geographic areas.” There are three steps (three smaller blue circles) below this option.

- Choose the geographic type that is most appropriate for your service area from the drop-down box. If your service area is more easily defined by a city limit or multiple cities, choose “place.” If your service area is more easily defined by zip codes, then choose “5-Digit ZIP Code Tabulation Area.”
- Select “California” from the select a state drop-down box.
- Select the place name or zip code from the third box. Once you have selected a geographic area, select “Add to your selections.” You can select multiple places (cities) or zip codes. If you are adding multiple geographies, hold down the Shift key to select and add multiple geographies at the same time. Keep track of your selections in the “Your Selections” box. When you are finished selecting your desired areas, click the Next button to continue. (See image below.)



6. We will skip Step 4 “Race/Ethnic Groups”. We are not filtering the data by race or ethnic groups. Click the Next button to continue to Step 5.

7. In Step 5, we select the table that we want to use. Click on the table called “AGE BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER.” The table’s ID is B16004. It uses data from the 2015 American Community Survey (ACS) 5 year Estimate.

Select a table, file or document from these top search results:

Table, File or Document Title	ID	Dataset
LANGUAGE AND ABILITY TO SPEAK ENGLISH OF GRANDPARENTS LIVING WITH OWN GRANDCHILDREN UNDER 18 YEARS BY RESPONSIBILITY FOR OWN GRANDCHILDREN AND AGE OF GRANDPARENT	B10054	2015 ACS 5-year estimates
AGE BY LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER IN LIMITED ENGLISH SPEAKING HOUSEHOLDS	B16003	2015 ACS 5-year estimates
AGE BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER	B16004	2015 ACS 5-year estimates
AGE BY LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER	B16007	2015 ACS 5-year estimates
CITIZENSHIP STATUS BY AGE BY LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER	B16008	2015 ACS 5-year estimates
POVERTY STATUS IN THE PAST 12 MONTHS BY AGE BY LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER	B16009	2015 ACS 5-year estimates
LANGUAGE AND ABILITY TO SPEAK ENGLISH OF GRANDPARENTS LIVING WITH OWN GRANDCHILDREN UNDER 18 YEARS BY RESPONSIBILITY FOR OWN GRANDCHILDREN AND AGE OF GRANDPARENT	B10054	2014 ACS 5-year estimates
AGE BY LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER IN LIMITED ENGLISH SPEAKING HOUSEHOLDS	B16003	2014 ACS 5-year estimates
AGE BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER	B16004	2014 ACS 5-year estimates
AGE BY LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER	B16007	2014 ACS 5-year estimates

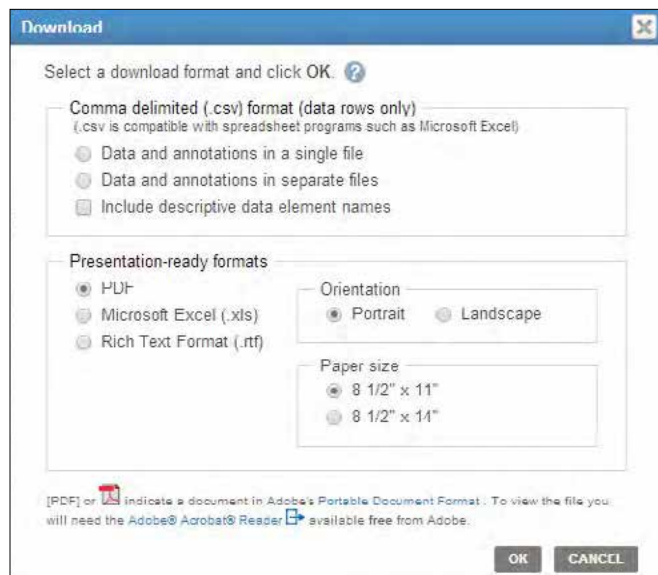
The Table will have the geographic areas that you selected (either places or zip codes) as columns. Check the columns to make sure you have all the geographic areas that are in your service area. Go back to the “Geographies” step if you need to make changes to or add another geographic area.

8. Click the Download button under “Table View.”



This download box will appear. If you would like to further manipulate the data (add cells, create percentages, etc.), then select Microsoft Excel (.xls) under the "Presentation-ready formats" option. If not, select PDF.

Follow the prompts. Click "Download" to continue the downloading process and remember to save the file. Below is an example of the pdf document. Only the first page is shown.



**U.S. Census Bureau**  
**AMERICAN FactFinder**

**B16004** | **AGE BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER**  
 Universe: Population 5 years and over  
 2011-2015 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Tell us what you think. Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	ZCTA5 92101		ZCTA5 92102	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	35,691	+/-1,399	41,791	+/-1,532
5 to 17 years:	1,063	+/-212	8,094	+/-773
Speak only English	515	+/-200	1,907	+/-402
Speak Spanish:	529	+/-186	5,794	+/-631
Speak English "very well"	304	+/-108	4,954	+/-585
Speak English "well"	177	+/-112	458	+/-169
Speak English "not well"	37	+/-61	320	+/-147
Speak English "not at all"	11	+/-16	62	+/-53
Speak other Indo-European languages:	0	+/-25	38	+/-43
Speak English "very well"	0	+/-25	38	+/-43
Speak English "well"	0	+/-25	0	+/-25
Speak English "not well"	0	+/-25	0	+/-25
Speak English "not at all"	0	+/-25	0	+/-25
Speak Asian and Pacific Island languages:	10	+/-15	314	+/-190
Speak English "very well"	10	+/-15	298	+/-190
Speak English "well"	0	+/-25	16	+/-24
Speak English "not well"	0	+/-25	0	+/-25
Speak English "not at all"	0	+/-25	0	+/-25
Speak other languages:	9	+/-15	41	+/-51
Speak English "very well"	0	+/-25	33	+/-60
Speak English "well"	9	+/-15	0	+/-25
Speak English "not well"	0	+/-25	0	+/-25
Speak English "not at all"	0	+/-25	8	+/-12
18 to 64 years:	29,848	+/-1,448	30,207	+/-1,264
Speak only English	23,188	+/-1,256	12,165	+/-929
Speak Spanish:	4,404	+/-555	15,943	+/-1,103
Speak English "very well"	2,955	+/-459	8,650	+/-848
Speak English "well"	692	+/-165	2,754	+/-389
Speak English "not well"	591	+/-190	3,443	+/-437
Speak English "not at all"	166	+/-86	1,096	+/-297
Speak other Indo-European languages:	943	+/-256	552	+/-237
Speak English "very well"	734	+/-228	519	+/-231

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The “AGE BY LANGUAGE...” table is useful in focusing on the specific age demographic that your program serves: 65 years and over. However, this table does not specify individual languages spoken by this population. Instead it groups the languages into a few categories, such as “Indo-European languages”.

We are going to navigate to another table that breaks down the languages spoken in your service area. This alternate table will supplement the “AGE BY LANGUAGE” table that we have already downloaded.

- From the “AGE BY LANGUAGE” table, click on the ”Back to Search Results” button.



- In the “Your Selections” box, click the blue X next to the “Age” topic to remove that topic from your selections.



- The list of tables will update. Click the table called “LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER.” It will have a yellow star next to it. This table’s ID is B16001. Like the other table, it uses data from the 2015 ACS 5 year Estimate.

This table breaks down the population in your service area by more specific languages. This amount of detail will help you determine which languages should be included in the language assistance program. However, prior experiences with LEP persons may be needed to further supplement this data.



Download the table following the steps as previously outlined in step 9. Below is an example of the pdf document. Only the first page is shown.

U.S. Census Bureau

FactFinder

B16001

**LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER**  
 Universe: Population 5 years and over  
 2011-2015 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

**Tell us what you think.** Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	ZCTA5 92101		ZCTA5 92102	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	35,691	+/- 1,399	41,791	+/- 1,532
Speak only English	26,650	+/- 1,310	15,960	+/- 1,149
Spanish or Spanish Creole:	5,505	+/- 631	23,114	+/- 1,519
Speak English "very well"	3,583	+/- 487	13,891	+/- 1,095
Speak English less than "very well"	1,922	+/- 378	9,223	+/- 946
French (incl. Patois, Cajun):	140	+/- 75	159	+/- 111
Speak English "very well"	103	+/- 55	159	+/- 111
Speak English less than "very well"	37	+/- 43	0	+/- 25
French Creole:	0	+/- 25	35	+/- 33
Speak English "very well"	0	+/- 25	18	+/- 25
Speak English less than "very well"	0	+/- 25	17	+/- 21
Italian:	110	+/- 82	0	+/- 25
Speak English "very well"	89	+/- 66	0	+/- 25
Speak English less than "very well"	21	+/- 33	0	+/- 25
Portuguese or Portuguese Creole:	41	+/- 43	130	+/- 141
Speak English "very well"	21	+/- 28	130	+/- 141
Speak English less than "very well"	20	+/- 33	0	+/- 25
German:	246	+/- 181	131	+/- 97
Speak English "very well"	181	+/- 172	131	+/- 97
Speak English less than "very well"	65	+/- 66	0	+/- 25
Yiddish:	0	+/- 25	0	+/- 25
Speak English "very well"	0	+/- 25	0	+/- 25
Speak English less than "very well"	0	+/- 25	0	+/- 25
Other West Germanic languages:	0	+/- 25	23	+/- 25
Speak English "very well"	0	+/- 25	23	+/- 25
Speak English less than "very well"	0	+/- 25	0	+/- 25
Scandinavian languages:	24	+/- 37	4	+/- 7
Speak English "very well"	24	+/- 37	4	+/- 7
Speak English less than "very well"	0	+/- 25	0	+/- 25
Greek:	214	+/- 238	0	+/- 25
Speak English "very well"	143	+/- 139	0	+/- 25
Speak English less than "very well"	71	+/- 111	0	+/- 25

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04/17/2017



## Appendix G: Minority Representation on Planning and Advisory Bodies

If your organization has a transit-related, non-elected planning board, advisory council or committee, or similar committee for which your organization selects the membership, you must provide a racial breakdown of the membership of those committees.

[Board or Committee Name] Racial Breakdown

<b>RACE</b>	<b>PERCENTAGE</b>
White	
Hispanic	
Black	
American Indian	
Asian/Pacific Islander	
Other races	

Please provide a description of efforts made to encourage the participation of minorities on your organization's planning and advisory committees.

## Appendix H: Sample Resolution

### Resolution No. XX

#### RESOLUTION OF THE [Organization Governing Body] APPROVING THE [XXXX] TITLE VI PROGRAM AND POLICIES

WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d et seq (the Act) and 49 CFR Part 21, the U.S. Department of Transportation and the Federal Transit Administration (FTA) prohibit discrimination on the basis of race, color or national origin; and

WHEREAS, as a subrecipient of federal funds, [Name of Organization] is required to comply with the requirements of the Act and applicable implementing regulations; and

WHEREAS, pursuant to FTA Circular 4702.1B, [Name of Organization] is required to submit its Title VI program to its governing entity for approval; and

WHEREAS, the [Organization Governing Body] has considered and determined to approve the organization's [XXXX] Title VI program and policies as set forth in the attached Exhibit A entitled "Title VI Program," including but not limited to carry out a Limited English Proficiency Four Factor Analysis and adopt a Language Assistance Plan;

NOW, THEREFORE, BE IT RESOLVED:

That the [Organization Governing Body] hereby approves the organization's [XXXX] Title VI program and policies as set forth in the attached Exhibit A entitled "Title VI Program."

Dated: \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

Attest:

Approved as to Legal Sufficiency:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Legal Department

## Candidate Social Equity Ranking Criteria

In all cases, the evaluation criteria for selecting or ranking projects should take one or more applicable social equity factors into consideration. Additionally, decisions regarding programming of funds for projects should be made in such a way that the funding is equitably distributed among low income and minority groups (LIMs) and non-LIMs. The goal is to ensure that the results of the decision will not cause a disparate (inequitable) burden on LIMs or a disparate benefit for non-LIMs or any other social group identified as a community or concern in the most recent Regional Plan (disabled, elderly, etc.) This list of considerations is not intended to be exhaustive or mandatory in all situations.

- Will a map or chart showing the disbursement of projects or services to be funded show:
  - An equitable allocation of the projects between LIM and non-LIM populations
  - An equitable allocation of the funds between LIM and non-LIM populations
  - An equitable allocation of the project amenities between LIM and non-LIM populations
  - An equitable allocation of project burdens (noise, pollution, air quality, water quality, visual impacts, etc.) either during construction or after project operations or service implementation, between LIM and non-LIM populations
- Will the project or service promote public health and a clean and safe environment by:
  - Reducing Exposure to Hazardous Land Uses
  - Reducing Exposure to Goods Movement Activities
  - Cleaning and Reusing Contaminated Properties
- Will the project or service strengthen existing communities by:
  - Fixing Existing Infrastructure
  - Reusing Vacant and Abandoned Properties
  - Redeveloping Commercial Corridors
- With regard to housing, will the project:
  - Preserve Affordable Housing
  - Create New Affordable Housing
- Will the project or service provide transportation options by:
  - Providing Access to Public Transportation
  - Creating Equitable Transit-Oriented Development
  - Including Safe Street Designs for All Users
- Will the project or service improve access to opportunities or amenities by:
  - Creating Safe Routes to Schools
  - Providing Access to Healthy Food
  - Providing Access to Recreational Facilities, Parks and Other Green Space
  - Providing Access to Health Care
  - Addressing Aging in Place Concerns
- Will the project preserve and build on features that improve the community by:
  - Preserving Existing Cultural Features
  - Creating New Development that Strengthens Local Culture
- Outreach efforts by grantees/subgrantees selected by SANDAG that could be used to award points when selecting or ranking projects:
  - Will the Grantee Conduct Multilingual Outreach
  - Will the Grantee Conduct a Community Assessment
  - Will the Grantee Conduct Community-Based Participatory Research
  - Will the Grantee Hold Community Planning and Visioning Workshops

## Candidate Performance Measures

CATEGORY AND PERFORMANCE MEASURES	ANALYSIS METHOD
<b>Economic Vitality</b>	
Accessibility to regional jobs	RM, GIS
Affordable housing within X miles of frequent and reliable transit service	RM, GIS
Number of households in overcrowded or severely overcrowded conditions	DA, GIS
Number of jobs by type and location	DA, GIS
Business receipts or payroll by location	DA, GIS
Property values by location	DA, GIS
Out of pocket costs per trip	DA, GIS
<b>System Preservation and Safety</b>	
Pedestrian/bicycle injuries & fatalities	DA, GIS
Vehicle crashes	DA, GIS
Condition of roads & streets (lane miles in need of maintenance)	DA, GIS
Condition/existence of sidewalks & active transportation facilities	DA, GIS
<b>Accessibility and Mobility Options</b>	
Proximity to transit by type (bus, rail)	RM, GIS
Level of service (headways, days/hours of service)	DA, RM, GIS
Average travel times for selected O/D pairs by mode	RM, GIS
Accessibility to regional health care facilities	GIS
Accessibility to regional educational institutions	GIS
Average age/condition of buses by area served	DA, GIS
<b>Monitor Environment, Conserve Energy, and Improve QOL</b>	
Number of households living within X feet of busy highway	DA, GIS
Air pollution concentrations by type of pollutant	RM, GIS, EM
Incidence rates of respiratory disorders	DA, GIS
Number households exposed to noise exceeding X decibels	DA, RM, GIS
Number households living within X feet of a bus terminal	DA, GIS
Percent of buses servicing area which use alternative fuels	DA, GIS
Property takings, household dislocations, access restrictions	DA, GIS
<b>Enhance Connectivity and Integration Across Modes</b>	
No. of transfers required for transit trips between select O/D pairs	RM, GIS
Percent of travel time accounted for by transfers, select O/D pairs	RM, GIS
Percent of congested to uncongested travel time between select OD pairs	RM, GIS
<b>Funding Allocations</b>	
Capital expenditures per capita	DA, GIS
Operating expenditures per capita	DA, GIS
Maintenance expenditures per capita	DA, GIS

### Analysis Method Codes:

DA = Demographics analysis    GIS = GIS-aided analysis    RM = Regional travel model    EM = Emissions models

## Subrecipient/Grantee Civil Rights Reporting and Submittal Requirements<sup>1</sup>

### Step A. Develop a community characteristics inventory and select the Communities of Concern. Will any Communities of Concern be impacted by the proposed activity?

1. Determine units of geographic analysis you will use for the area(s) of effect(s). Remember, different types of impacts (air vs. noise, or increased traffic vs. better access to transit) may have different areas of geographic impact so choose your units of analysis and study area based on your performance measures and the impact you are attempting to analyze.
2. Determine whether the Communities of Concern that will be analyzed are low income and minorities only, or whether additional population groups will be analyzed.
3. Look at demographic data on race, income, LEP, etc. for the area(s) of effect(s). Maps in the Social Equity Data Viewer are designed for a preliminary analysis and Technical Services staff can be asked for assistance in locating more granular data or maps.
4. Look at the character of the impacted areas: is it commercial, residential, or a mix; are there cultural centers, recreation centers, small businesses, etc. that might have modified access due to the activity? It is very helpful to walk, bike, or drive through the community(ies) that could be impacted and get to know its idiosyncrasies. Determine if there are "pockets" of Communities of Concern that may not have been picked up broad demographic data such as Census tract data.
5. Use maps, demographic analysis and anecdotal information to make preliminary determinations and document whether LIMs (or other Communities of Concern) will be impacted by the activity. Thresholds of significance that will be used to determine if impacts exist should be carefully selected and the reasons for their selection documented.
6. If you have not already done so, use the Preliminary Decisionmaking Matrix. Determine whether the Matrix results and/or your community characteristics inventory show that any Communities of Concern will be impacted.

If you have not already done so, use the Preliminary Decisionmaking Matrix. Do Matrix results show that any Communities of Concern will be impacted?

**NO**

**No further Social Equity Impact Assessment (EJ or Title VI) required; document results in a Social Equity Determination Letter.**

**YES**

Continue to Step B.

### Step B. Develop and implement a Public Involvement Plan (PIP) that is tailored to community needs<sup>2</sup>.

1. Tailor the outreach to the communities' character – Using the community characteristics inventory created in Step A, think about how to create a formal or informal PIP (based on advice from communications staff) that will be effective in garnering meaningful public involvement.
2. Use CBOs, SANDAG working groups and committees, and community leaders to engage the public and get out the message.
3. Host successful meetings for the public by using visualization tools and easy to understand materials, providing translation for LEP populations, and using convenient meeting times and locations.

<sup>1</sup> If an Environmental Impact Statement (EIS) will be prepared pursuant to NEPA, this analysis is properly included in that document. If there will not be an EIS, a separate Social Equity Impact Assessment should be prepared to document these steps.

<sup>2</sup> Keep in mind that the PIP developed in Step B, the impacts analysis in Step D, and the alternatives reviewed in Steps E and H may need to be modified if the public identifies additional concerns, mitigation or alternatives during the public involvement process.

### **Step C. Will the activity cause a disproportionately high and adverse effect<sup>3</sup> on LIM populations?**

1. To answer this question look at whether the proposed activity will have an adverse effect that:
  - a. Will be predominately borne by a minority population and/or a low-income population; or
  - b. Will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.
2. If the activity being analyzed is a plan that calls for a group of projects to proceed (such as a Regional Plan or Early Action Program), the ranking criteria for the projects should have included social equity factors. Inclusion of social equity factors in the selection/ranking criteria make it less likely that the plan will have an adverse effect on LIMs as compared to non-LIMs when comparison analyses are performed.
3. In most cases, the only way to carry out Step C effectively is to use at least two types of comparisons using pre-selected performance measures that can indicate inequities. Examples of performance measures that can indicate adverse and beneficial effects are listed in Appendix 5, however, Appendix 5 is not an exhaustive list and Technical Services staff should be consulted regarding the staff’s ability to analyze performance measures before they are selected.
  - a. The first type of comparison is a comparison to baseline. This involves looking at the baseline conditions for LIMs and non-LIMs currently and comparing those conditions to the conditions expected to exist if the proposed activity is carried out.
  - b. The second type of comparison involves picking a comparison community or population and comparing the impacted group(s) to the non-impacted group(s). When picking your comparison group, remember that disproportionately high and adverse effects, not population size, are the bases for EJ. A very small minority or low-income population in the project, study, or planning area does not eliminate the possibility of a disproportionately high and adverse effect on these populations.

**NO**

**No further EJ analysis is required for the Social Equity Impact Assessment, but the Title VI analysis required for minorities will still need to be documented in the Social Equity Impact Assessment because Title VI applies to all activities, not solely those which may have disproportionately high and adverse human health or environmental effects on EJ populations<sup>4</sup>. Skip to Title VI analysis in Step G.**

**YES**

If there will be disproportionately high and adverse effects on either minority and low income populations, or solely minority populations, continue with both EJ analysis in Step D and Title VI analysis that starts at Step G. If there are only adverse effects for low income populations on Communities of Concern other than minorities, continue with the EJ analysis in Step D, but no Title VI analysis will be required in the Social Equity Impact Assessment.

<sup>3</sup> Under DOT Order 5610.2(a), “adverse effect” means: “the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.”

<sup>4</sup> For example, if SANDAG is considering funding the procurement of new buses, the new buses may not have adverse effects on human health or the environment, but if the buses will only be provided on certain routes, an analysis should be performed to show that the new buses will be equitably utilized such that LIM routes are not receiving fewer new buses than non-LIM routes.

### **Step D. Consider proposed activity and its likely effects. Are there alternatives that can be developed for comparison to each other?**

1. Use input from the public resulting from the PIP, the community character inventory, GIS maps, demographics and other sources to identify potential positive and negative impacts and alternatives.
2. Use input from affected LIMs and any other Communities of Concern in considering alternatives and mitigation measures during the planning and development of alternatives and decisions.

**NO** No alternatives were identified that are feasible. If there are no feasible alternatives that would avoid, minimize or mitigate the adverse impacts identified, document the findings in the Assessment and skip to Step F.

**YES** Alternatives have been identified. If positive or negative impacts were found for LIMs or other Communities of Concern, conduct an analysis that involves comparing the alternatives to each other using predetermined performance measures. Use the relative comparison to determine how the various alternatives would differ in their impacts to LIM populations and document the findings in the Assessment. Continue to Step E.

### **Step E. Review alternatives and incorporate mitigation measures. Are there mitigation and/or enhancement measures or potential offsetting benefits to the affected minority, low-income and/or other Communities of Concern such as design, comparative impacts, and the relevant number of similar existing system elements in non-LIM areas that will be utilized by SANDAG such that when they are factored in will establish that there will not be a disproportionately high and adverse effect on LIMs?**

**YES** The EJ portion of Social Equity Impact Assessment analysis is complete. Document findings and skip to Step G for Title VI analysis if applicable.

**NO** Continue to Step F.

### **Step F. Document findings for an override if necessary**

Activities that will have disproportionately high and adverse effects on minority populations and/or low-income populations after avoidance and mitigation measures are considered can only be carried out if: Further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is "practicable," the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects should be taken into account. A decision to proceed despite disproportionately high and adverse effects and reject particular mitigation measures should be thoroughly documented in the Assessment.

### **Step G. Conduct Title VI Analysis if necessary. Will there be a disparate (comparatively negative) impact to minorities versus non-minorities?**

If you determined in Step C that only low income populations would be adversely effected by the activity, do not proceed any further with this Outline as Title VI does not apply.

If minorities will be adversely affected, use work from previous steps to compare characteristics of impacted community(ies) with non-impacted communities. Remember that performance indicators should measure both benefits (i.e., allocation of funds, allocation of amenities, improved access to transit or education) and burdens (i.e., decreased air quality, increased travel times, VMT, congestion, noise, etc.).

**NO**

**The Title VI analysis portion of Social Equity Impact Assessment is complete. If there were no disproportionate effects or disparate impacts use of a Social Equity Determination Letter to document analysis and findings may be appropriate.**

**YES**

Yes – Continue to Step H.

**Step H. Will there still be a disparate impact after modifications are made or alternatives are utilized?**

Make modifications to the activity in order to avoid, minimize, or mitigate potential disparate impacts and compare alternatives to each other. Reanalyze the proposed changes and/or alternatives using the performance measures in order to determine whether the modifications actually removed the potential disparate impacts. Determine whether there will still be disparate impacts to minority populations from the activity.

**NO**

**Using avoidance, minimization, mitigation and/or alternatives disparate impacts can be avoided. Document your results in the Assessment. The Title VI analysis portion of Social Equity Impact Assessment is complete.**

**YES**

If there will still be disparate impact to minorities you can continue to Step I as long as you have determined there are no less impactful alternatives. If there are less impactful alternatives you will not be able to make the necessary findings in Step I to proceed.

**Step I. Will there still be a disparate impact after modifications are made or alternatives are utilized?**

If the activity will proceed despite the disparate impact on minority populations, continue Assessment documentation in this step. For minority population impacts SANDAG must document that it has met both prongs of the applicable test(s) below:

**FTA Test** – (1) A substantial legitimate justification<sup>5</sup> exists for proceeding, and (2) there are no alternatives that would have a less disparate impact on minorities that would still accomplish SANDAG’s legitimate program goals. In order to make this showing, SANDAG must have considered and analyzed alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then show that it chose to implement the least discriminatory alternative. In order to make this showing, SANDAG must have considered and analyzed alternatives. Staff should be of the opinion that a third party will be unable to propose a less impactful alternative that would achieve the objectives of the activity.

**FHWA Test** - (1) a substantial need for the program, policy or activity exists, based on the overall public interest; and (2) alternatives that would have less adverse effects on protected populations have either: (a) adverse social, economic, environmental, or human health impacts that are severe; or (b) would involve increased costs of an extraordinary magnitude. In order to make this showing, SANDAG must have considered and analyzed alternatives. Staff should be of the opinion that a third party will be unable to propose a less impactful alternative that would achieve the objectives of the activity.

<sup>5</sup> The phrase “substantial legitimate justification” is similar to the concept of “business necessity”. SANDAG must show that the challenged activity is legitimate, important and integral to meeting an agency mission or goal.



## Social Equity Determination Letter Template

### Date

**TO:** Project File

**FROM:** From Placeholder  
Phone Placeholder

**SUBJECT:** [Project Name] – Social Equity Determination Letter

In compliance with the Presidential Executive Order 12898, DOT Order 5610.2 and FHWA Order 6640.23, an Environmental Justice Analysis was conducted for the [Project Name]. The results of the EJ Decision Matrix show that [briefly describe results and attach copy of the completed matrix]. The analysis complies with SANDAG guidance and procedures.

### 1. Project Description

[Briefly describe project. Include any benefits to the community such as improved pedestrian safety. Example: The project proposes to vertically and horizontally realign SR 67 between MP6.6 and 6.97. This road segment will also be widened to full standards and the shoulder will be paved. Drainage and safety features will be installed, including culverts and guardrail.]

### 2. Demographics Data

Table 1 summarizes [year] census data for the area within [insert description of geographic area within social equity impact area. (Example for capital project: ½ mile each side of centerline of the project.)] Maps can also be used here.

### 3. Project Effects

[Describe any effects (or lack of effects) due to the project. Discuss any property acquisitions, relocations, noise, or impacts to community cohesion, public transportation, parking, access, and temporary construction impacts. This can be done in several short paragraphs as shown in Example 1, or in a single paragraph as shown in Example 2. Choose the format that allows you to clearly and succinctly describe the nature of the impact.

#### Example 1:

This project is located in a rural area with large land parcels and few residents. Most of this road segment is in a steep-gradient canyon. Homes in the project area are concentrated at the southern end. There are two residential parcels in the middle of the canyon. No relocations will be required.

At the southern end of the project the alignment is tying back in to the existing road system. The vertical and horizontal shifts will be minor and do not require noise analysis. It is presumed that the noise impacts will be negligible. There are “S” curves in the middle of the project that will require more drastic realignment. There are two residential lots adjacent to this segment on the west side of the road. The road will be shifted eastward, away from the houses. It will be lowered between 5 to 8 feet below the existing road. This design will likely reduce noise impacts to these homes, though modeling is not warranted.

Area residents will experience less dust once the project is complete because the new road will have a paved surface. No new capacity will be added, so traffic and air quality will not be affected.

During construction short-term increases in noise and dust will impact the adjacent properties. These will be temporary, and are not considered to be highly adverse. All accesses to Canyon Road will be maintained during construction. No detour will be required. Transit service is not available in this area.

**Example 2:**

There will be an improvement in pedestrian access due to the construction of 150 feet of sidewalk on the north side of Lee Street. There will be no acquisitions or relocations, no operational increase in noise, and no change to public transportation, or parking. Pedestrian and vehicle access will be maintained during construction. No detour will be required. Short-term increases in noise and dust will impact adjacent residences during construction, but these impacts are not highly adverse and will be mitigated through best management practices. If there are any relocations or acquisitions describe how they affect the community and include a statement that they will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended.

**4. Determination**

No minority or low-income populations have been identified that would be adversely affected by this project as determined above. Therefore, this project has met the provisions of Executive Order 12898, as it is supported by Title VI of the Civil Rights Act.

Author's initials: Typist's initials

Attachments:

## Downtown Bus Parking Lot (Layover Facility) Social Equity Impact Assessment

### Introduction

The proposed Downtown Bus Parking Lot would provide an off-street location for downtown San Diego transit vehicles to park in the short turnaround time they have between runs. The goals of this project include increasing operational efficiency and reliability for downtown transit services, while freeing up on-street parking spaces for other uses. The Downtown Bus Parking Lot will support three long distance Bus Rapid Transit (BRT) express transit routes that will serve Downtown San Diego beginning in 2014, as well as several existing local bus routes. Four proposed sites are currently under consideration; these sites, located in the Core-Columbia District, are bounded by Ash Street to the North, Union Street to the East, B Street to the South, and Kettner Boulevard to the West (see *Figure 1*). The four locations are also within proximity to the America Plaza Trolley Station and the Santa Fe Train Depot, one of the region's largest transit hubs.

The four site locations are referenced using the following descriptions:

**Site 1:** Located between Kettner Boulevard and India St; West Ash Street and West A Street.

**Site 2:** Located between Columbia Street and State Street; West Ash Street and West A Street.

**Site 3:** Located between State Street and Union Street; West Ash Street and West A Street.

**Site 4:** Located between State Street and Union Street; West A Street and West B Street.

The San Diego Association of Governments (SANDAG) will oversee the entitlement, design, and construction of the facility, which will be operated by the Metropolitan Transit System (MTS). In the long term, SANDAG may consider evaluating an underground bus parking solution as part of a mixed-use development on the site. SANDAG and MTS will cooperate with the City of San Diego and developers to ensure that the facility does not preclude mixed-use development possibilities in the future.

### Project Features

The proposed facility would begin operating during the weekdays at 4 a.m. and close at 1 a.m., with the highest use occurring in the morning and afternoon peak commute hours. The facility is expected to accommodate up to 18 vehicles at a time and about 35 vehicles per hour during peak periods. The facility will operate on weekends, as well, only with fewer vehicles and shorter operating hours. The facility is intended to serve as a short-term bus parking lot only. Layovers would range from a few minutes to 15 minutes per vehicle. Buses would not idle with engines running while in the parking lot. Additionally, maintenance would not be conducted at the site, beyond light activity such as refilling windshield wiper fluid and replacing light bulbs. No buses would be parked at the facility overnight, and no passengers would be served at the facility (buses arrive and leave empty). Each site location will include a gated entrance. SANDAG will also continue outreach to surrounding area residents and businesses to ensure that the facility is compatible with the existing mixed-use neighborhood. Visual screening will be designed for the facility to ensure visual compatibility with surrounding land uses.

### Title VI and Environmental Justice Requirements

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) “prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for limited English proficient (LEP) persons.” Discrimination is defined as any action or inaction in any federally-funded program or activity that “results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.”

Under Title VI, low-income individuals are not recognized as a protected class; however, pursuant to Executive Order 12898 and Federal Transportation Administration (FTA) Circular 4703.1, entitled “Environmental Justice Policy Guidance for Federal Transit Administration Recipients”, SANDAG analyzes projects to ensure that potential disproportionate burdens do not result for low-income persons. The inclusion of environmental justice principles

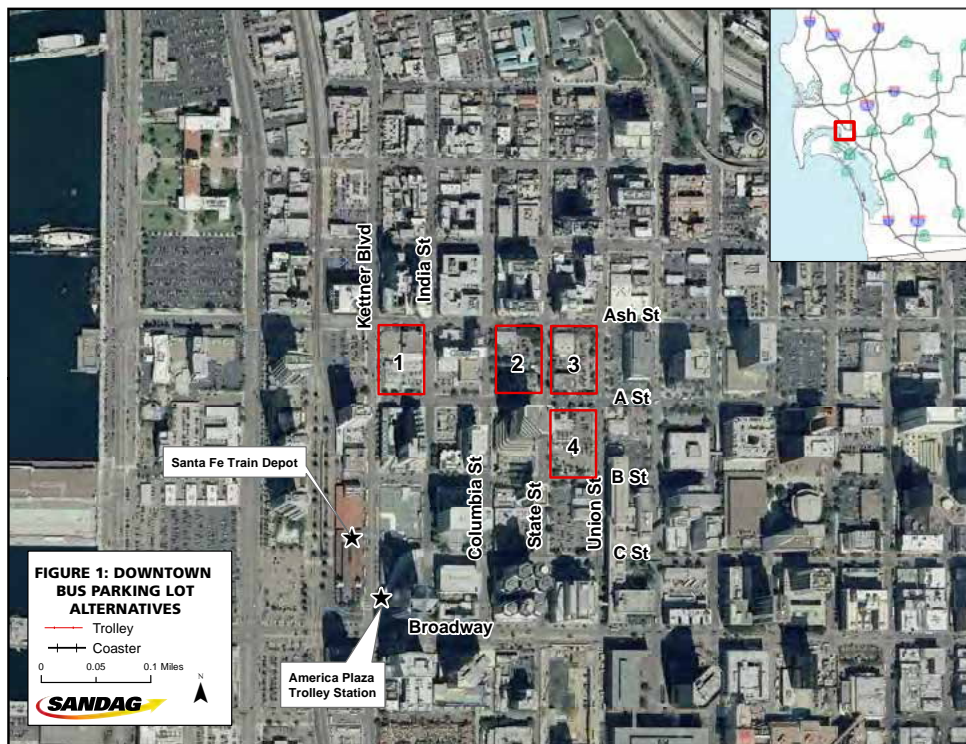
that evaluate the potential disparate impacts or disproportionate burdens for minority and low-income populations respectively are a part of SANDAG planning procedures.

As of October 1, 2012, the FTA's revised Title VI Circular (FTA C 4702.1B) has dictated that any recipient of federal funds proposing to construct a facility shall perform a Title VI equity analysis with regard to the location of the facility during the planning stage. Title 49 CFR Section 21.9(b)(3) states:

In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

SANDAG, as an agency that receives federal funding, and as an agency that values sound planning practices, is responsible for conducting Title VI analyses so as to support the equitable distribution of transit improvements and to ensure that the site selection will not cause inequitable results for groups covered by environmental justice principles.

In the case of the Downtown Bus Parking Lot, the project is considered a capital infrastructure facility and therefore requires a federal assessment of the potential impacts on the human environment, including social and economic impacts. The following sections of this document will provide a detailed description of the equity analysis that establishes the potential impacts of the development of each site alternative and determines whether or not one or more of the alternatives will lead to a disparate impact on minority populations and/or a disproportionate burden on low-income populations. The equity analysis of the alternative sites presented in this document, along with public input, will then be used in subsequent planning efforts to guide the discussion of the determination of the final site location.



### Determination of the Alternative Site Locations

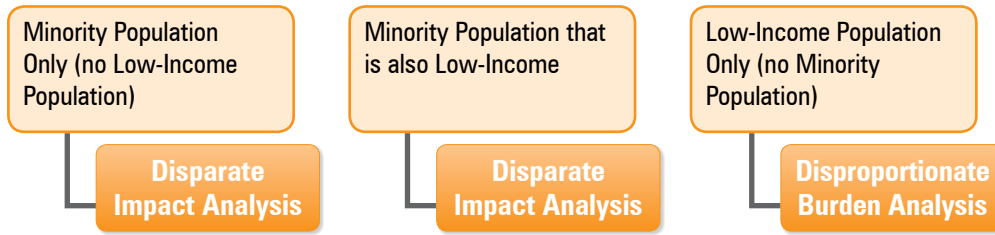
In addition to the sites' proximity to a regional transit hub (Santa Fe Train Depot; see *Figure 1*), the four Downtown Bus Parking Lot alternative sites were selected based on their ability to accommodate a layover facility. Each site is currently minimally developed, primarily consisting of surface parking lots and low-rise structures. Minor demolition will be required at each site. SANDAG staff continues to seek and retrieve input from the public regarding the community's preferred bus parking lot site.

**Figure 1: Downtown Bus Parking Lot Alternatives**

### Title VI and Environmental Justice Methodologies

The Title VI analyses are based on the federal guidance (FTA C 4702.1B). Geographic Information Systems (GIS) mapping was utilized to determine, at the Census tract level, the potential impacts of the alternative bus parking lot locations on minority and low-income populations. The population datasets used within the analysis separately compare minority with non-minority census tracts, and low-income with non-low-income census tracts in order to determine

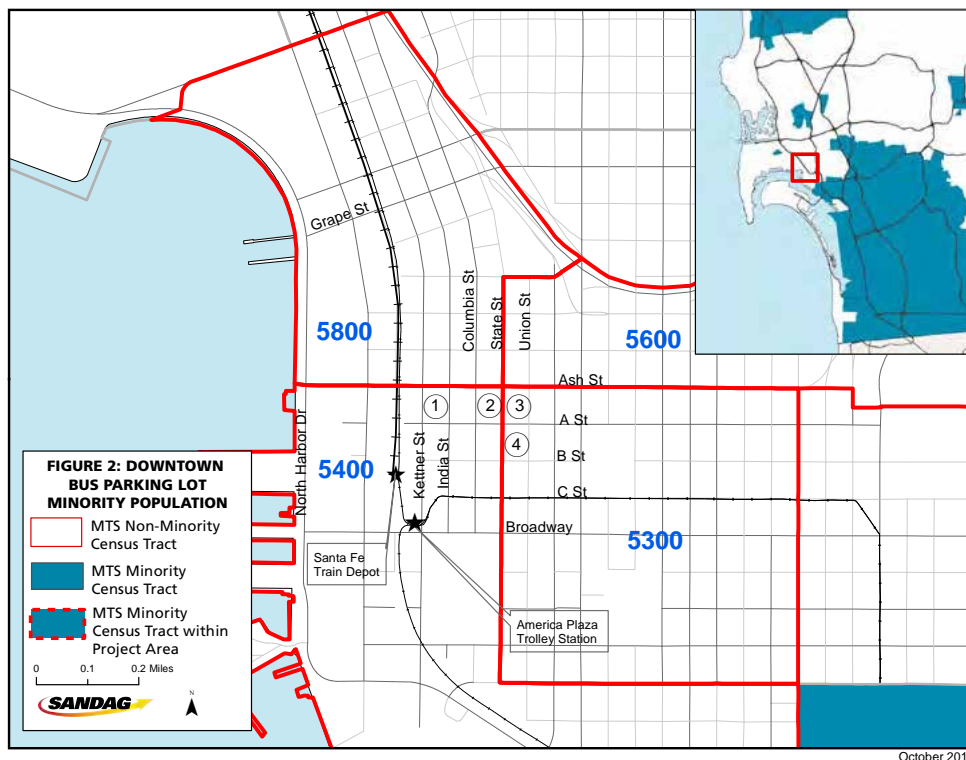
whether a disparate impact or disproportionate burden analysis (respectively) should be conducted. A chart depicting the types of analyses required by federal requirements is outlined below:



For the purposes of this analysis, Title VI regulations identify a predominantly minority area as a “geographic area, such as a neighborhood, census tract, block or block group, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient’s service area” (Chap I-5 of FTA C 4702.1B). This Title VI analysis identifies any Census tracts where the percentage of the total minority (non-White) population residing in these areas exceeds the average minority population for the service area as a whole. Similarly, SANDAG recognizes low-income individuals within this analysis as individuals living at or below 100 percent of the federal poverty level. A low-income census tract is recognized by the FTA as a geographic zone where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole. For these analyses, the service area is defined as the Metropolitan Transit System (MTS) operations area since MTS will be operating the facility post-construction.

### Methodology and Analysis for Disparate Impact

The FTA requires a disparate impact analysis for a site selection that may impact a minority population, as defined by the smallest available geographic dataset. For this particular dataset type (minority and low-income), Census tracts are used as the smallest available geographic dataset. GIS mapping demonstrates that the four alternatives, as depicted in *Figure 2*, are not located within a minority census tract and routing of the buses to the new facility will not occur through minority Census tracts. *Figure 2* identifies four census tracts (using the specific geoidentifiers (GeoIDs) marked with blue text) in the project area, two of which contain the four alternative sites (GeoID 5400 and 5300) for this project.

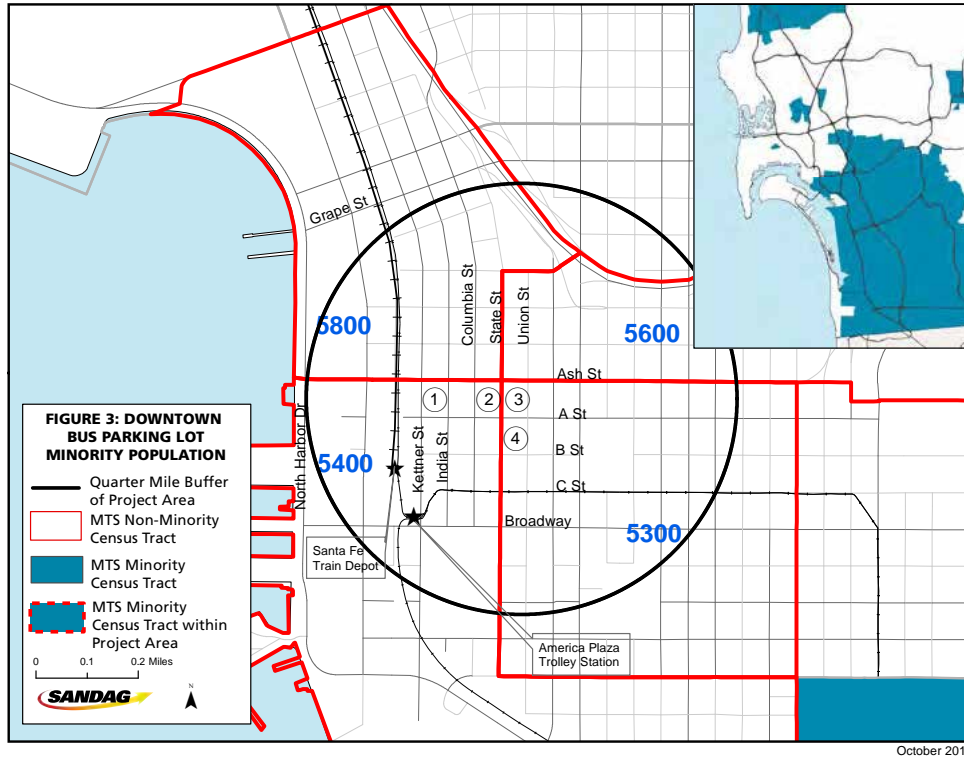


Typically federal Title VI analyses are performed within the low-income or minority defined Census tracts; however, for the Downtown Bus Parking Lot disparate impact analysis (as well as the Disproportionate Burden analysis), due to the proximity of each site location to one another, SANDAG recognizes each site, regardless of whether it is situated in a minority or non-minority census tract as being within a certain area of confluence to one another. Though the analysis is conducted based on minority Census tracts, a quarter-mile buffer surrounding each alternative site was agreed upon as it is a typical transportation measurement of proximity.

Figure 2: Downtown Bus Parking Lot Minority Population

## Disparate Impact Analysis Findings

Since the alternative sites are all located in Census tracts with similar minority status (in this case, all are non-minority Census tracts), there is no basis for a determination that any of the sites selected would result in a disparate impact on minority populations under Title VI. *Figure 3* depicts a quarter-mile buffer placed around the four alternative sites and does not present a disparate impact to minority or non-minority populations alike. The quarter-mile buffer demonstrates the potentially impacted surrounding area, regardless of census tract.



**Figure 3: Downtown Bus Parking Lot Minority Population with Quarter Mile Buffer**

Furthermore, the paths of travel to each site will not traverse minority census tracts. Currently, only four bus routes (Route 30, 50, 83, and 150) traverse the project area. It can be assumed that regardless of the site location, the project area will be exposed to a slight increase in noise, traffic and greenhouse gas emissions (GHGs). The Environmental Impact Report (EIR) will provide a more detailed analysis on the specific GHG and noise pollution increases as is identified in the threshold of significance for CEQA. However, given that the vehicles will not be idling while at the layover, there is assumed to be no disparate impact on minority populations over non-minority populations

residing or working within the area. For residents whose views overlook the bus parking lot locations, the sites may be seen as having a negative aesthetic consequence in relation to the surrounding land uses. These view impacts, however, will not suggest a disparate impact on minorities within the project area. Overall, the project is assumed to improve BRT service operations by providing on-time transit service for downtown riders, improved air quality (less vehicle idling and guaranteed/reserved off-street parking), and improved traffic flow on already congested local streets.

Positive benefits to an enhanced transit network include increased transportation options, improved connectivity, and an overall improvement in air quality for the San Diego region. This project incurs minimal development impacts on the surrounding communities in the short term and may ultimately be incorporated into a mixed-use development site. Given the fact that the current land uses of the alternative site locations are predominantly parking lots, this project may be seen as a minor change to the existing neighborhood character.

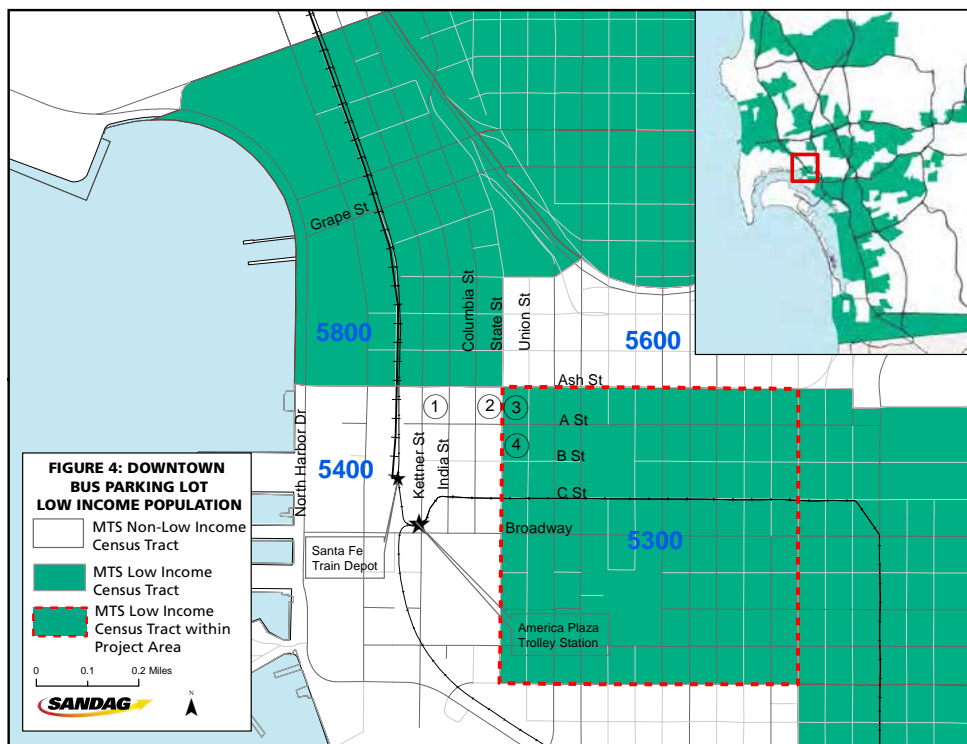
After considering a range of factors for the Downtown Bus Parking Lot Disparate Impact analysis, it is determined that there is no disproportionately high and adverse effect for minority persons. This analysis is based on the following determinations:

- The majority of individuals within a quarter-mile radius of the project area are non-minority individuals;
- Surrounding businesses serve a regional population, versus being focused on serving clientele in the immediate vicinity; and
- There is no evidence that the minority populations will assume a disparate impact of the assumed human environmental impacts (including noise, air, visual, economic, and human health) of this project.

## Methodology and Analysis for Disproportionate Burden Analysis

Pursuant to Executive Order 12898 and FTA Circular 4703.1, the FTA requires SANDAG to analyze whether its siting decision will result in a disproportionately high and adverse effect for low-income persons. As depicted in *Figure 4*, two of the four proposed alternative sites (sites 3 and 4) are located within a low-income census tract (GeoID 5300). Site 1 and Site 2 are located in a non-low-income census tract (GeoID 5400).

According to the FTA, the definition of adverse effects includes the totality of significant individual or cumulative human health or environmental effects to human health, the natural and social environment, community function, etc. SANDAG realizes that when considering whether a potential effect is “adverse,” it is important to include the community that might be impacted by that effect in the discussion because what one population may perceive as an adverse effect, another may perceive as a benefit. Determinations of disproportionately high and adverse effects include taking into consideration mitigation and enhancement measures that will be taken and all offsetting benefits to the affected minority and low-income populations as well as the design, comparative impacts, and the relevant number of similar existing system elements in nonminority and non-low-income areas. Many public transportation projects involve both adverse effects such as short-term construction impacts, increases in bus traffic, etc., and positive benefits such as increased transportation options, improved connectivity, or overall improvement in air quality. Whether adverse effects will be disproportionately high is dependent on the net results after consideration of the totality of the circumstances.



*Figure 4* shows Site 1 and Site 2 located in GeoID 5400, while sites 3 and 4 are located in GeoID 5300. While the sites are located in non-low-income and low-income Census tracts respectively, the alternative site locations are located less than a quarter-mile distance from one another, demonstrating the relative proximity of one site to the other. Additionally, the paths of travel to each site traverse both the non-low-income census tract and the low-income census tract.<sup>1</sup> As mentioned earlier, because Census tracts oftentimes span multiple blocks and neighborhoods, a more comprehensive analysis can be drawn from a quarter mile distance that provides context to the project area. This is not a

federal requirement, rather for this analysis, the quarter mile complements the federally required methodology in more accurately defining the project area.

The following portions of this analysis will discuss several factors taken into consideration in the determination of whether adverse effects will be disproportionately high for low-income populations compared to non-low income populations. In order to provide a more comprehensive description of the immediate area most likely to be impacted (should an impact prove to exist), this analysis includes a quarter-mile buffer around the alternative site locations.

<sup>1</sup> The transit circulation patterns for each Site may be found in Attachments 1 through 4 of this document.

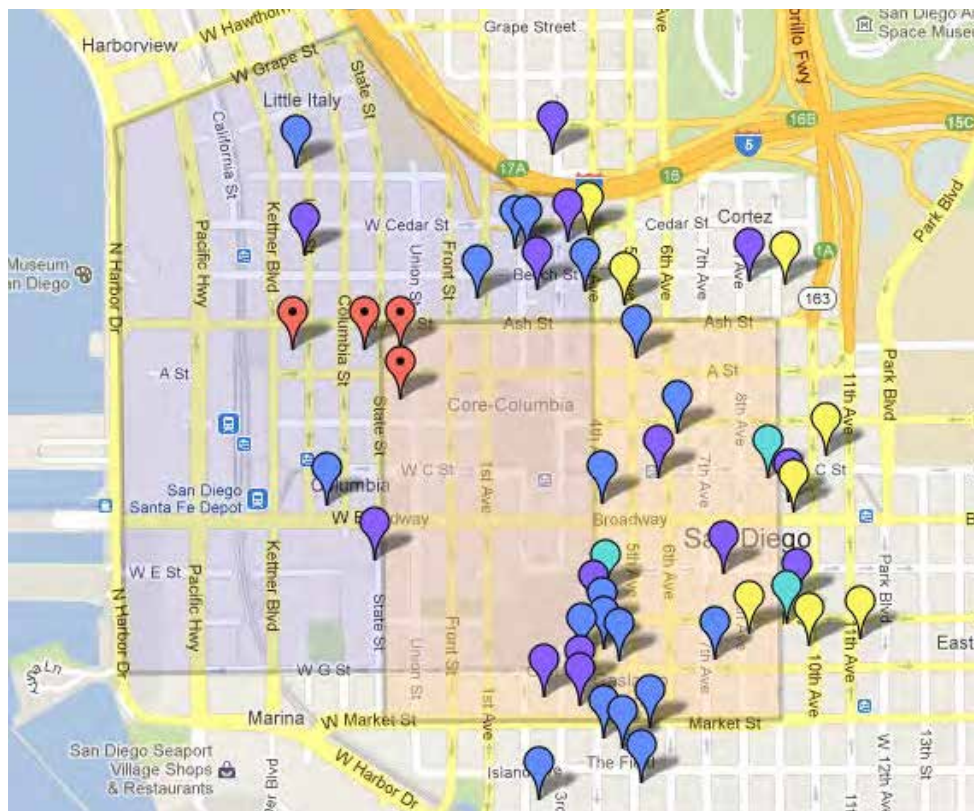
At present, Sites 1 and 2 (located in GeoID 5400) consist primarily of commercial parking lots. The GeoID 5300, containing Sites 3 and 4, encompasses a wide array of land uses within the tract. Site 3 is predominately comprised of vacant buildings on the western-most side of the block (State of California Garage) and a single-level gated parking lot on the east side of the block. Similarly, Site 4 (located within GeoID 5300) consists primarily of an Ace parking lot with vacant buildings and an auto-body shop on the northwest corner of the block.

Surrounding land uses (within a quarter mile of the alternative site locations) include multiple commercial offices: a bank, bail bond and real estate brokerage facilities, a hotel, a motorcycle repair shop, the Anthology Music Venue, as well as the County of San Diego public building.

Relatively few residential complexes identified as low-income are located within a quarter-mile radius of the four sites. As seen in *Table 1*, within the low-income Census Tract (GeoID 5300) there are approximately 13 facilities that house low-income individuals <sup>2</sup>. Within a quarter-mile distance from all four bus parking lot site locations, there are equally as many low-income housing structures. *Figure 5* illustrates that the majority of the housing structures are located in the southeastern corner of Census Tract 5300, nearly three-quarters of a mile from the project sites. Within a quarter-mile distance from the four project sites, the housing facilities are located in the northeastern portion of the buffer, closest to Interstate 5. These units are not considered within the area of confluence associated with the site locations.

**TABLE 1: LOW INCOME HOUSING STRUCTURES WITHIN PROJECT AREA**

	Within Census Tract 5300	Within Quarter-Mile of Sites	Within Quarter-Mile and Census Tract 5300
<b>SRO (current)</b>	6	7	1
<b>Shelters</b>	1	1	0
<b>Affordable Housing (# of units)</b>	6 (503 units)	5 (420 units)	1 (51 units)



**Figure 5: Low-Income Residential Units within Census Tract 5300 and a Quarter-Mile from Project Area**

**Data Source:** County of San Diego Housing and Community Development. "Housing Resource Directory 2011-2013." Retrieved from: [sdcounty.ca.gov/sdhcd/docs/housing\\_resource.pdf](http://sdcounty.ca.gov/sdhcd/docs/housing_resource.pdf)

- Impacted Area (5 block radius)
- Census Tract 53
- Proposed Site Location
- Single Room Occupancy (SRO)
- Formerly Existing SRO
- Shelters
- Affordable Housing

<sup>2</sup> Such facilities include six Single Room Occupancy (SRO) sites, six affordable housing complexes, and one shelter.



While low-income residential developments exist on the periphery of the proposed site locations, the majority of the housing units within proximity to the alternative site locations are high-end, high- to mid-rise, residential condominiums and apartments (mostly located on the West and Northwest of the site locations). The average home sales price within a quarter-mile of the site locations is \$481,784, compared to \$373,900 for the City of San Diego<sup>3</sup>. Additionally, within a block of each alternative site location, nearly 1,000 non-low-income residential units exist within this area, alone. Additional non-low-income housing developments exist beyond the immediate periphery further adding to the affluence of the project area. Any impacts associated with the Downtown Bus Parking lot project will be shared by the non-low-income individuals within this project area. The effects of the project on property values cannot be known with certainty until after the project is complete, however, there is no reason to believe that the project will affect property values of low-income residents disproportionately to the general population.

### **Public Outreach Plan**

Extensive public outreach was conducted during the site determination planning process and will continue to play an integral role in the layover facility selection planning process. In order to engage and seek input from the surrounding community regarding the Downtown Bus Parking Lot project, SANDAG distributed direct mail notices to notify residents, businesses and property owners within an approximate 1,000 foot radius of each site location. Direct mail distribution includes distribution to the managers of the Single Room Occupancy (SRO) units within 500 feet of the alternative site locations. Outreach materials were provided in both English and Spanish and Spanish interpreters were made available for public workshops and meetings.

While outreach efforts spanned both non-low-income and low-income populations alike, the majority of the complaints received were generated from the local businesses (attorney offices, Anthology Music Venue, a bank and a hotel). Because the surrounding commercial land uses are intended to serve a regional population versus just clientele from the local community, no nexus between patronage and income level was found. Furthermore, feedback from these businesses provided no indication that they serve low income populations more than non-low income populations.

SANDAG adheres to a comprehensive set of guidelines and requirements when conducting public outreach. All outreach performed by SANDAG is conducted in accordance to the agency's Public Participation Plan and Language Assistance Plan, which are outlined below:

### **Public Participation Plan**

The SANDAG Public Participation Plan (PPP) establishes a process for obtaining input from and providing information to the public concerning agency policies, programs, projects, and program funding. The PPP ensures the public is informed and has the opportunity to provide SANDAG with input in order for plans to reflect the public's vision. Federal and state environmental justice laws, Title VI of the Civil Rights Act and related other nondiscrimination requirements outline how an agency such as SANDAG conduct public participation programs. These regulations ensure that the public is involved and that community concerns are addressed. The SANDAG PPP is consistent with these requirements and also reflects the principles of social equity and environmental justice. A significant component of the SANDAG mission is a strong commitment to public participation and involvement to include all residents and stakeholders in the regional planning process, including ensuring the meaningful involvement of all social and economic groups, including low-income, minority, disabled, senior, and other traditionally underrepresented communities. The public participation process, development of plans, and outreach activities are coordinated through the SANDAG communications division. SANDAG public outreach efforts are also guided by the Public Participation Board Policy Number 025.

### **Language Assistance Plan**

In accordance with Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)" and Title VI, the SANDAG Language Assistance Plan (LAP) outlines how SANDAG provides

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<sup>3</sup> Periphery neighborhoods include Core-Columbia, Cortez, Harborview, and Little Italy. The Average Home Sale Price for this area was compiled using local real estate valuations for the most current month—October 2012.

meaningful access to programs, services and activities for individuals with limited English proficiency. The LAP covers a four factor analysis including: the number or proportion of limited English proficient speakers in the region; the frequency of contact with these LEP individuals; the nature or importance of the program, activity, or service provided by the agency; and the resources available. The Plan also covers the language assistance measures in place, how staff should be trained, how notice is provided to LEP individuals, and how the LAP is monitored and updated.

## **Disproportionate Burden Analysis Findings**

As mentioned in the Disparate Impact Analysis Findings section of this analysis, currently only four bus routes (Route 30, 50, 83, and 150) traverse the project area. It can be assumed that regardless of the location of the Downtown Bus Facility, the project area will be exposed to a slight increase in noise, traffic and greenhouse gas emissions (GHGs). The Environmental Impact Report (EIR) will provide a more detailed analysis on the specific GHG and noise pollution impacts as is identified in the threshold of significance for CEQA. However, given that the vehicles will not be idling while at the layover facility and the fact that the low-income residential units are located several blocks from the alternative site locations, there is assumed to be no disproportionate burden on low-income individuals over non-low-income individuals. For residents whose views overlook the bus parking lot locations, the sites may be seen as having a negative aesthetic consequence in relation to the surrounding land uses. These view impacts, however, will not disproportionately affect low-income residents.

As stated above, positive benefits to an enhanced transit network include increased transportation options, improved connectivity, and an overall improvement in air quality for the San Diego region. This project incurs minimal development impacts on the surrounding communities in the short term and may ultimately be incorporated into a mixed-use development site. Given the fact that the current land uses of the alternative site locations are predominantly parking lots, this project may be seen as a minor change to the existing neighborhood character.

After considering a range of factors for the Downtown Bus Parking Lot Disproportionate Burden analysis, it is determined that there is no disproportionately high and adverse effect for low-income persons. This analysis is based on the following determinations:

- The majority of residents within a quarter-mile radius of the project area are non-low-income individuals;
- Surrounding businesses serve a regional population, versus being focused on serving clientele in the immediate vicinity and there is no indication that the businesses serve low-income populations more than non-low income populations;
- There is no evidence that the low-income populations will share a disproportionate burden of the assumed human environmental impacts (including noise, air, visual, economic, and human health) of this project.

## **Next Steps**

The Downtown Bus Parking Lot is just one part of a future vision of transportation in the San Diego region. Express transit services, which will be introduced in 2014, were approved by voters in 2004 as part of *TransNet*, the voter approved half-cent sales tax for San Diego region transportation projects. BRT services that terminate in western downtown are also included in the Centre City Community Plan, adopted in 2006, to reduce automobile traffic downtown and throughout the region. The bus parking lot will work to serve an efficient and on-time transit network of BRT and local bus routes connecting to the COASTER, Trolley and other regional and local bus lines.

As of December 2012, the Downtown Bus Parking Lot is undergoing preparation of an Environmental Impact Report. In conjunction with this planning document, the findings from the Title VI equity analysis will be used throughout the planning process to guide the decision making process on the determination of the facility location. Similar to the other steps within the planning process, public input is continuously sought to engage and invoke feedback from the community.

## SR 125 Toll Decrease Social Equity Impact Assessment

The toll road portion of State Route (SR) 125 opened on November 19, 2007, extending SR 125 southward from SR 54 to Otay Mesa Road. SR 125 was designed and built to help connect a growing residential section of eastern Chula Vista, a major industrial area in the City of San Diego, and the primary United States/Mexico commercial port of entry serving the region (Otay Mesa Port of Entry) to the regional transportation network. The toll road portion of SR 125 had been planned as a free road since 1959, but due to lack of funds was not going to be built for many years. The need to identify an alternative source of funding led to the establishment of a public-private partnership for development of the toll road portion of SR 125, which helped complete a missing link in the region's transportation system. SANDAG purchased the tolled portion of State Route (SR) 125 on December 21, 2011. The Board of Director's action to make the purchase included the following goals:

- **Improve Mobility:** Accelerate traffic congestion relief 10 to 20 years earlier than planned for in the Regional Transportation Plan and continue scheduled progress on *TransNet* Early Action Program
- **Lower Cost:** Opportunity for providing a higher level of service to the public at a lower cost
- **Lower Tolls:** Purchase could provide SANDAG with the opportunity to lower SR 125 toll rates

With these goals in mind, on May 25, 2012, the Board will be asked to consider approval of a recommended new fare structure for SR 125, which is called Option C – Balanced Toll Reduction. Option C will maximize rerouting of trips from Interstate 805 (I-805) compared to the other two options presented to the Transportation Committee on May 4, 2012, and is intended to accomplish the following:

- Focuses on balancing the toll reductions for all FasTrak trips
- Establishes a minimum toll of \$0.50 to be consistent with I-15 toll rates
- Following the toll adjustment FasTrak tolls would range from \$0.50 to \$2.75 and cash/credit tolls would range from \$2.00 to \$3.50
- Projected increase of approximately 935,000 annual trips with 468,000 being potential diversions from I-805

If adopted Option C is projected to achieve the results in Table 1.

**Table 1**

OPTION C	BALANCED TOLL REDUCTIONS			I-805 DRAW		467,608
Toll Type	Trip	% Rate Reduction	Current Rate	New Rate (Formula)	% Traffic Increase	# Traffic Increase (Annual)
FasTrak Toll Rates	Miguel Ranch – SR 54	26.2	2.10	1.55	10%	63,513
	H St to SR 54	27.7	2.35	1.70	8%	116,413
	Birch/Olympic/Otay – SR 54	27.7	2.35	1.70	10%	284,656
	Local (H St/Otay/Olympic/Birch)	41.2	0.85	0.50	15%	21,062
	H St – SR 905	27.3	2.75	2.00	15%	31,593
	Birch/Olympic/Otay – SR 905	29.1	2.75	1.95	15%	168,498
	Full Trips – Either Direction	28.6	3.85	2.75	15%	94,780
						<b>780,515</b>

<b>Cash/Credit Card Toll Rates</b>	Miguel Ranch – SR 54	20	2.50	<b>2.00</b>	15%	17,552
	H St/Birch/Olympic/Otay – SR 54	27	3.00	<b>2.50</b>	5%	78,675
	Full Trips – Either Direction	12.5	4.00	<b>3.50</b>	8%	58,474
						<b>154,701</b>
<b>Total FasTrak/Cash/Credit Card</b>						<b>935,216</b>

Although the tolls would be decreased for all users under the Balanced Toll Reductions option, review of the low income and minority (LIM) populations impacted by the toll decreases was conducted in order to ensure inequity would not result. Attachment A to this Assessment consists of maps displaying the low income and minority populations respectively for the project impact area. The low income map indicates that the toll road is located in Traffic Analysis Zones (TAZs) that are a balance of low income and non-low income households. Additionally, the minority map shows that virtually the entire impact area consists of minority populations. Due to the balance of low and non-low income households and the uniform distribution of minority populations, there is no potential for disparate impact as between LIM versus non-LIM populations predicted to occur as result of the potential differences in toll decrease percentages along the corridor.

SANDAG has not owned the toll road for long enough to collect data relating to the low income or minority status of toll road users and the previous owner was a non-governmental entity and thus had not collected this type of data in the past. Even so, Chapter 4 of the Federal Highway Administration’s (FHWA) publication entitled “Environmental Justice Emerging Trends and Best Practices Guidebook states that “at least 20 percent of U.S. households do not have credit cards and 10 percent do not have bank accounts” and the majority of those persons are LIM populations. FasTrak users are required by SANDAG to use a bank account or credit card to set up an account. For this reason, SANDAG took a closer look at the differences in proposed toll rate reductions between FasTrak transponder users and cash/credit users to consider whether the differences would result in inequity to LIM populations.

The difference in tolling rates between these two classes is due to increased administrative and processing costs for cash/credit customers.

Due to the placement of transponder reading equipment along the SR 125 corridor, SANDAG is able to determine precisely which exit transponder users utilize. For cash/credit users, however, SANDAG does not have the ability to determine where individual cars enter and exit the corridor. Therefore, only three toll rates are available for cash/credit users. A comparison of these toll rates with FasTrak rates, to the extent they overlap, is in Table 2, below.

**Table 2**

<b>Trip</b>	<b>Cash/Credit Toll Rate</b>	<b>FasTrak Toll Rate</b>	<b>Toll Rate Difference</b>
<b>Miguel Ranch – SR 54</b>	\$2.00	\$1.55	\$0.55
<b>H St/Birch/Olympic/Otay – SR 54</b>	\$2.50	\$1.70	\$0.80
<b>Full Trips – Either Direction</b>	\$3.50	\$2.75	\$0.75

The differences between the trips in Table 2 vary from \$.55 to \$.80 respectively. These cost differences are mostly attributable to the difference in cost to SANDAG to process cash and credit card transactions. Not only is more staff time needed to place employees at the toll booths to collect the cash/credit tolls, but there are additional credit card fees, staff accounting costs, and collection costs associated with cash/credit payments as compared to FasTrak account holder payments.

The difference for the “H St/Birch/Olympic/Otay” trips for cash/credit customers is potentially more substantial. Trips making up this category are known as “local trips” as they are those trips that constitute short distances for which users would be using SR 125 as an alternative to local arterials.

As already mentioned, since there is no technology in place to establish the entry and exit point for cash/credit customers, customers paying cash/credit not making one of the first two trip types in Table 2 are assumed to be making a full trip. This means the difference in cost for a local trip could be as much as \$3.00 under the proposed new toll reductions (\$3.50 for cash/credit full trip versus \$.50 for FasTrak local trip).

The difference in tolling rates between these two classes is based upon the following business and environmental reasons: (1) increased administrative and processing costs for cash/credit customers as discussed above; (2) delay that would occur in providing a discount to all users until additional technology is researched, procured and installed; and (3) providing an incentive for transponder use to reduce costs and environmental impacts.

In order for SANDAG to more precisely track the routes of cash/credit customers such that their toll could be parsed down to the same extent as transponder users, additional technology and equipment would be needed. SANDAG estimates that the time needed to research, procure and install the technology and equipment could be as long as two years. To delay the implementation of toll reductions for all users until such matters could be completed would be a heavy burden that would be suffered by LIM and non-LIM users alike.

Additionally, SANDAG predicts that if it lowered the cash/credit fare for local trips too much local trips would increase significantly and two negative related results would occur. First, since cash/credit payment requires vehicles to stop to pay the toll and the toll booths accepting this type of payment require customer service staff, the vehicles are likely to queue, causing increased congestion, traffic delays, and administrative costs. Second, this queueing up will lead to increased idling for vehicles while waiting to pay the toll, resulting in additional emissions and reduced air quality. Since FasTrak transponder users do not have to stop to pay their toll, it is these users that SANDAG wants to incentivize as the negative impacts just discussed would not result.

## **Conclusion**

For the foregoing reasons, SANDAG proposed toll reductions on SR 125 are not expected to cause a disparate impact on LIM populations. Furthermore, to the extent any such impacts may occur, legitimate business reasons support the toll rate differences and/or the benefits resulting from these differences, such as immediate reductions in toll rates for all users and decreased emissions and impacts to the environment, outweigh any potential negative impacts.

## Social Equity Analysis for Adding SR 125 Toll Road Transponder Sales Locations

### **Background:**

Toll transponders for the SR 125 are currently available for purchase at the South Bay Expressway Customer Service Center (SBECSC), located at 1129 La Media Road, San Diego, CA 92154. The existing transponder sales location at La Media Road, is located at the south end of SR 125, and can be accessed from the Expressway in a drive time of less than 5 minutes. The existing sales location serves a population that is 57.3 percent minority and 14 percent in poverty, compared with the regionwide average of 51.5 percent minority and 12 percent in poverty.<sup>1</sup>

SANDAG plans to expand sales locations to include 3 Costco stores, at the following locations:

- Rancho del Rey (895 East H Street, Chula Vista, CA 91910)
- Chula Vista (1130 Broadway, Chula Vista, CA 91911)
- La Mesa (8125 Fletcher Parkway, La Mesa, CA 91942)

The goal of this analysis is to assess whether or not these new locations provide Low Income and Minority communities with equitable access to sales locations.

### **Methodology:**

Typically, when assessing the impact of a project on Low Income and Minority communities, analysis focuses on the demographic characteristics of the residents within a selected distance of the facility. However, given the unique nature of a toll road, residential demographic characteristics are an inadequate proxy for the users of the toll road. Thus, this analysis focuses on access that toll road users have to transponder sales locations.

### **Results:**

The new transponder sales locations maintain the existing access point, and add three additional locations. Two of the three new locations (Rancho del Rey and Chula Vista) serve low income and minority communities, as shown on the maps. (See attachments, Figures 1 and 2.)

In addition, two of the new sales locations are within a 10-minute drive from SR 125, as shown by the drive times listed below. Any toll road users can access the new sales locations by means of a quick stop along their travel on SR 125. Estimated travel times are listed below:

- Rancho del Rey (895 East H Street, Chula Vista, CA 91910) – 8 minutes from the H Street ramp to SR 125<sup>2</sup>
- Chula Vista (1130 Broadway, Chula Vista, CA 91911) – 17 minutes from the Olympic Parkway ramp to SR 125<sup>1</sup>
- La Mesa (8125 Fletcher Parkway, La Mesa, CA 91942) – 5 minutes to the Fletcher Parkway ramp to SR 125 and 11 minutes from the intersection of SR 54 and SR 125<sup>4</sup>

<sup>1</sup> Demographic characteristics based on a 15-minute driveshed from 1129 La Media Road, San Diego, CA 92154. Minority data are from Census 2010 and Poverty characteristics are based on the U.S. Census Bureau American Community Survey, 2006-2010.

<sup>2</sup> Source: Google Maps: <https://maps.google.com/maps?saddr=Costco+Rancho+del+Rey+%4032.63755,-117.021968&daddr=E+H+St&hl=en&ll=32.641399,-116.991863&spn=0.117519,0.154324&geocode=FW4C8gEd8GIG-Q%3BFQBS8gEdJA4H-Q&mra=ls&t=m&z=14>

<sup>3</sup> Source: Google Maps: <https://maps.google.com/maps?saddr=Costco+Chula+Vista+%4032.608517,-117.08397&daddr=Olympic+Pkwy&hl=en&ll=32.62434,-117.031345&spn=0.117541,0.154324&ll=32.636122,-116.982164&spn=0.029381,0.038581&geocode=FQWR8QE dvnAF-Q%3BFWRt8QE dziIH-Q&mra=dme&mrs=1&sz=15&t=m&z=13>

<sup>4</sup> Source: Google Maps, <https://maps.google.com/maps?saddr=Costco+La+Mesa+%4032.773591,-117.024812&daddr=CA-125&hl=en&ll=32.696744,-117.013321&spn=0.117446,0.154324&geocode=FdcV9AE d1FcG-Q%3BFQjR8gEdgnkG-Q&mra=dme&mrs=1&sz=13&t=m&z=13> Note: Access to SR 125 at Fletcher Parkway is only 5 minutes from this Costco, but travel time is listed to the nearest toll location on SR 125

Because more than 70 percent<sup>5</sup> of all toll road users pass the H Street ramp, the southern extent of the expressway is already covered by the La Media Road sales location, and the northern extent of the expressway will be serviced by the La Mesa location, it is reasonable to conclude that the three new sales facilities will expand purchase options for all toll road users equally. Moreover, two of the three new sales locations are located within Minority and Low Income Communities of Concern, thus providing at least equal access for Low Income and Minority groups to transponder purchase locations when compared to non-LIMs.

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<sup>5</sup> Data from calendar year 2011. Source: SBX transponder records, compiled by SANDAG, May 2012.

## Mid-Coast Corridor Transit Project – Title VI Planning Stage

A Title VI of the 1964 Civil Rights Act (42 United States Code Section 200d – 200d-7) review was conducted for the Mid-Coast Corridor Transit Project. Pursuant to Title VI and Federal Transit Administration (FTA) Circular 4702.1B, SANDAG was required to conduct an equity analysis prior to making final facility location decisions concerning Mid-Coast. This memo is intended to summarize and supplement the discussion in the National Environmental Policy Act (NEPA) documentation regarding that process.

This project is a major transit capital investment being undertaken by the San Diego Association of Governments (SANDAG). The capital cost of the project is approximately \$2.1 billion in year-of-expenditure dollars. The Final Supplemental Environmental Impact Statement (SEIS) prepared for the Mid-Coast project received a Record of Decision (ROD) from the FTA on October 15, 2014. An environmental justice analysis was incorporated into the NEPA documentation for Mid-Coast. A description of the low-income and minority populations within the study area affected by the project, and a discussion of the method used to identify the populations, the public involvement process that was used, a discussion of the adverse effects of the project both during and after construction that would affect the identified minority and low-income populations, and the mitigation measures to be taken are discussed within the NEPA documentation.

### Project Description

The project consists of extending the existing San Diego Trolley (Trolley) Blue Line from the Santa Fe Depot north to the Old Town Transit Center (OTTC), via the existing Trolley tracks, and then north along new tracks to the University Towne Centre (UTC) Transit Center in University City, with nine new stations at Tecolote Road, Clairemont Drive, Balboa Avenue, Nobel Drive, Veterans Administration Medical Center, University of California, San Diego (UCSD) West Campus, UCSD East Campus, Executive Drive, and the UTC Transit Center.

The Mid-Coast Corridor is characterized by a major urban core and an abundance of regional activity centers and other major trip generators. Dense population and employment centers currently anchor both the northern and southern ends of the Mid-Coast Corridor. The UCSD campus, the Westfield UTC shopping center, and regional hospitals are clustered in the northern part of the corridor and represent the second most dense land use area in San Diego County. At the southern end of the corridor is the region's only identified Metropolitan Center—Downtown San Diego—with the region's most dense land use and high-rise development area.

The mobility effects from the project are expected to be beneficial because of the improved accessibility and connectivity provided by the new transit service. The benefits to transit users include improved access to employment and activity centers. Traffic and transit performance would improve within the Mid-Coast Corridor, and these benefits would also be realized by all populations (both minority and non-minority). Nine new stations are proposed for the project, including five that are located in neighborhoods containing minority populations, protected under Title VI (i.e., Title VI populations). As a result, these populations would have the opportunity to be impacted negatively by the project, but also positively by gaining access to the new transit services, as well as the existing region-wide transit system.

The alternatives evaluated for the project included an evaluation of rapid bus, bus rapid transit, and commuter rail within the Mid-Coast Corridor. The project alignment and mode alternatives were developed based on the purpose and need established for the Mid-Coast Corridor, which included increasing the speed and reliability of transit service, reducing transfers, and expanding transit capacity. Consideration of alternatives relied heavily on community input and did not use the demographic characteristics (particularly the minority status of any community) as an evaluation criterion. After the preferred alignment was selected, however, the demographics were evaluated to ensure disparate impacts and disproportionate effects were not found.



## Demographics Data

According to the 2010 U.S. Census, the City of San Diego had a population of 1,307,402 persons, of whom 54.9 percent identified themselves as a minority (the largest minority population is Latino (28.8 percent)). In 2010, the total population for the Mid-Coast Corridor was 373,128, with 34.7 percent identified as minority with the Latino and Asian populations constituting 16.0 and 11.5 percent, respectively.

There are 33 neighborhoods within the Mid-Coast Corridor. Approximately 50 percent of the Mid-Coast Corridor population is concentrated within five of these neighborhoods (Clairemont Mesa East, La Jolla, Linda Vista, Pacific Beach, and University City). Five of the 33 neighborhoods within the Mid-Coast Corridor also have minority populations near 50 percent or higher (Linda Vista-68.7, Civic/Core-66.0, East Village-54.0, Clairemont Mesa East-48.2, and University City-48.2).

To assess potential impacts to minorities, the Mid-Coast Corridor was analyzed at the U.S. Census block level. There are approximately 43,414 Census blocks within the Mid-Coast Corridor, 29,346 of which contain residential populations. Approximately 38 percent of these Census blocks contained minority populations of 50 percent or greater.

## Capital Improvements

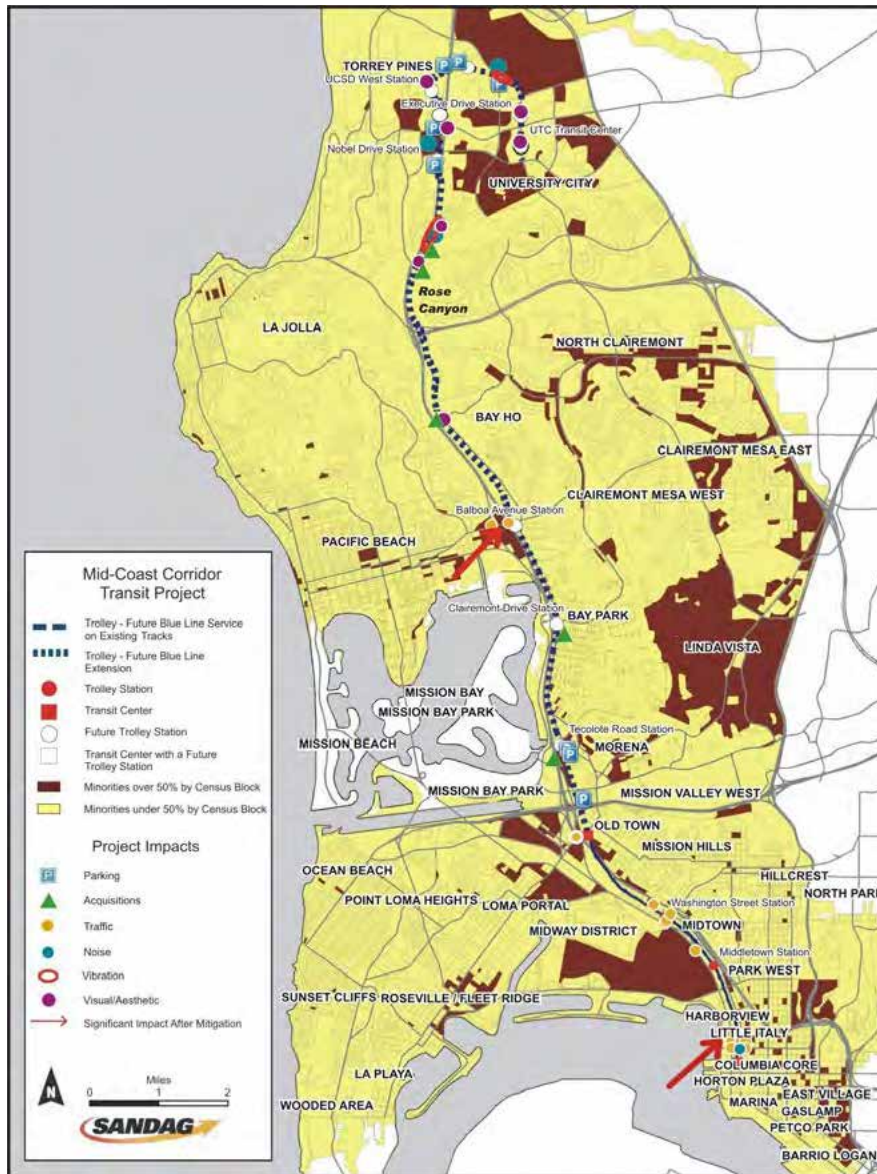
The project includes capital improvements, consisting of the acquisition of right-of-way and the construction of a fixed guideway and associated infrastructure. Infrastructure associated with the fixed guideway includes bridges and other structures, traction power substations, station facilities, platforms, parking areas, and other amenities. The location of these facilities was based on established SANDAG design standards, including engineering studies, operations requirements, public safety, and public input. SANDAG understood its responsibility under Title VI was to not make site selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Civil Rights Act and believes the site selections made, with significant public input, will not adversely affect minority populations within the Mid-Coast Corridor. (Title 49 CFR Section 21.9(b)(3).)

Specific project effects (if any) to minority populations are summarized below. None of the sites selected for construction after the various alternatives were analyzed were found to create a disparate impact for minorities or disproportionate effect for low income populations.

Station amenities, design, and accessibility will be consistent in quality at each station along the corridor. Community input will be sought on design features at each station, however, all stations will receive similar signage and features.

## Project Effects

**Long-Term Effects.** Figure 1 shows the geographic distribution of minority populations, within the Mid-Coast Corridor and the location of project impacts. Of the 43,414 Census blocks within the Mid-Coast Corridor, 44 (0.1 percent) would experience environmental effects from the proposed project. Of the 44 Census blocks affected, five (11.4 percent) contain Census blocks with minority populations greater than 50 percent. Most of the impacts are concentrated near the station areas, except for the area near Rose Canyon. Typically, the station areas for transit projects experience the greatest effects, but also experience the greatest benefits in terms of accessibility. As shown, Census blocks containing minority populations in proximity to the project alignment are primarily located near the station areas. Each of these station areas also contain the same or more Census blocks with non-minority populations. Therefore, the effects and/or delay/denial of benefits would not be borne disproportionately by minorities.



**Figure 1: Mid-Coast Corridor Minority Populations and Associated Impacts**

Permanent adverse effects to Title VI populations would typically involve the removal of a community asset/facility, the creation of adverse proximity impact (noise from train operations); and/or the creation of a physical barrier that would adversely affect the social cohesion and functioning of a neighborhood or community. The Final SEIS/SEIR has documented that, within minority and non-minority communities, no facilities or community resources would be removed; all train operation noise impacts would be properly mitigated; and no barriers to neighborhood access or function would be created.

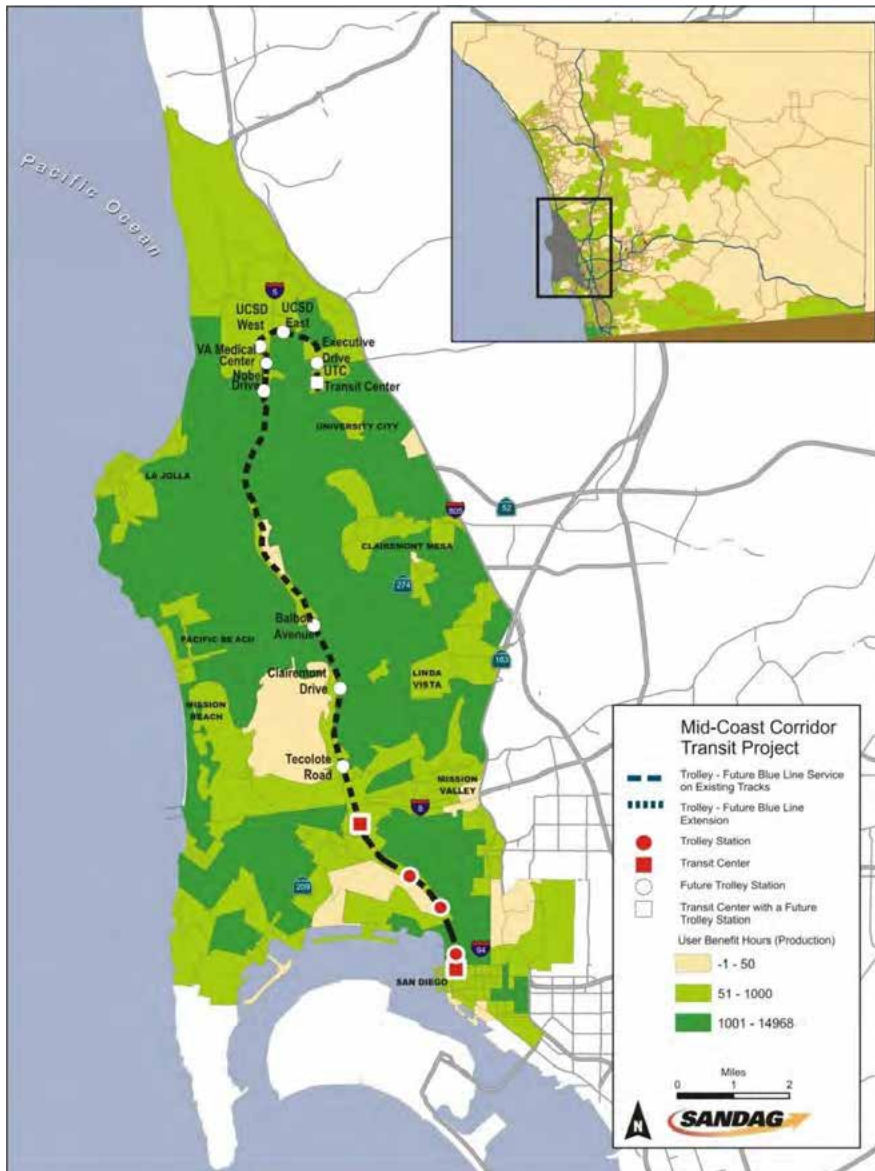
**Short-Term Effects.** Impacts from the project were assessed in the Final SEIS/SEIR to determine if they would be primarily borne by Title VI populations or whether impacts would be appreciably greater in magnitude than to non-Title VI populations. Construction activity for capital elements of the project would occur along the project alignment and at stations and staging areas. These proximity effects, such as noise, would affect both Title VI and non-Title VI populations alike. Construction would also result temporary street closures, detours, and changes in access points.

Through the environmental clearance process, SANDAG has committed that access to businesses and residences will be maintained for all communities along the project alignment. In this regard, the distribution of construction transit, traffic, and parking impacts would not be predominately borne by Title VI populations. Further, impacts on these populations would not be more severe or greater in magnitude than effects on any other non-Title VI populations within the project corridor.

**Benefits.** The Mid-Coast Transit Corridor Project would increase regional connectivity. All users within the corridor, including Title VI populations, would benefit from the project. **Figure 2** shows the user benefits for home-based work trips (production) for transit districts throughout the region. As shown, the vast majority of users from minority and non-minority areas within the region would experience improved travel times. The project would benefit individuals of some Title VI populations by providing a means of transportation and access to community facilities other than via use of an automobile. The project also would provide transit infrastructure to accommodate transit-oriented development, which can improve quality of life by providing housing and a mix of uses within walking distance to public transportation and providing additional benefits to the environment. These benefits are afforded to communities in the corridor regardless of minority or income status.

**Determination**

The project would distribute station amenities, parking, improved employment and housing access, and other beneficial project features for both Title VI and non-Title VI populations. Therefore, there would not be a denial, reduction, or delay in benefit to Title VI populations with respect to access to the benefits of the project. Furthermore, as detailed in the NEPA documentation, neither long- or short- term negative project impacts associated with the alignment or station sites selected are expected to have inequitable results for minorities compared to non-minorities or for low income compared to non- low income populations. Accordingly, the conclusion is that the site selection equity analysis showed no disparity in distribution of adverse effects that would require further analysis.



**Figure 2: Region-Wide and Corridor User Benefits**

Source: FTA Summit Model

## SANDAG Regional Vanpool Program Expansion Analysis

In compliance with the Presidential Executive Order 12898, Department of Transportation Order 5610.2, Federal Highway Administration Order 6640.23, and Title VI of the Civil Rights Act, a social equity analysis was conducted for the proposed SANDAG Regional Vanpool Program Expansion (Project). The results of the analysis show that there is currently a lower incidence of use of the current SANDAG Regional Vanpool Program (Vanpool Program) by low income and minority users, but the proposed Project is likely to decrease any disparate impact on low income or minority populations in the current Vanpool Program. This letter to the project file is intended to document that a social equity analysis was performed prior to implementation of any program changes.

The Vanpool Program covers San Diego County in its entirety. The identified Communities of Concern are low income and minority. Due to the fact that the Vanpool Program is neither a capital project nor a service re-alignment, there will not be any physically modified access to a facility. The goal of the proposed changes to the Vanpool Program is to ensure the program is available and marketed to commuters of all incomes and ethnicities. This analysis complies with SANDAG guidance and procedures.

### Current Vanpool Program Description

The Vanpool Program is a service operated by the Transportation Demand Management division of SANDAG. The program is designed to reduce peak period congestion on the region’s highways and arterials and is part of the SANDAG 2050 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The program offers a \$400 monthly financial incentive for commuter vanpools to offset their monthly lease cost and vanpools cannot discriminate against passengers who are unwilling or unable to drive as a member of the vanpool.

The incentive is offered to those vanpools that are enrolled in the Vanpool Program based on the following priority criteria:

1. Vanpools with both an origin and destination within San Diego County
2. Vanpools with an 80% start-up occupancy
3. Vanpools with origin outside and destination within San Diego County, traveling a minimum of 20 one-way miles within San Diego County
4. Vanpools with origin within and destination outside of San Diego County, traveling a minimum of 20 one-way miles within San Diego County

### Demographic Data

Current vanpool participants are concentrated in the western third of the San Diego region along with a considerable amount residing in the southwest portion of Riverside County. The attached maps identify 64% of all currently registered vanpool participants as of June 30, 2014, overlaid with low income and minority populations using 2010 Census data. Attachment 1 shows some overlap between the origins of current vanpool participants and the presence of low income populations. There are also many incidences, however, of low income residents in the north and east portions of the San Diego region where vanpool program activity does not currently occur. Attachment 2 shows significant overlap between vanpool participant origins and the presence of minority populations with the exception of the southwest portion of the region. The table below displays the percentage of vanpool origins located within low income and minority (LIM) communities based on all available complete origin addresses in San Diego County.

Community of Concern	Percentage of Vanpool Origins within LIM Communities
<b>Low Income</b>	20%
<b>Minority (65%)</b>	37%
<b>Minority (50%)</b>	47%

## **Proposed Project Effects**

Proposed changes to the Regional Vanpool Program will expand access to this commuter assistance program that is essential to reducing congestion, vehicle miles traveled, and greenhouse gas emissions as set forth in the 2050 RTP/SCS. Program expansion recommendations include increased outreach and marketing efforts on the part of SANDAG staff and vanpool vendors targeted at low income and minority populations. For example, promotional materials available in multiple languages (materials are currently available in English and Spanish) will better align with the diverse nature of the San Diego region. Program expansion will also support the commuting needs of low income employees whose employers are not currently served by the program. The program enhancements are expected to increase the number of vanpool subsidies received by persons living in low income and minority communities.

## **Determination**

No minority or low-income populations have been identified that would be adversely affected by the Project as determined above and per Attachment 3. Therefore, this project has met the provisions of Executive Order 12898 and Title VI of the Civil Rights Act.

- Attachments:
1. San Diego Regional Vanpool Program Origins and Low Income Communities
  2. San Diego Regional Vanpool Program Origins and Minority Communities
  3. Preliminary Decision Making Matrix

## Cycle 9 Section 5310 Program (5310) and Senior Mini Grant Program (SMG)

### Introduction

Staff conducted a Social Equity Analysis to determine whether the funding recommendations for the Cycle 9 Section 5310 Program and Senior Mini-Grant Program would result in an equitable allocation of funding expenditures and services for low income and minority areas of the County compared to non-low income and non-minority areas. Table 1, which is attached, shows the funding recommendations; the project service areas determined as low-income, non-low income, minority, and non-minority based on percentage of population as compared to the County of San Diego; and the resulting expenditure allocation percentages. The data in Table 1 was independently reviewed by Andy Gordon, GIS Analyst, to verify accuracy of the information contained.

### Steps in the Social Equity Analysis

1. Using GIS, staff mapped the service areas for each project recommended for funding under the two grant programs. The two maps are attached to this memo.
  - Staff used the service area descriptions provided by applicants in their applications to map the project service area for each recommended grantee.
  - Staff aggregated the number of applicants within a given service area and displayed service areas using a gradient whereby the darker green represents more applicants providing service in an area and lighter green represents fewer applicants providing service in an area.
2. Staff determined the percent low income and percent minority within the service area of each project recommended for funding using the spatial data mapped in Step 1 and SANDAG 2015 Annual Estimates for demographic data. Low Income was defined as households with incomes at or below 200 percent of the 2012 federal poverty level. This definition of low income is consistent with the definition of low income used in San Diego Forward: The Regional Plan. Table 1 shows the list of projects recommended for funding under both the Section 5310 and Senior Mini-Grant programs and the percentage low income and minority within each of the project's service areas. Next, staff compared these percentages to the percentage of the County's population that is low income and the percentage of the County's population that is minority. Table 1 shows a "1" or a "0" next to each project for each category (low income and minority), where a 1 means the project would serve an area with an equal or higher percentage than the County, and a 0 means the project would serve an area with a lower percentage than the County.
3. Based on the funding recommendations, staff next calculated the percentage of recommended funding for projects that would serve identified low income areas and the percentage of recommended funding to serve identified minority areas. This also is shown in Table 1.
4. The maps created in Step 1 were overlaid with the low income and minority population populations for the County of San Diego. The population groups are displayed as dot densities where 1 dot is equal to 200 people.
5. Lastly, staff used the data in Table 1 and the maps to determine whether any disparate impacts or disproportionate treatment would be experienced by low income or minority populations as a result of the proposed funding awards.

### Summary of Analysis

The analysis shows a broad geographic distribution of program funding would occur based on the service areas of the projects recommended for grant funding. The Section 5310 map shows that population groups within the Census-defined urbanized area will be served by at least one provider recommended for Section 5310 funding. The Senior Mini-Grant map shows that population groups within the entire County of San Diego will be served by at least one provider recommended for Senior Mini-Grant funding.

The analysis also shows that low income and minority populations would receive an equitable proportion of the Section 5310 and Senior Mini-Grant program benefits. Below are the more specific findings, both collectively, and by grant program.

**Low-Income**

Table 1 shows that 7 Section 5310 projects of the 17 projects recommended for funding have service areas that have a percentage of low income population equal to or greater than the County's overall average. The seven projects represent a total of six service providers and 52.64% of Section 5310 funding to be awarded. Through the Senior Mini-Grant program, 8 projects of the 11 projects recommended for funding have service areas that have a percentage of low income equal to or greater than the County's overall average. The eight projects represent a total of six service providers and 44.79% of Senior Mini-Grant funding to be awarded. Collectively, 49.07% of the Section 5310 and Senior Mini-Grant funds will serve low income populations.

**Minority**

Table 1 also show that 8 projects of the 17 projects recommended for funding have service areas with a percentage of minority population equal to or greater than the County's overall average. The eight projects represent a total of six service providers and 55.03% of Section 5310 funding to be awarded. Through the Senior Mini-Grant program, 6 projects of the 11 projects recommended for funding have service areas with a percentage of minority population equal to or greater than the County's overall average. The six projects represent a total of four service providers and 49.01% of Senior Mini-Grant funding to be awarded. Collectively, 52.29% of the Section 5310 and Senior Mini-Grant funds will serve minority populations.

**Conclusions**

The analysis found that the funding recommendations proposed by the two Evaluation Committees for both of the programs will result in an equitable distribution of funds and services to low income and minority populations.

## MTS Title VI Analysis: Route 950

*Prepared by the Metropolitan Transit System, October 2016*

### Executive Summary

The San Diego Metropolitan Transit System (MTS) has conducted a Title VI analysis of the 2016 proposed bus service change to Route 950, as required by the Federal Transit Administration (FTA). Title VI is a Federal statute and provides that no person shall, on the grounds 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. The purpose of this analysis is to ensure that MTS is in compliance with Title VI requirements. MTS has followed FTA's guidelines, published in FTA Circular 4702.1B on October 1, 2012.

The critical elements of this analysis involve a determination of whether or not disparate impacts to minority populations or disproportionate burdens to low-income populations would result from the change. As defined in MTS Policy 42:

A disparate impact is found when there is a difference in adverse effects between minority and non-minority populations such that: the adversely affected population is 10 percent or greater minority than the total MTS service area average; or, the benefiting population is 10 percent or more non-minority than the total MTS service area average.

A disproportionate burden is found when there is a difference in adverse effects between low-income and non-low-income populations such that: the adversely affected population is 10 percent or more "low-income" than the total MTS service area average; or, the benefiting population is 10 percent or greater "non-low-income" by percentage of total population than the total MTS service area average.

The study found that there is no disparate impact and no disproportionate burden resulting from the changes to Route 950.

### Introduction

The San Diego Metropolitan Transit System (MTS) is proposing making permanent a service change to Route 950 which began its pilot period in January 2016. The extent of the changes involves an increase in express bidirectional service between the Otay Mesa Port of Entry and the MTS Iris Avenue Transit Center, including the addition of weekend service, with a decrease in Route 905 local service levels. This change was piloted due to staff observations that a significant amount of passenger activity on Route 905 outside of the peak periods when Route 950 was not in operation was continuing to travel directly between the route's two terminals, indicating a continued demand for express service.

The change to Route 950 is considered to be a major service change under MTS Policy 42.5B, and as a result the Federal Transit Administration (FTA) requires the execution of a Title VI analysis (FTA C 4702.1B). The change to Route 905 has been minimal and falls below the threshold to be considered a major service change under MTS Policy 42.5B, therefore requiring no analysis. This Title VI analysis involves the evaluation of the Route 950 major service change to determine whether or not it will have a disparate impact on both minority and low-income groups. If disparate impacts or disproportionate burdens are found, this analysis will identify the available service alternatives and mitigation strategies that can be used to minimize them.



## Background

### Qualification as Major Service Change

The definition of a major service change, as used within MTS Policy 42, was developed with public input as part of a public engagement process during June 2013 when MTS held a public hearing to solicit feedback from stakeholders. According to the policy, MTS will conduct a Title VI analysis on any of the following changes before a final implementation decision is made:

- A change that is greater than 25 percent of a route's weekly in-service miles or hours.
- An increase or reduction in the average weekly span-of-service of more than 25 percent.
- The implementation of a new route or the discontinuation of an existing route.
- A routing change that affects more than 25 percent of a route's Directional Route Miles and more than 25 percent of the route's bus stops.

Because this change is greater than 25 percent of Route 950's weekly in-service miles and hours, it qualifies under MTS Policy 42 as a major service change. The following table shows the percent change in the proposed weekly revenue hours and miles from the September 2015 booking (prior to the pilot implementation) to the January 2016 booking (when the pilot was implemented), and the resulting sums which qualify the service change as a major service change.

**Table 1: Current and Proposed Major Service Change**

Route	Description of Change	September 2015		January 2016			
		Weekly Revenue Hours	Weekly Revenue Miles	Weekly Revenue Hours	Percent Change	Weekly Revenue Miles	Percent Change
950	Increase service	26.5	586.5	94.2	255%	1958.1	234%

### Purpose of MTS Service Changes

Due to consistently high passenger demand, it is proposed that expanded Route 950 service currently being operated as a one-year pilot be made permanent.

### Definition of Low-income and Minority Groups

FTA Circular 4702.1B encourages recipients to use a locally developed threshold for low-income person that is "at least as inclusive as the HHS poverty guidelines." In coordination with SANDAG, MTS defines a low-income person as an individual whose household income is at or below 200 percent of the poverty level as defined by the United States Census Bureau. The FTA defines minority persons as the following: American Indian and Alaska Native, Asian, African American, Hispanic or Latino, and Native Hawaiian or other Pacific Islander.

### Disparate Impact and Disproportionate Burden to Low-income and Minority Populations

This analysis considers the percentage of minority and low income persons by route in each census block group that the route serves. It identifies which route changes could potentially have a disparate impact or disproportionate burden. In order to provide the standard for the analysis, this section defines the criteria that MTS considers to be qualifications for a disparate impact or disproportionate burden.

The FTA defines a disparate impact as "a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient's policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin (FTA C 4702.1B Chapter 1-2)."

MTS Policy 42.6b uses the phrase, “disparate impact,” when speaking of minorities, and the phrase, “disproportionate burden,” when speaking of low-income impacts. This report uses these phrases to differentiate the two. Both are defined as follows:

A **disparate impact** is found when there is a difference in adverse effects between minority and non minority populations such that: the adversely affected population is 10 percent or greater minority by percentage of total population than the total MTS service area average; or, the benefitting population is 10 percent or more non-minority than the total MTS service area average. *For example, if the total MTS service area average is 55% minority, then a proposed service change that adversely affects a population that is 65% minority or greater would be defined as a disparate impact.* If MTS chooses to implement a proposed major service change despite a finding of a disparate impact, MTS may only do so if there is a substantial justification for the change, and there are no alternatives that would have a less disparate impact and still accomplish the goals of the change (MTS Policy 42.6b).

A **disproportionate burden** is found when there is a difference in adverse effects between low-income and non-low-income populations such that: the adversely affected population is 10 percent or more “low-income” than the total MTS service area average; or, the benefitting population is 10 percent or greater “non-low-income” by percentage of total population than the total MTS service area average. *For example, if the total MTS service area average is 20% “low-income,” then a proposed service change that benefits a population that is 90% or greater “non-low-income” would be defined as a disproportionate burden.* If MTS chooses to implement a proposed change despite a finding of disproportionate burden, MTS may only do so if steps are taken to avoid or minimize impacts where practicable, and MTS provides a description of alternatives available to affected low-income populations (MTS Policy 42.6b).

Table 2 shows the total MTS service area average for minority and low-income populations, based on the data from the 2014 American Community Survey 5 year estimates, 2010–2014:

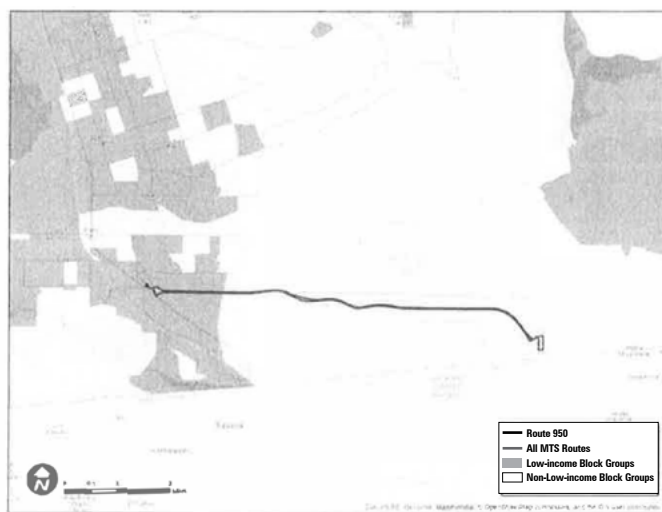
**Table 2: Service Area Averages**

Population	Service Area Average
Minority	55.6%
Low-income	32.9%

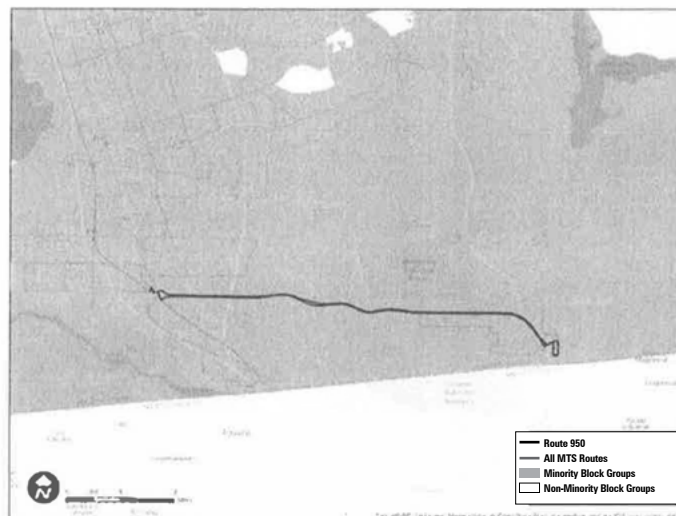
**Proposed service Changes**

The following section provides a profile of Route 950 with two maps of the proposed route: one with percentage of low-income population census block groups, and one with percentage of minority census block groups.

**Figure 1: Route 950 and MTS Low-Income Population by Census Block Group**



**Figure 2: Route 950 and MTS Minority Population by Census Block Group**



## Title VI Methodology

The FTA guidelines allow transit agencies to use either ridership or population as a basis to determine disparate impacts and disproportionate burdens. Whichever basis is selected should be used throughout the analysis. MTS has selected population as the basis to ensure consistency with past analyses.

The analysis compares the population in Census block groups affected by the proposed change (defined as within 1/4 mile of an affected route) with the population in the service area. The data source is the 2010-2014 5 year estimates from the American Community Survey.

The definitions of disparate impact and disproportionate burden included in MTS Policy 42 are used in this analysis. The definitions require that the percentage of adversely affected minority or low-income populations be no more than 10 percent higher than the percentage of minority or low-income populations within the MTS service area for a service reduction. Conversely, for a service improvement or new service, the percentage of benefitted non-minority or non-low-income populations cannot be more than 10 percent higher than the percentage of non-minority and non-low-income populations within the service area.

This analysis uses the definition of low-income persons included in FTA Circular 4702.1B. The Circular encourages recipients to use a locally developed threshold for low-income persons that are “at least as inclusive as the HHS poverty guidelines.” This analysis defines low-income persons as individuals whose household income is at or below 200 percent of the poverty level as defined by the United States Census Bureau.

The formats provided in Tables 1 and 2 in Appendix K of FTA Circular 4702.1B are used to present the results of the analysis, as recommended by FTA.

## Title VI Evaluation Results

Table 3 presents minority and low-income population data within the MTS service area.

**Table 3: Population Data within the MTS Service Area**

Service Area Population	Minority Population	Percent Minority	Low Income Population	Percent Low Income
2,225,382	1,237,074	55.6%	732,930	32.9%

Table 4 presents minority and low-income population data for census block groups affected by proposed route discontinuations.

**Table 4: Census Block Group Population Affected by New Service on Route 950**

# Census Block Groups	Total Population Race Ethnicity	Minority Population Affected	Percent Minority	Total Population Low Income Non-Low Income	Low Income Population Affected	Percent Low Income Affected
13	42,453	38,135	89.9%	38,000	14,355	37.8%
		Non-Minority Population Affected	Percent Non-Minority		Non-Low Income Population Affected	Percent Non-Low Income
		4,318	10.1%		23,645	62.2%

The proposed changes to Route 950 can be defined as a service improvement, as they meet a great ridership demand, introduce no material new negative impacts, and MTS has received no complaints about the additional service provided during the pilot period. Therefore, the analysis must consider whether non-minority and non-low income populations receive a greater benefit. The percent non-minority population in Table 4 is much lower than the percent non-minority population within the MTS service area (10.1 percent versus 44.4 percent). Since the percentage of benefitted non-minority populations is not more than 10 percent higher than the percentage of non-minority populations within the MTS service area, there is no disparate impact from proposed new service. The percent non-low-income population in Table 4 is also lower than the percent non-low-income population within the MTS service area (62.2 percent versus 67.1 percent). Since the percentage of benefitted non-low-income populations is not more than 10 percent higher than the percentage of non-low-income populations within the MTS service area there is no disproportionate burden from proposed new service.

## Call Box Right-Sizing Social Equity Impact Assessment

### Background

SANDAG's Motorist Aid Services (MAS) Program was established in January 2013 after authority over the Call Box Program was transferred to SANDAG. Pursuant to Assembly Bill 1572 (Fletcher, 2012), the Service Authority for Freeway Emergencies (SAFE) in San Diego County was dissolved. The bill named SANDAG the successor authority to assume responsibility for the Call Box Program effective January 1, 2013. The MAS Program provides a comprehensive set of services to aid motorists in need along the region's highways and includes the **Freeway Service Patrol (FSP)**, regional motorist assistance funding for **511 Roadside Assistance**, the **Regional Helicopter Program**, in coordination with the City and the County, and the **Call Box Program**.

The Call Box network consists of 1,259 solar powered 2nd Generation (2G) cellular telephones located on the region's urban highways and rural routes, providing motorists in need access to communication services for roadside assistance. SANDAG currently maintains and operates 1,259 Call Boxes throughout San Diego County. Approximately 55 percent of the region's Call Boxes are located in the urban area and 45 percent are located in the rural area. Call volume on the Call Box network peaked at 140,000 motorist aid calls in 1993, and has since dropped to an average of 13,000 calls per year (FY2012-2015). This decline in call volume can be largely attributed to the proliferation of cell phones.

In fiscal year 2016, SANDAG staff conducted an assessment of the Call Box Program with the goal of right-sizing the network in response to the drop in demand for the service, to optimize the service where it may still be needed, and to operate the program more efficiently.

### Description of Right-Sizing Evaluation Criteria

In developing criteria for the program's right-sizing analysis, staff evaluated four operational components:

FACTORS	DESCRIPTION
Call Usage	High and low volume Call Box locations
Site Factors	Site type compliance per Caltrans Statewide Guidelines regarding location & suitability
Knockdowns	Call Box locations that have reported multiple vehicle collisions
Regional Dependency	Call Box usage on a regional scale
Operation & Maintenance expenses	Ongoing expenses required to operate
Required Investment	System and technology investments

#### *Call Usage*

As identified earlier, call volume on the Call Box network peaked at 140,000 motorist aid calls in 1993, and has since dropped to an average of 13,000 calls per year (FY2012-2015).

#### *Site Factors and Knockdowns*

As a result of the assessment, many Call Box locations were identified as being underutilized or undesirable. Caltrans Statewide Guidelines were used to identify Call Box locations that are considered "undesirable" due to safety concerns or that are insufficiently accessible for persons using wheel chairs. A total of 131 Call Box locations were classified as undesirable for these reasons and were identified as unsuitable for continued service. In addition, a number of locations

have experienced repeated knockdowns of the call box, rendering these 71 additional locations unsuitable for safety reasons. As a result, a total of 202 Call Box locations have been identified for removal, regardless of which right-sizing alternative may be implemented.

*Regional Dependency*

In addition, an analysis of the call volume from urban and rural locations revealed that stranded motorists, traveling on the region’s rural highways, are more dependent upon the Call Boxes in these rural locations, when compared to motorists traveling on the region’s urban highways. For every one million vehicle miles traveled, an average of 2.2 calls are placed from Call Boxes located on the rural highways, whereas, 0.3 calls are being generated from Call Boxes located on the urban routes. The data indicates that the probability of use and dependency on the Call Box network is seven times greater on rural highways than urban routes.

Travelers on the region’s rural highways are also more likely to be dependent upon the Call Box network than motorists traveling on the urban highways due to the availability of supplemental services in urban areas. Since the inception of the Call Box Program in the late 1980s, other motorist aid services, such as the Freeway Service Patrol, Caltrans freeway surveillance cameras, and 511 Roadside Assistance Program have become available. For example, both the Freeway Service Patrol and Caltrans surveillance cameras are useful in rendering aid to stranded motorists but are operated only on the urban highways. On the other hand, the Call Box Program and its companion, 511 Roadside Assistance provide a service to both the urban and rural regions.

*Operation and Maintenance Expenses & Required Investments*

In addition to the operational components described above, the assessment of the program included an examination of costs, evaluating both the ongoing maintenance and operational expenses, as well as identifying any additional investments that may be required within the next five years, to ensure operational continuity of the Call Box network.

*Preliminary Determinations*

The results of the analysis revealed that approximately 202 call boxes, located primarily on urban routes, were identified to be in undesirable locations or pose a potential safety hazard and are recommended for removal no matter which alternative is pursued. The Call Box Program was initiated in the late 1980s, and other motorist aid services, such as the Freeway Service Patrol, Caltrans surveillance cameras, and the 511 Roadside Assistance Program were subsequently put into operation. The analysis also indicates that while the overall demand for call boxes has dropped significantly since the peak usage in 1993, motorists traveling on the region’s rural highways are far more dependent upon the call boxes when seeking motorist aid, than those traveling on the urban highways. To continue providing motorist aid services where they are needed and to make the most effective use of resources, the network of Call Boxes should be right-sized to meet the current needs of motorists.

Three right-sizing alternatives were developed for consideration:

- Alternative 1: Proposes a 75 percent reduction of call boxes Throughout the region, effectively removing all call boxes in the urban region and a 43 percent reduction in the rural area.
- Alternative 2: Proposes a 100 percent removal of all call boxes in the region.
- Alternative 3: Proposes a 16 percent reduction effectively retaining most call boxes in the region with the exception of 202 locations identified as undesirable.

In evaluating these alternatives, it was determined that all of the right-sizing alternatives would result in cost-savings that could be used to enhance supplemental motorist aid service.

## **Title VI and Environmental Justice Requirements**

In compliance with the Presidential Executive Order 12898, Department of Transportation Order 5610.2, and Federal Highway Administration Order 6640.23, a social equity analysis was conducted for SANDAG's Call Box Right-Sizing Assessment.

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) "prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for limited English proficient (LEP) persons." Discrimination is defined as any action or inaction in any federally-funded program or activity that "results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin."

SANDAG, as an agency that receives federal funding, and as an agency that values sound planning practices, is responsible for conducting Title VI analyses in efforts of supporting the equitable distribution of transportation-related services and to mitigate for inequitable results for groups covered by environmental justice principles.

Given that the implementation of any of the right-sizing plans identified will reduce the number of Call Boxes available in the region, and therefore remove a motorist's access to the Call Box system for roadside assistance, staff further analyzed the impacts associated with the right-sizing alternatives. In compliance with SANDAG guidance and procedures, SANDAG's Preliminary Decision Matrix was used to determine that a social equity impact assessment would be needed to best evaluate the potential disparate impacts or disproportionate burdens for minority and low income populations.

## **Methodology and Determinations**

Geographic Information Systems (GIS) data was used to perform a geospatial analysis of the right-sizing alternatives to determine the potential impacts on minority and low income populations in relation to the Call Box system.

### **Methodology**

In order to most effectively conduct an equitable analysis for all the alternatives identified, staff methodology incorporated a few assumptions.

The first assumption is that the implementation of a right-sizing plan will alter the number of Call Boxes in both the urban and rural regions of the county.

There is insufficient data to verify that the populations in the immediate vicinity of a Call Box are the users of these Call Boxes. This is because SANDAG avoids collecting personally identifiable information, such as a person's address or other sensitive information, when operating its MAS Program. The provision of roadside assistance based on a Call Box request does not require SANDAG to collect a person's home address, ethnicity, or income status. As a result, SANDAG does not have data indicating where Call Box users reside, which would allow for the most accurate assessment of which populations would be most impacted by the alternatives. Thus, despite the potential room for error associated with using place of residence as a direct indicator of the likelihood of use of Call Boxes, it is the more conservative approach for evaluating social equity impacts of Call Box right-sizing alternatives. If it was assumed that no matter where a person lived, they were just as likely to use a Call Box in one part of the county as any other part of the county, there would be no need for a disparity analysis because all persons would be impacted evenly no matter where the Call Boxes might be removed. SANDAG decided to use a more cautious approach to ensure there were no disparate impacts or disproportionate treatment. This led to an assumption that is the more conservative approach between the two possibilities despite the potential room for error associated with using place of residence as a way of determining the likelihood of use of particular Call Boxes. For these reasons, the second assumption for this social equity analysis is that the populations that live in urbanized areas are more likely to use urban area Call Boxes and that those that live in more remote areas are more likely to be using the roads where those Call Boxes are located.

Lastly, social equity analyses typically select a threshold to better identify impacts or disparities that are disproportionately high and adverse. For example, the SANDAG Regional Plan used a 20 percent threshold as the unit of measure that has been accepted by federal and state courts. Due to a lack of data regarding the minority or income status of Call Box users, SANDAG assumed that the same proportion of persons that are minority or low income residing in the region, are the actual users of the Call Boxes. Since this means that the proportion of persons residing in the region is equal to the proportion of persons using the Call Boxes, the threshold method of analysis was not needed.

## **Nature of Services in Rural Versus Urban Areas**

As discussed earlier, SANDAG provides a suite of services as part of the MAS Program, in addition to the Call Box Program. A description of each of the services and where they are offered is summarized below.

***Freeway Service Patrol:*** A fleet of roving tow trucks that patrol the region’s urban highways during peak commute periods, assisting stranded motorists with a gallon of gas; changing a flat tire; or will tow the vehicle, at no charge, to a safe, pre-determined location designated by the California Highway Patrol (CHP).

***511 Roadside Assistance:*** A component of the region’s one-stop travel resource system enabling motorists in need to obtain assistance from police, fire, ambulance, towing, and other service personnel directly from their cell phone. 511 also provides up-to-the minute information on traffic conditions; incidents and driving times; schedule, route and fare information for public transportation; carpool and vanpool referrals; bicycling information; and more.

***Regional Helicopter Program:*** The Motorist Aid program also contributes funding for associated motorist aid services, including the Regional Helicopter program, operated jointly by the City and the County of San Diego.

***Caltrans Camera Network:*** Caltrans operates a network of freeway surveillance cameras that aid in identifying motorists in need of roadside assistance. This network is operated independently of the MAS program in the urban areas, but in conjunction with MAS operations.

The availability of alternative motorist aid services in the urban areas, as well as the cell phone tower network in the urban areas make it less likely that someone will be unable to obtain assistance in the urbanized areas of the county even if all of the Call Boxes are removed. On the other hand, 511 is currently the only service available to supplement the Call Boxes in the rural areas and cell phone coverage may be limited in some of these areas.

For both urban and rural users, the Call Boxes pose more of a safety risk than options that do not require a motorist to leave their vehicle. Safety experts state that under most circumstances if you are able to pull away from traffic, it is safest to remain in your vehicle until a law enforcement officer or road service provider arrives.

As stated earlier 55 percent of the region’s Call Boxes are located in the urban area and 45 percent are located in in the rural area. Figure 1 illustrates the low income populations in relation to the current Call Box system. The figure shows that a higher proportion of low income populations reside in the urbanized regions of the county, shown in green, than in what is referred to in this document as the rural region. Similarly, Figure 2 illustrates that a higher proportion of the minority population also resides in the region’s urban areas than in the rural region. 55 percent of Call Boxes are located in the region’s urban areas, where the majority of low income and minority populations reside, indicating that any alterations to the Call Box system may pose potential impacts or burdens for minority and low income populations.

Also illustrated in both Figure 1 and Figure 2 is that fewer low income and minority populations live in the rural areas, therefore any reductions that may occur in the rural areas may not pose potential disparate impacts or disproportionate burdens for minority and low income populations.

Based on the methodology described earlier, if an alternative is selected that would remove Call Boxes from the urban region, shown in green in Figures 1 and 2, it is presumed that mitigation would be needed to address any potential disparate impacts for minorities or disproportionate effects for low income populations. Proposed mitigation measures for each of the alternatives that would result in fewer Call Boxes in the urban areas are discussed below.



## Alternative 1

### Assessment Potential Effects of Alternative 1 on Rural Area Users

As indicated earlier in Figures 1 and 2, there is a higher proportion of non-low income and non-minority populations in the rural areas. Figures 3 and 4 depict what would result from Alternative 1, which calls for the interval spacing of the rural call box locations increasing to 1-mile intervals from current spacing standards of 1/2-mile intervals, effectively removing 43 percent of the call boxes.

The locations of the Call Boxes proposed for removal will remain evenly spaced throughout the rural highway network thus maintaining access to the rural Call Box system. Since there is a lower proportion of minority and low income populations in the non-urbanized area shown on the maps, the proposed increase in spacing from a 1/2 mile to 1 mile intervals for the Call Boxes is not expected to cause a disparate impact or disproportionate effect for minority or low income populations. All of the rural highway users will be impacted evenly if Alternative 1 is selected. Therefore, no further social equity analysis is required for this aspect of Alternative 1.

### Assessment of Potential Effects of Alternative 1 on Urban Area Users

Alternative 1, which proposes a 75 percent removal of the Call Box network, would remove all of the Call Boxes in the urban area, and retain over 50 percent of the rural network, where cell phone service and access to help is not always readily available. Figure 3 and 4 illustrate the revised Call Box network would look for Alternative 1 in relation to low income and minority populations, respectively. As can be seen in the maps, if the assumption is that there is some correlation between where populations live and where Call Boxes are used, the 75 percent removal of Call Boxes may disproportionately burden low income and minority populations in the urban area, especially those who may not own a cell phone and would not have access to the mobile 511 Roadside Assistance Program. Therefore, SANDAG further analyzed whether this potential impact could be mitigated by the availability of alternative services or other factors.

According to Pew Research Center (2015)<sup>1</sup>, cell phone ownership is common across all major demographic groups. 92 percent of all American adults, aged 18-64 own a cell phone in the U.S.; with 94 percent of African American adults owning a cell phone; and 92 percent cell phone ownership among Hispanic adults. The share of cell phone ownership among low income adults, those with a household income less than \$30,000, is 86 percent, or, slightly less than the U.S. average. Additionally, cell phone ownership among the U.S. urban population is 94 percent, whereas the ownership rate among the rural population is 87 percent. A similar survey conducted by SANDAG in February 2015, found that nearly 84 percent of respondents in the San Diego region own a cell phone. This data indicates that any impacts associated with the implementation of Alternative 1 will be smaller now than they would have been in the past due to the widespread use of cell phones, which provide access to communication services for roadside assistance.

As stated above, very high percentages of the population, regardless of income or minority status, own cell phones and can obtain roadside assistance via self-help measures or through 511. Also, since the Call Box Program was initiated in the late 1980s, other motorist aid services, such as the FSP and Caltrans surveillance cameras are providing supplemental support to motorists. Figure 5 and 6 illustrate the availability of these supplemental services in relation to low income and minority populations. As indicated in the maps, the FSP and Caltrans surveillance cameras render assistance to motorists, but are only available in the urban areas.

Other services through the MAS Program also provide users of the region's highways alternative forms of access to the call box network, such as the 511 Roadside Assistance Program and FSP. These alternative services are superior as compared to the call boxes from a safety standpoint because they all are accessible from the safety of a vehicle, whereas use of a call box requires motorists to leave their vehicle.

As discussed above, the FSP provides services to any vehicle on the roadway sighted by the FSP driver or called to the location by Caltrans or law enforcement. Assist times for motorist in need is under 10 minutes during service hours.

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<sup>1</sup> *The Demographics of Device Ownership, Pew Research Center, October 29, 2015.*

Supplementing motorists aid services via augmented FSP services in the urbanized areas and increasing outreach regarding the availability of the 511 service is expected to mitigate potential impacts. Alternative 1's proposed expenditures on upgrading other sources of motorist aid, when coupled with the improved safety that will result from not requiring users to get out of their vehicles, would on balance result in enhanced benefits for users in the urbanized areas. When all of the offsetting factors are taken into account, no disproportionately high and adverse effect is expected for low income or minority populations.

## **Alternative 2**

### **Assessment Potential Effects of Alternative 2 on Rural Area Users**

Since the rural regions demonstrate a higher proportion of non-low income and non-minority populations in the rural areas, it is assumed that even if all Call Boxes are removed from the rural areas, the removal would not have a negative impact on more people who are minority or low income than on those who are considered non-minority or non-low income. Accordingly, there would not be disparate impacts or disproportionate effects on minority or low income populations and no further social equity analysis is required for this aspect of Alternative 2.

### **Assessment Potential Effects of Alternative 2 on Urban Area Users**

The right-sizing plan as described under Alternative 2 would remove all of the Call Boxes in the region. Figures 7 and 8 illustrate the removal of all Call Boxes in relation to low income and minority populations. The removal of all of the urban Call Boxes, as with Alternative 1, may have a disparate impact or disproportionate effect. Those impacts and how they might be remediated for the urbanized areas of the region are discussed above under Alternative 1.

## **Alternative 3**

### **Assessment Potential Effects of Alternative 3 on Rural Area Users**

Implementation of the right-sizing plan as described under Alternative 3 will remove 33 Call Boxes in the rural area identified as undesirable, but maintain 94 percent of the current rural Call Box network. As already discussed, the rural regions have a higher proportion of non-low income or non-minority populations, thus the removal of 6 percent of the Call Boxes in that region would not have a disproportionate effect on low income populations or a disparate impact for minority populations and no further social equity analysis is needed.

### **Assessment Potential Effects of Alternative 3 on Urban Area Users**

The implementation of Alternative 3 will maintain most of the current network as is, with the exception of 202 locations identified as undesirable. This alternative will remove 169 Call Boxes identified as undesirable in the urban area, but maintain 75 percent of the current urban Call Box network, as shown in Figures 9 and 10. Due to the proliferation of cell phones in the region and other supplemental services in the region, such as Freeway Service Patrol and Caltrans surveillance traffic cameras, this alternative is unlikely to result in any inequities for low income or minority populations. Populations in the urban areas would still maintain access to the physical Call Box network and supplemental Motorist Aid Services under Alternative 3. The spacing of the remaining Call Boxes would be distributed in such a way as to not cause disparate impacts or disproportionate effects. For this reason no further analysis is performed in this document for this aspect of Alternative 3.

## **Conclusion**

The maps provided as attachments to this document illustrate the effects of implementing Alternative 1, 2, or 3, in order to right-size the Call Box network.

## Rural Areas

The social equity analysis revealed that the implementation of Alternative 1, 2, or 3 would not have a disparate impact on minority populations or disproportionate effect on low income populations in the rural areas due to the uniform removal of Call Boxes that would occur and a higher proportion of non-low income and non-minority populations that are assumed to be the users of those Call Boxes.

## Urban Areas

The assessment of the proposed removal of all of the call boxes in the urban areas, as described under Alternative 1 and 2, showed the potential of causing inequities for low income and minority populations. Therefore, further analysis was performed to determine what measures could be taken to address any potential inequities. While data suggests that cell phone ownership among adults is high, regardless of income or minority status, the removal of Call Boxes from the urban highways could still potentially impact low income and minority populations disproportionately. Accordingly, mitigating factors and measures were analyzed to determine how to remediate the potential effects of Alternative 1 and 2. The analysis found that enhancing the supplemental motorist aid services in the urban areas by re-allocating cost-saving funds from right-sizing the program, such as by placing additional FSP vehicles where they are needed most and increasing outreach for the region's motorist aid services such as 511, would mitigate these impacts.

Although Alternative 3 has the lowest likelihood of causing any disparate impacts or disproportionate effects in the urban areas, it does not allow for significant cost savings and is a less efficient use of public funds due to the low use of the Call Boxes. Alternative 2 is likely to cause the most impacts in the urban areas and does not allow for any of the Call Box infrastructure to stay in place in the rural areas where it is more likely to be needed due to fewer other motorist aids being available in those areas. This leads to Alternative 1 as the superior option from both a social equity and safety standpoint. It provides for the most efficient use of the Call Box network, and by doing so it also provides the funding needed for SANDAG to invest more money into more effective and safer options for motorist aid in both the urban and rural areas.

Use of the cost savings for an outreach effort to ensure persons using roads in non-urban areas know of the availability of 511 and enhanced FSP, high incidence of cell phone ownership, and continuation of the Motorist Aid Services are all factors that are expected to address any potential for inequity that may arise if Alternative 1 is selected, however, SANDAG will monitor the results of implementation of any the right-sizing plan selected to address any negative impacts. If it is determined in the future that unexpected negative consequences have occurred for low income or minority populations, SANDAG will take further steps to ensure those consequences are adequately addressed.

Figure 1- Call Box System and Low Income Population

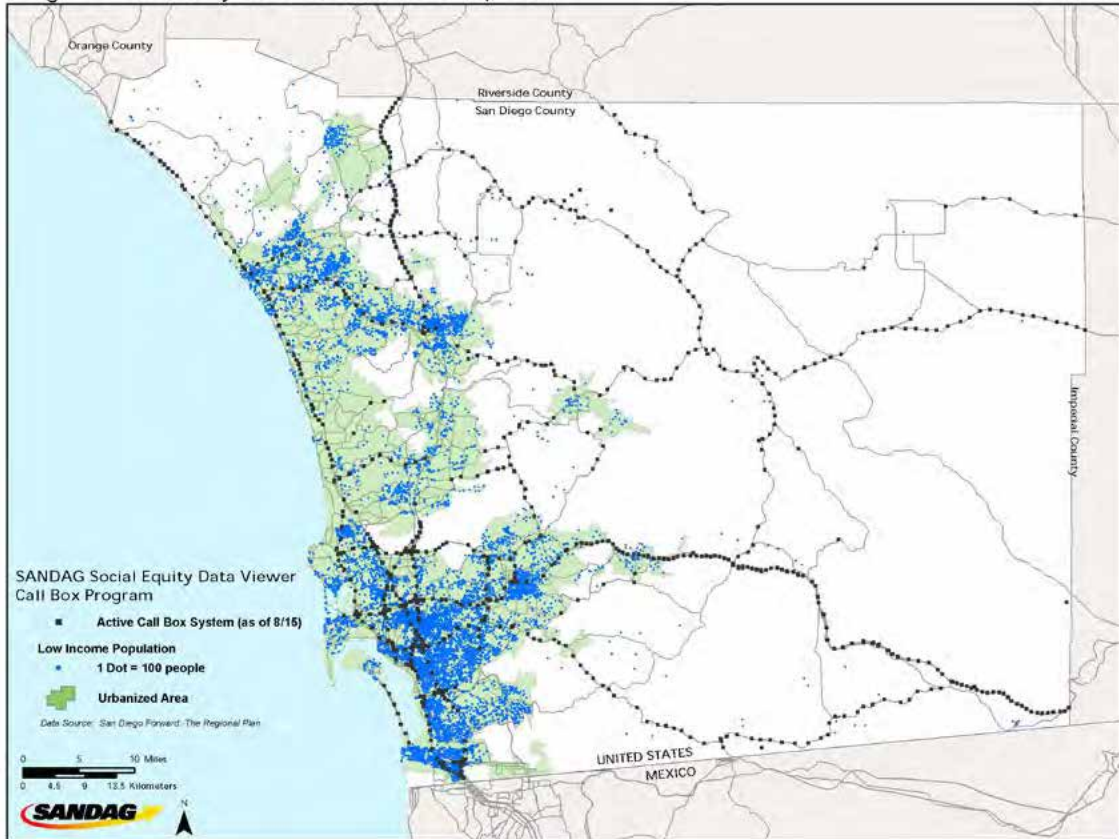


Figure 2- Call Box System and Minority Population

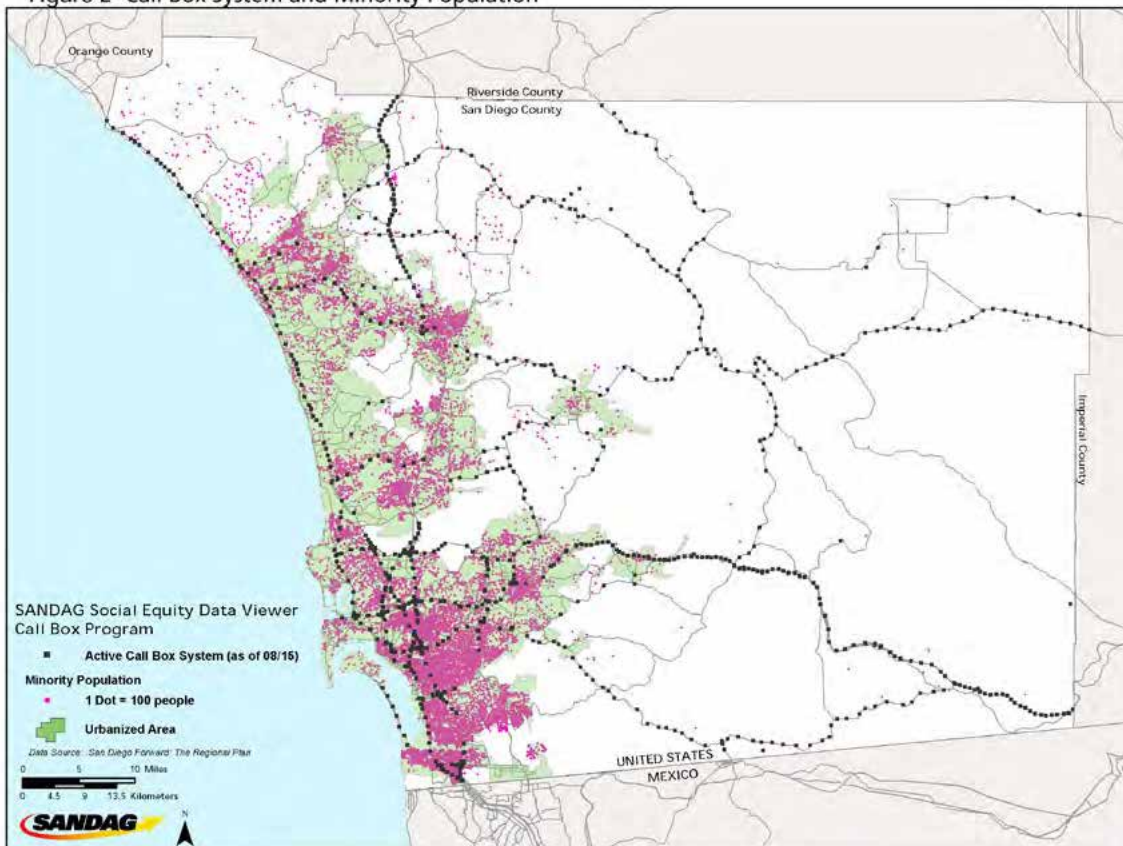


Figure 3- Alternative 1 and Low Income Population

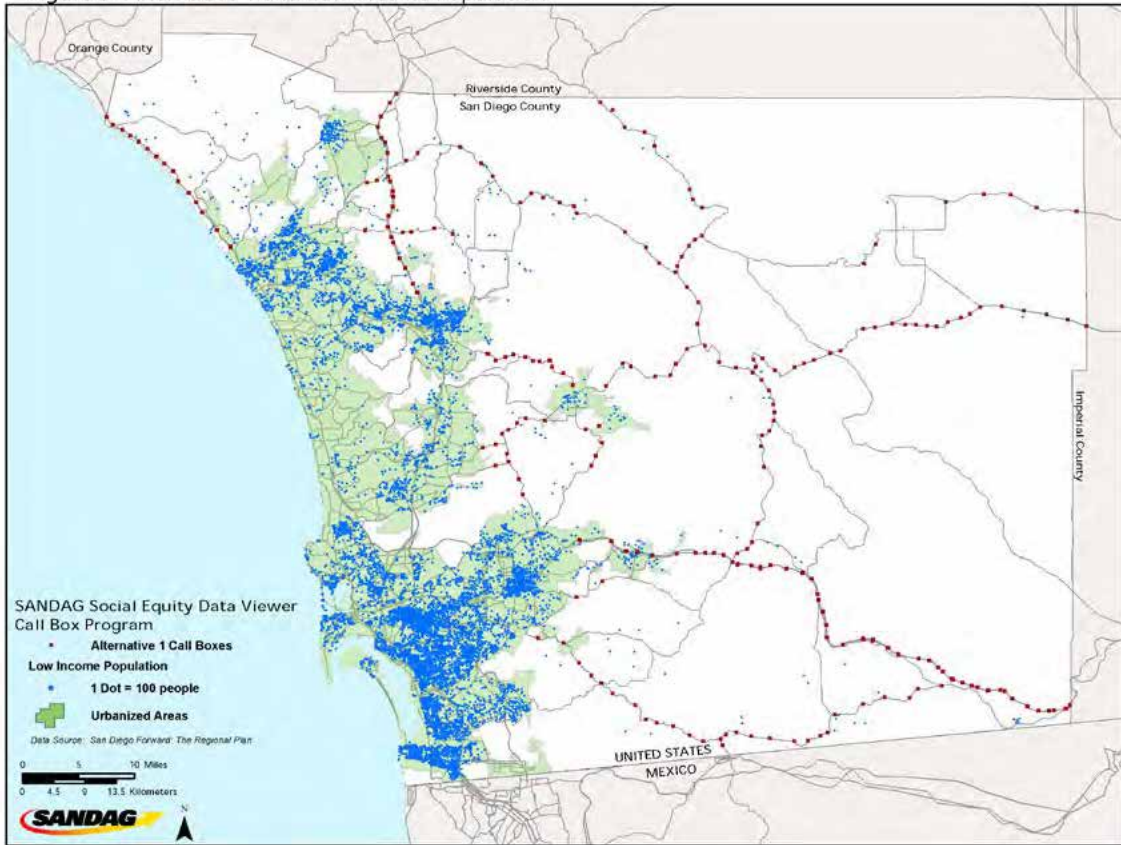


Figure 4- Alternative 1 and Minority Population

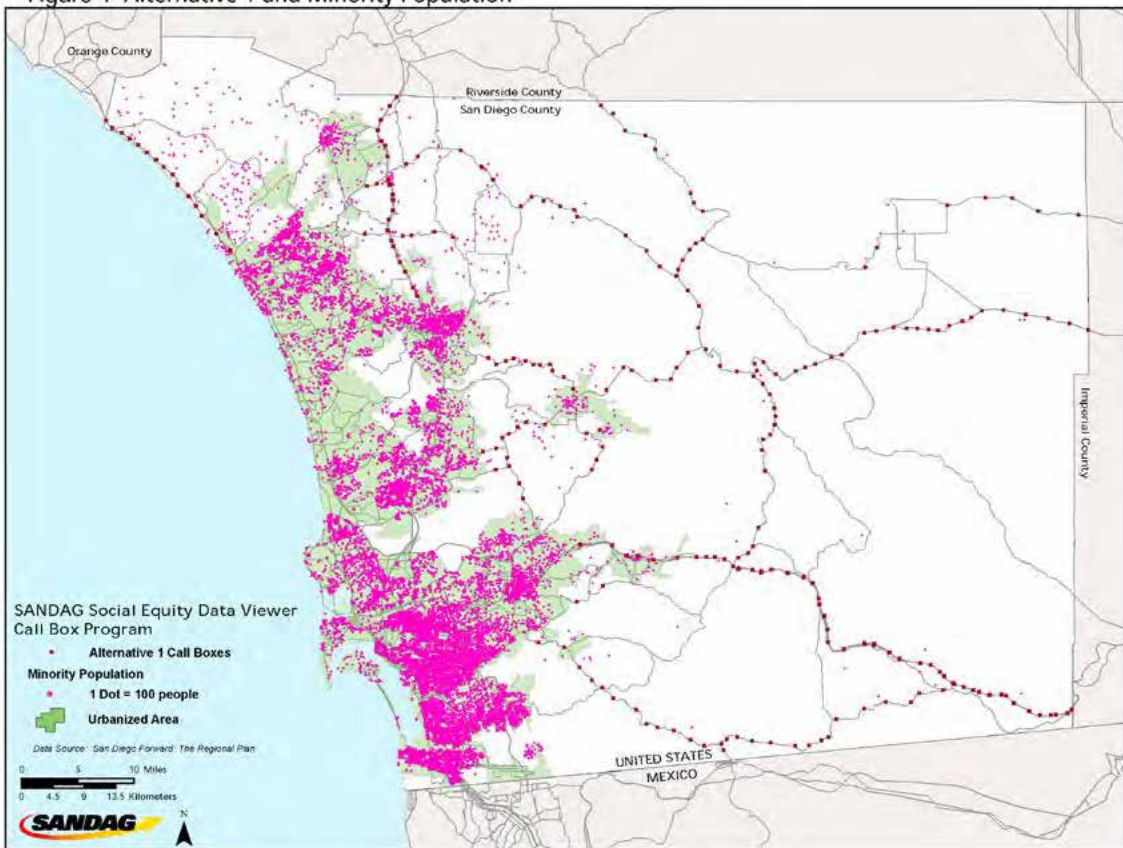


Figure 5- Motorist Aid Services and Low Income Population

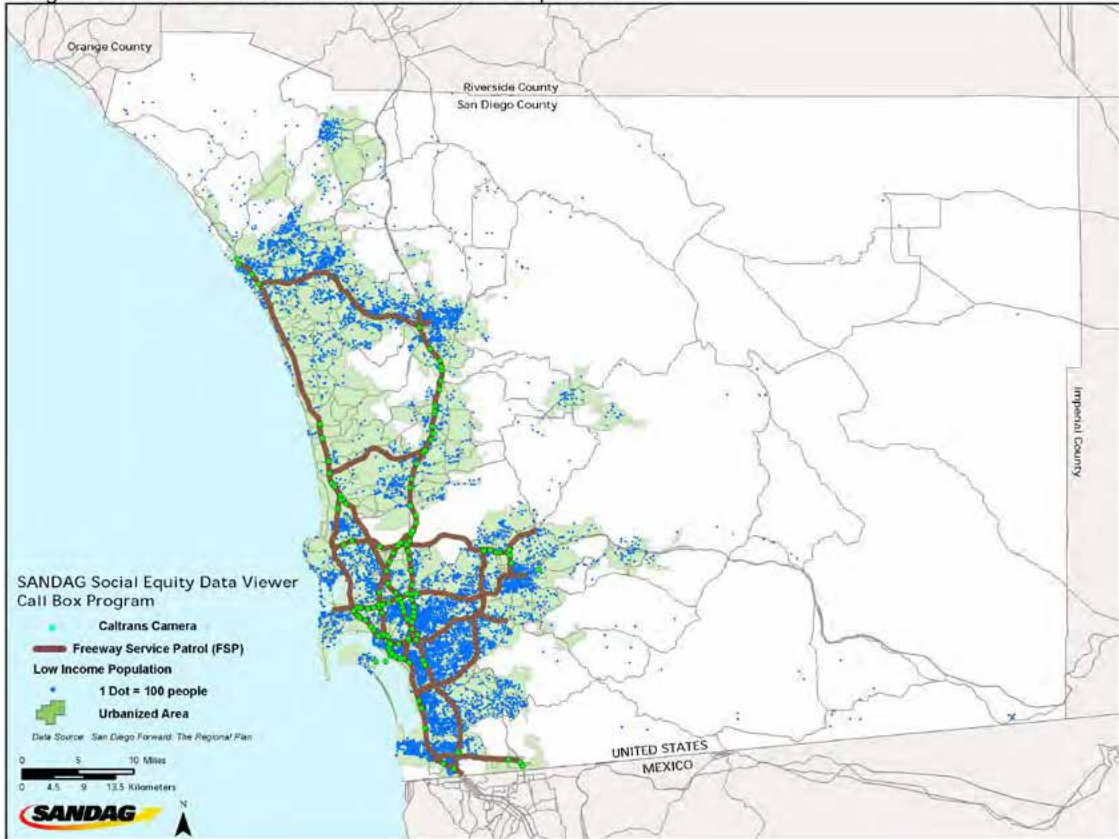


Figure 6- Motorist Aid Services and Minority Population

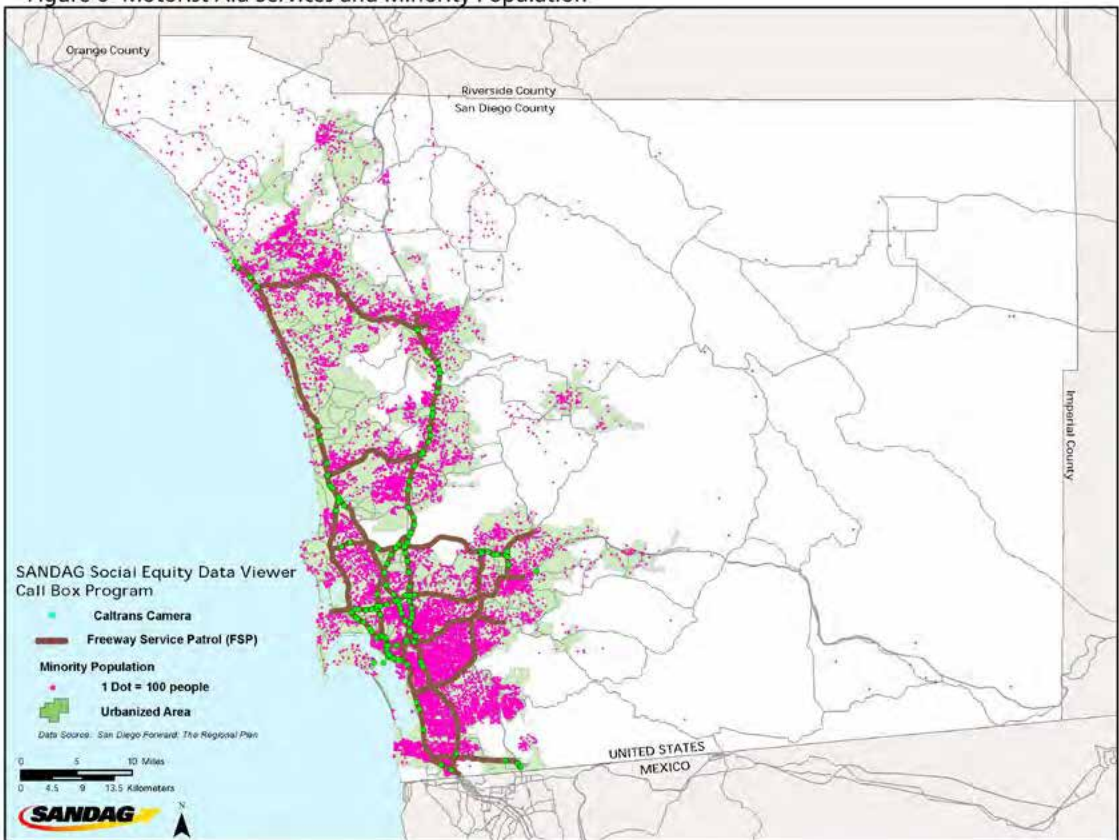


Figure 7- Alternative 2 and Low Income Population

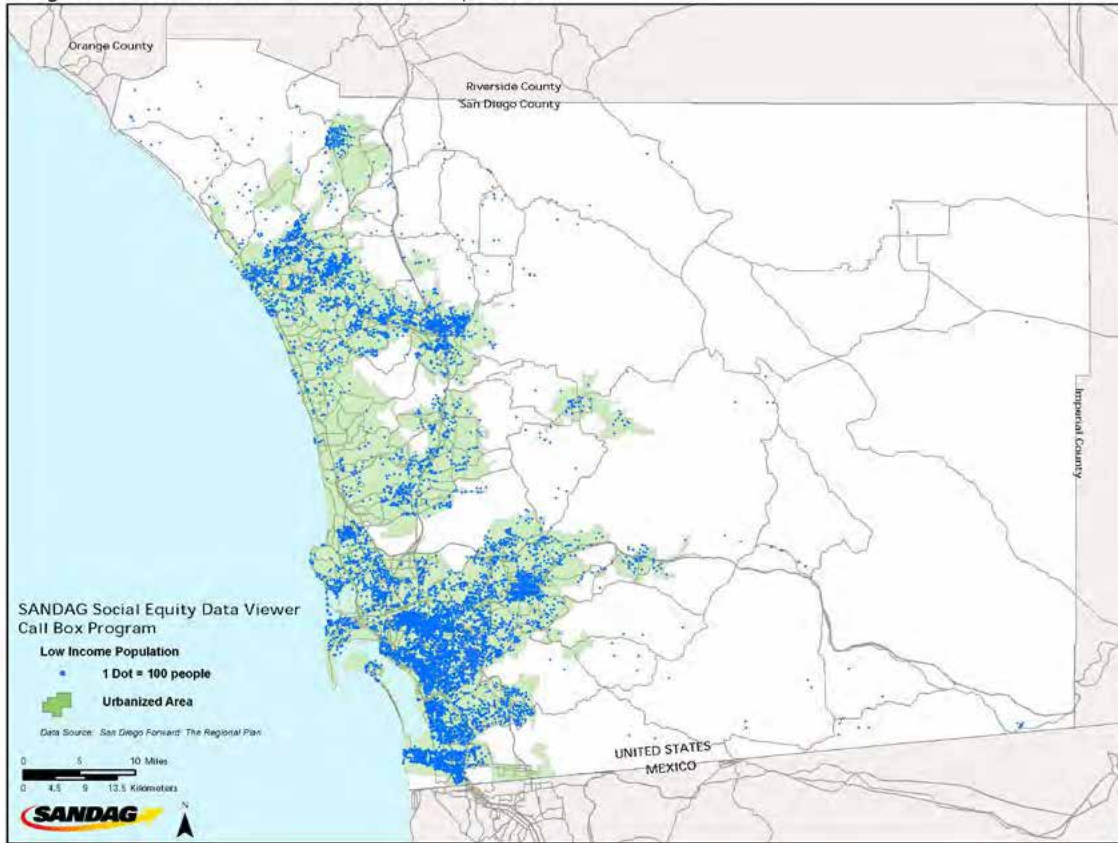


Figure 8- Alternative 2 and Minority Population

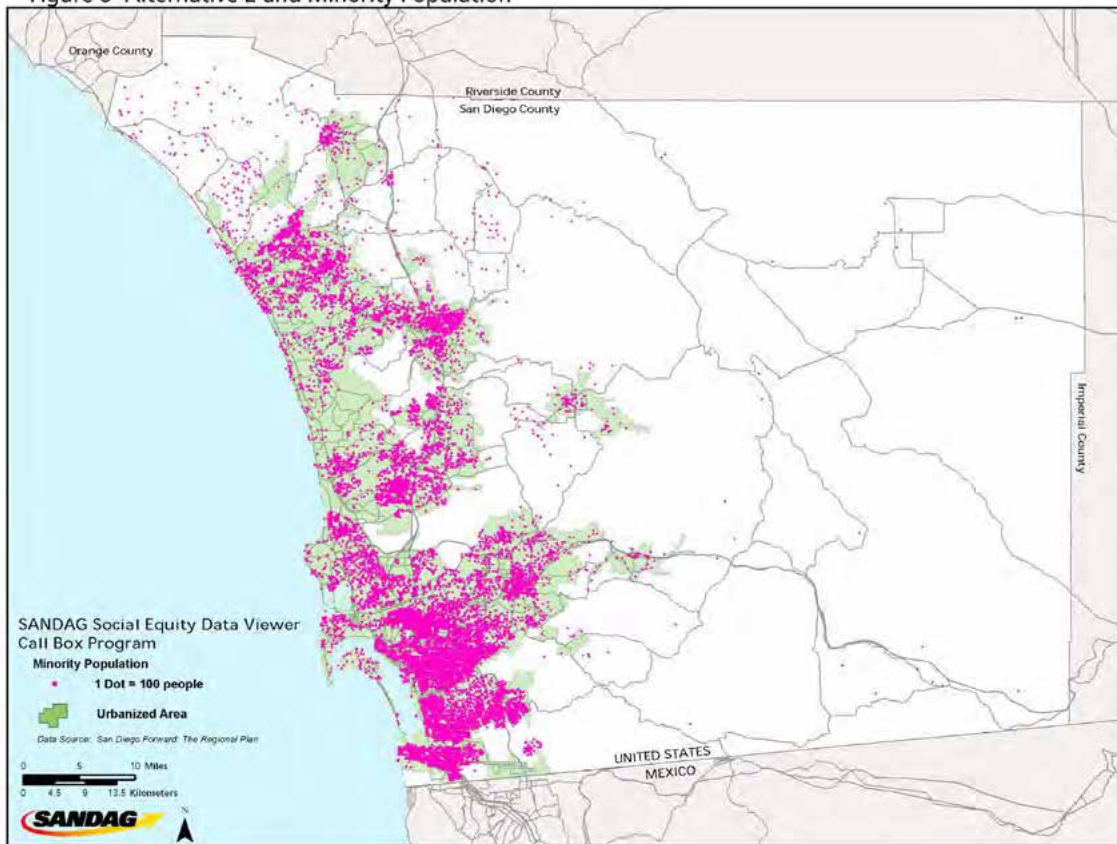


Figure 9- Alternative 3 and Low Income Population

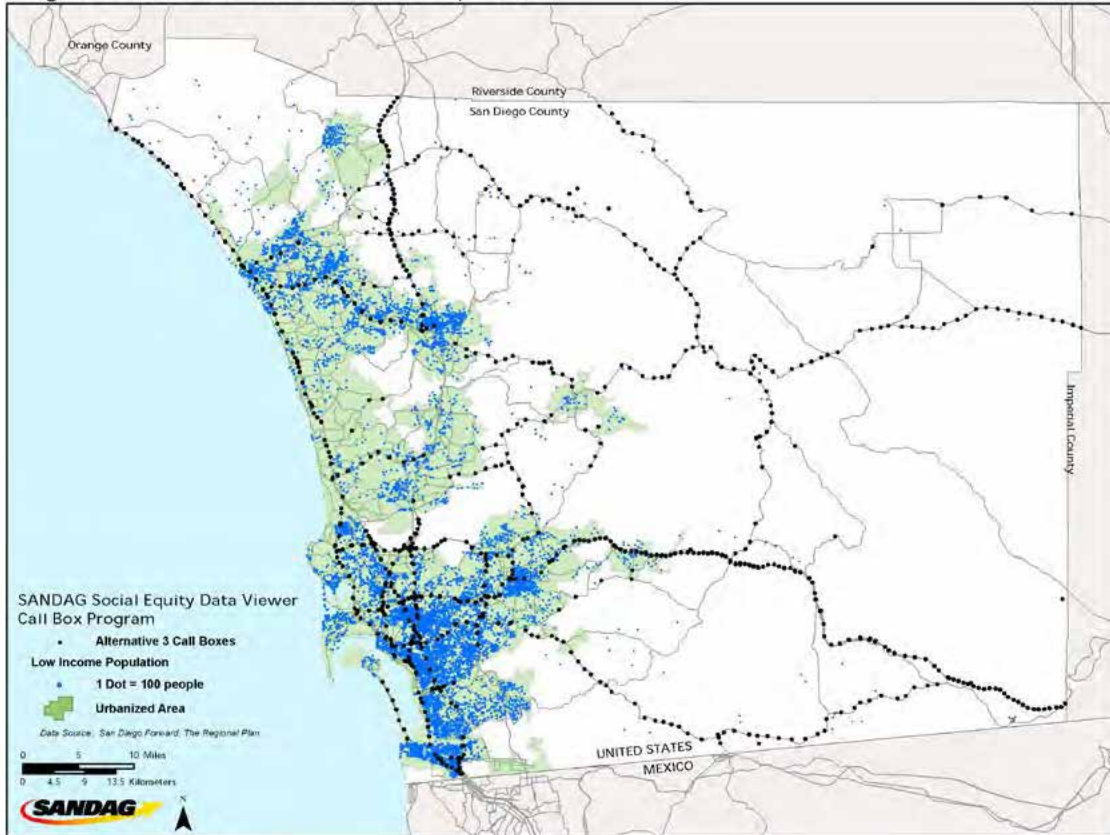
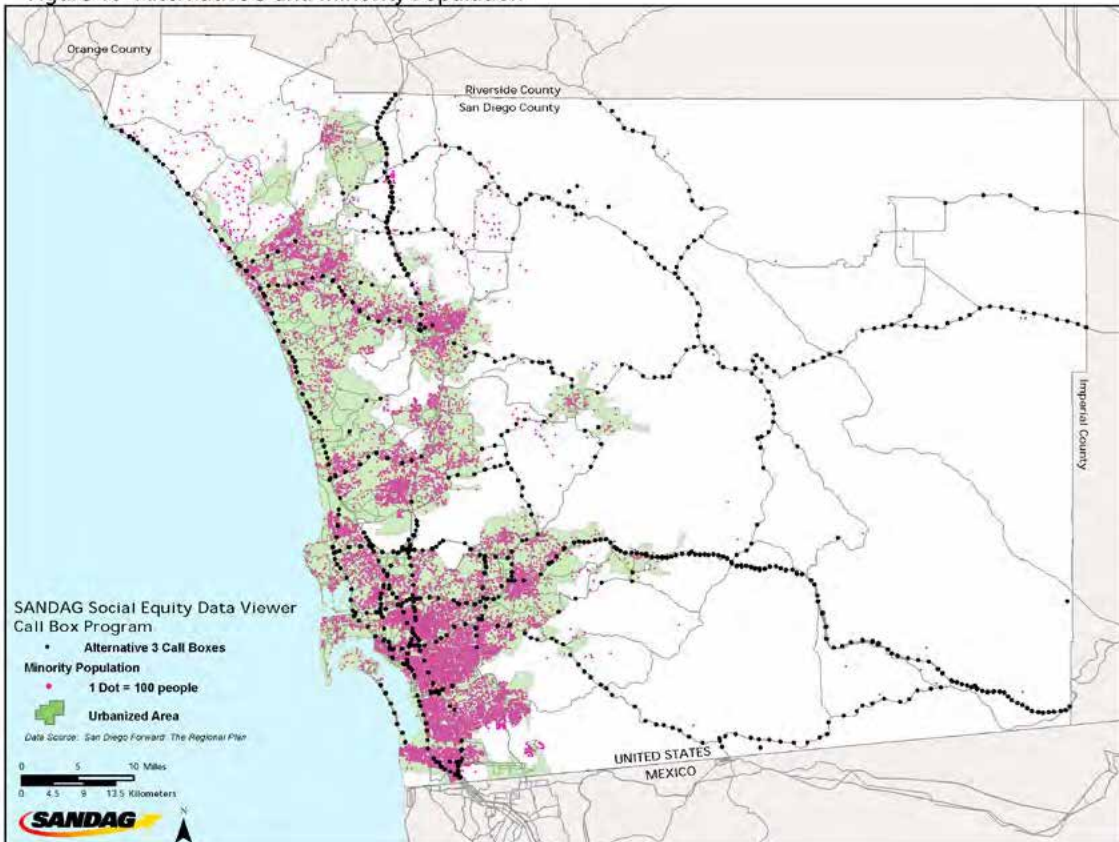


Figure 10- Alternative 3 and Minority Population





## Construction Mitigation Examples

- 1. Reduce construction related pollution in order to reduce asthma, respiratory disease, cardiovascular disease and cancer risk factors by implementing the following actions:**
  - a. Use new or retrofit diesel powered construction vehicles and equipment.
  - b. Implement an idling reduction program for construction vehicles and equipment.
  - c. Designate a HOV lane in the project area to maintain or increase transit ridership.
  - d. Increase transit service to attract new riders and reduce congestion.
  - e. Increase transit opportunities and incentives (such as free or subsidized transit passes) and trip reduction programs (such as carpooling and shuttle services) for construction workers, neighborhood employees, and adjacent neighborhood residents.
  - f. Provide financial incentives for the contractor to accelerate construction.
  - g. Schedule construction activities that can delay traffic during the lowest traffic periods to minimize congestion.
  
- 2. Improve traffic management in order decrease cardiovascular disease risk factors, stress and stress-related health effects, and pedestrian/bicyclist risk factors by implementing the following actions:**
  - a. Develop safe and clearly marked alternative routes for pedestrians and bicyclists during the construction period.
  - b. Conduct a public education program to reduce traffic on the facility, and increase distribution of the information before beginning construction activities that are likely to increase congestion.
  - c. Provide clearly identified temporary lane configurations to maintain traffic flow in the corridor.
  - d. Install traffic calming devices, such as traffic circles, curb bulbs, and speed humps, and limit construction traffic routes in the affected neighborhoods.
  - e. Provide access to construction schedules so Emergency Medical Services can provide uninterrupted service in the project area, especially where access is limited.
  - f. Provide real time traffic and road construction information in an easily accessible way so area residents, transit, freight, Emergency Medical Services, and other users can change routes and travel times as needed. Some possible strategies include increasing the number of traffic cameras and providing reader boards in the corridor.
  - g. Ensure Emergency Medical Services can quickly reach all construction areas (including water access).
  
- 3. Provide for construction noise control in order to decrease noise-related annoyance, stress, and stress-related health effects, risk of sleep disturbance, and mental fatigue by implementing the following actions:**
  - a. Use OSHA approved broadband back-up warning devices on all construction vehicles and equipment.
  - b. Use approved noise control devices for generators, compressors, and similar equipment.
  - c. Limit the operating periods for equipment that produces loud noise, such as pile drivers and concrete cutters, particularly during nighttime periods.
  - d. Maintain construction equipment in good working condition so that it does not create additional noise.
  - e. Notify residents of potentially affected areas prior to construction activities and provide a complaint hotline and web site.
  - f. Coordinate with agencies responsible for controlling noise during planning and construction and when responding to complaints.

**Language Identification Flashcard**



- Marque esta casilla si lee o habla español.
**Spanish**
- Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.
**Vietnamese**
- Markahan itong kwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.
**Tagalog**
- 如果你能谈中文或讲中文，请选择此框。
**Simplified Chinese**
- اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.
**Farsi**
- ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.
**Arabic**
- 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.
**Korean**
- 日本語を読んだり、話せる場合はここに印を付けてください。
**Japanese**
- ໄຕ້ໝາຍໃສ່ຂ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກມາສາລາວ.
**Laotian**
- Пометьте этот квадратик, если вы читаете или говорите по-русски.
**Russian**
- ល្អប្រសិនបើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។
**Cambodian**
- Խոսողում՝ հնք՝ նշում՝ կառուրիք այս քառակուսում,  
 եթե խոսում՝ կամ՝ կարդում՝ եք հայերեն:
**Armenian**

<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	<b>Bengali</b>
<input type="checkbox"/>	Motka i kahhon ya yangin untungnu' manaitai pat untungnu' kumentos Chamorro.	<b>Chamorro</b>
<input type="checkbox"/>	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	<b>Croatian</b>
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	<b>Czech</b>
<input type="checkbox"/>	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	<b>Dutch</b>
<input type="checkbox"/>	Mark this box if you read or speak English.	<b>English</b>
<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	<b>French</b>
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	<b>German</b>
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	<b>Greek</b>
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	<b>Haitian Creole</b>
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	<b>Hindi</b>
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	<b>Hmong</b>
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	<b>Hungarian</b>

<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	<b>Ilocano</b>
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	<b>Italian</b>
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	<b>Polish</b>
<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	<b>Portuguese</b>
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	<b>Romanian</b>
<input type="checkbox"/>	ใช้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	<b>Thai</b>
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	<b>Tongan</b>
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаєте або говорите українською мовою.	<b>Ukranian</b>
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	<b>Urdu</b>
<input type="checkbox"/>	Обележите овај квадратичић уколико читате или говорите српски језик.	<b>Serbian</b>
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	<b>Slovak</b>
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	<b>Yiddish</b>

## Definitions

**Adverse effects** means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

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

**Disproportionate Burden Analysis** – Applies to EJ – low income: refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.

**Disproportionately high and adverse effect on minority and low-income populations** means an adverse effect that:

1. is predominately borne by a minority population and/or a low-income population, or
2. will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

**Environmental Justice:** The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development of projects, provision of services, or enforcement of laws.

**Fair treatment:** No group of people should bear a disproportionate share of negative environmental consequences or be provided lower benefits/services when compared to persons of other racial, ethnic or socioeconomic groups.

**Low-Income** means a person whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines. SANDAG may, however, use a more inclusive definition of low-income, e.g., 150% of poverty level, or incomes at a certain percentage of median household income, etc., if it chooses, provided the threshold is at least as inclusive as the HHS poverty guidelines.

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

**Meaningful involvement:** Affected persons should have the opportunity to: 1) participate in decisions; 2) influence decisions; 3) have their concerns considered; and 4) have the decisionmakers seek them out and facilitate their involvement.

**Minority** means a person who is:

1. Black (a person having origins in any of the black racial groups of Africa);
2. Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);

3. Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
4. American Indian and Alaskan Native (a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).

**Minority Population** means any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity. The Council on Environmental Quality’s (CEQ) Environmental Justice: Guidance Under the National Environmental Policy Act (EJ Guidance for NEPA) defines the term “minority” as “individual(s) who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.” A population is identified as minority if “either (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.” The term “meaningfully greater” is not defined. CEQ’s EJ Guidance for NEPA also notes that a minority population exists “if there is more than one minority group present and the minority percentage, as calculated by aggregating all minority persons, meets one of the above-stated thresholds.” Finally, the guidance states that analysts “may consider as a community either a group of individuals living in geographic proximity to one another, or a geographically dispersed/transient set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions of environmental exposure or effect.”

**Sustainable communities/environments:** These are places that have a variety of housing and transportation choices, with destinations close to home. As a result, they tend to have lower transportation costs, reduce air pollution and stormwater runoff, decrease infrastructure costs, preserve historic properties and sensitive lands, save people time in traffic, be more economically resilient and meet market demand for different types of housing at different prices points. Rural, suburban, and urban communities can all use sustainable communities strategies and techniques to invest in healthy, safe and walkable neighborhoods, but these strategies will look different in each place depending on the community’s character, context, and needs.

## Contents List for Social Equity Resource Library

### Legal Sources

23 Code of Federal Regulations (CFR), Part 200 (title VI implementation and review procedures for Federal Highway Administration projects)

23 CFR, Part 450 (planning assistance and standards in Federal Transit Administration and FHWA projects)

23 CFR §771.105 (Alternatives analysis required during site selection for FHWA and FTA funded projects)

49 CFR, Part 21 (Effectuating title VI requirements within DOT transit projects)

49 CFR, Part 26 (disadvantaged business enterprises)

40 CFR, §7.85 (EPA data maintenance requirement)

40 CFR, §1508.14 (Discussion requirements of social and economic impact within environmental impact statement)

40 CFR, §1508.8 (Definition of “effects” for EIS discussion requirements)

40 CFR, §1502.10 (Formatting guidelines for EJ issues in an EIS or EIR)

40 CFR, §1502.14 (Alternatives analysis in EIS)

40 CFR, §1502.15 (EIS must describe the areas to be affected)

42 USC §2000(e) (Equal opportunity employment/ Title VII of civil rights act)

49 USC §5332 (Nondiscrimination in transit projects)

Department of Justice Title VI Legal Manual

United States Department of Transportation Order 5610.2, Order to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency

Federal Highway Administration/Federal Transit Administration Issue Memoranda on Implementing Title VI Requirements in Metropolitan and Statewide Planning (1999; 2007)

Director’s Policy Number 21, Environmental Justice

Director’s Policy Number 28, Title VI of the Civil Rights Act of 1964 and Related Statutes

FTA DOT Circular C 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients

FHWA Order 6640.23A “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, updated in June 2012

Final Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations. U.S. Department of Transportation (DOT). 1997.

U.S. DOT Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons

FTA Circular 4703.1 Environmental Justice Policy Guidance for FTA Recipients.

Policies and Procedures Affecting American Indians, Alaskan Natives, and Tribes. U.S. DOT Order 5301, November 16, 1999

### Data Resources

Geospatial Platform

U.S. Census American Fact Finder

[EPA Report on the Environment](#)

[America's Children and the Environment Report, Third Edition](#)

[Centers for Disease Control \(CDC\) Tracking Program-Funded State and Local Health and Environmental Tracking](#)

[CDC Environmental Public Health Indicators](#)

[National Air Toxics Assessment \(NATA\) \(EPA Office of Air and Radiation \(OAR\)\)](#)

[EPA's Air Quality System](#)

[EPA's IRIS Database](#)

[National Library of Medicine, Toxicology and Environmental Health Information Program](#)

[County Health Ranking and Roadmaps](#)

[Superfund site information](#)

[RCRA Info](#)

[California EPA's California Communities Environmental Health Screening Tool Report, Version 1 \(CalEnviroScreen 1.0\), Online Mapping Application, and Accompanying Documents:](#)

## Resource List

### Guidance and References

[EPA Risk Assessment Portal](#)

[EPA Community Action for a Renewed Environment](#)

[Air Toxics Risk Assessment Reference Library](#)

[Recent state legislation on a broad range of environmental issues](#)

[Cal EPA Cumulative Impacts Assessment Methodology](#)

[CDC Health Disparities and Inequalities Report](#)

[US EPA's Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis, May 1, 2013](#)

[\*Community Impact Assessment: A Quick Reference for Transportation\*. Federal Highway Administration \(FHWA\). September 1996](#)

[\*Community Impact Mitigation Case Studies\* FHWA-PD-98- 024. May 1998.](#)

[\*Environmental Justice: What You Should Know\*. FHWA Washington Division. 2003](#)

[FHWA Title VI Handbook](#)

[EPA's Action Development Process: Interim Guidance on Considering Environmental Justice During the Development of an Action; 2010](#)

[Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis](#)

[Flexibility in Highway Design. FHWA-PD-97-062. FHWA, July 1997.](#)

[\*Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Review\* Environmental Protection Agency \(EPA\). April 1994.](#)

[\*Guidance for Preparing and Processing Environmental and Section 4\(F\) Documents\* FHWA Technical Advisory T6640.8A. October 30, 1987, effective November 27, 1987](#)

[\*Guide to Best Practices for Achieving Context Sensitive Solutions\*, National Cooperative Highway Research Program, Report 480A](#)



*Practical Approaches for Involving Traditionally Underserved Populations in Transportation Decisionmaking (2012), National Cooperative Highway Research Program, Report 710*

*Effective Methods for Environmental Justice Assessment (2004), National Cooperative Highway Research Program, Report 532 Partnership between HUD, DOT and EPA (sustainablecommunities.gov)*

*Public Involvement Techniques for Transportation Decision-Making. FHWA/ Federal Transit Authority (FTA). September 1996.*

*Transportation & Environmental Justice Case Studies. FHWA/FTA. December 2000.*

*Transportation & Environmental Justice Effective Practices. FHWA/FTA. January 2002.*

*Environmental Protection Agency's Plan for Environmental Justice 2014*

*Environmental Protections Agency's Toolkit for Assessing Potential Allegations of Environmental Injustice*

*California Department of Transportation Desk Guide: Environmental Justice in Transportation Planning and Investments 2003*

*AASHTO's (American Association of State Highway and Transportation Officials) Environmental Justice Resource List*

## **Models and Tools**

Office of Pesticide Programs (OPP) Tools

BenMAP (OAR)

Community-Focused Exposure and Risk Screening Tool (C-FERST) (under development by Office of Research and Development)

Community Cumulative Assessment Tool (under development by Office of Research and Development)

Council of Regulatory and Environmental Modeling (CREM) tools

California Communities Environmental Health Screening Tool (CalEnviroScreen)





APPENDIX Q:  
2020 COORDINATED PLAN  
PUBLIC INVOLVEMENT

The 2020 Coordinated Plan technical appendices may be found at the following link:

[https://www.sandag.org/uploads/projectid/projectid\\_318\\_27788.pdf](https://www.sandag.org/uploads/projectid/projectid_318_27788.pdf)

APPENDIX R:  
2019 FEDERAL REGIONAL  
TRANSPORTATION PLAN

The 2019 Federal Regional Transportation Plan may be found at the following link:

<https://www.sdforward.com/mobility-planning/2019FederalRTP>

APPENDIX S:  
2021 REGIONAL TRANSPORTATION  
IMPROVEMENT PROGRAM



The 2021 Regional Transportation Improvement Program may be found at the following link:  
<https://www.sandag.org/index.asp?classid=13&projectid=604&fuseaction=projects.detail>