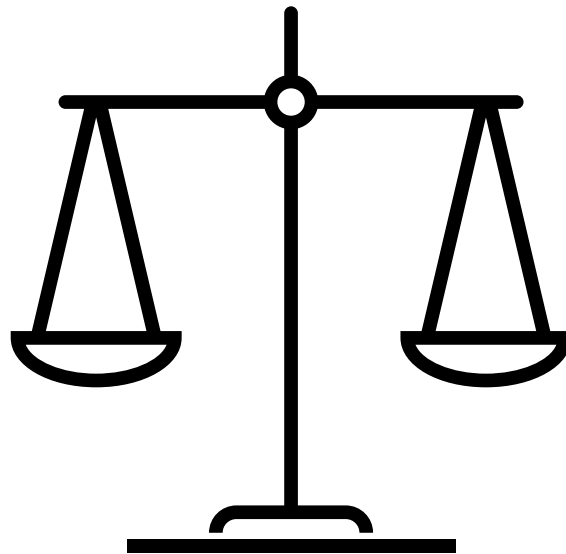


SANDAG STGP ADA and Title VI Guide



Last Updated: 5/31/2023

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 Diversity and Equity, at (619) 699-1900 or (619) 699-1904 (TTY).



Free Language Assistance | Ayuda gratuita con el idioma | Libheng Tulong sa Wika | Hỗ trợ ngôn ngữ miễn phí
免費語言協助 | 免費語言協助 | مساعدة ترجمة مجانية | 무료 언어 지원 | کمک زبان رایگان | 無料の言語支援 | Бесплатная языковая помощь
Assistència lingüística gratuïta | मुफ्त भाषा सहायता | Assistance linguistique gratuite | ជំនួយភាសាឥតគិតថ្លៃ | ఉచిత భాషా సహాయం
ການຊ່ວຍເຫຼືອດ້ານພາສາພຣີ | Kaalmada Luqadda ee Bilaashka ah | Безкоштовна мовна допомога

sandag.org/LanguageAssistance | (619) 699-1900

About SANDAG

Vision Statement

Pursuing a brighter future for all

Mission Statement

We are the regional agency that connects people, places, and innovative ideas by implementing solutions with our unique and diverse communities.

Our Commitment to Equity

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. The SANDAG equity action plan 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.

Table of Contents

About SANDAG	2
Vision Statement.....	2
Mission Statement.....	2
Our Commitment to Equity.....	2
Introduction	4
Purpose.....	4
Overview and Applicability.....	4
ADA and Title VI Notices and Complaint Procedures	6
Notices.....	6
ADA and Title VI Complaint Procedures.....	7
Discrimination Complaint Form.....	7
Log of ADA and Title VI-Related Investigations, Complaints, and Lawsuits.....	8
ADA-Specific Requirements	9
Maintenance of Accessibility Features/Equipment.....	9
Accessible Vans and Buses.....	9
Service Refusal.....	10
Service Animals.....	10
Respirator or Portable Oxygen Supplies.....	10
Equivalent Level of Service.....	11
Title VI Program Requirements	14
Language Assistance Plan and Meaningful Access for Persons with Limited English Proficiency.....	14
Public Participation Plan.....	16
Representation of People of Color on Planning and Advisory Bodies.....	17
Title VI Resolution.....	17
Title VI Program Submission.....	18
SANDAG ADA and Title VI Compliance Monitoring	19
ADA Monitoring.....	19
Title VI Program Monitoring.....	19
Appendices	20
Appendix A: Notice of Non-Discrimination Template.....	20
Appendix B: Complaint Procedures Template.....	21
Appendix C: Discrimination Complaint Form Template.....	24
Appendix D: Template for Transit Related ADA and Title VI Investigations, Complaints, and Lawsuits.....	26
Appendix E: Instructions for Accessing and Reporting Census Data.....	27
Appendix F: Public Participation Plan Questionnaire.....	32
Appendix G: Representation of People of Color on Planning and Advisory Bodies.....	34
Appendix H: Title VI Program Resolution Template.....	35
Appendix I: Title VI Program Compliance Checklist Template.....	36
Appendix J: Glossary of Terms.....	41
Appendix K: Online Resources Referenced.....	46

Introduction

Purpose

The purpose of this Guide is to provide technical assistance to Federal Transit Administration (FTA) Section 5310 subrecipients and TransNet Senior Mini-Grant (SMG) grantees necessary to carry out provisions of the SANDAG grant agreement related to the Americans with Disabilities Act of 1990 (ADA) and Title VI of the Civil Rights Act of 1964 (Title VI). This Guide includes templates, tools, and instructions to assist Specialized Transportation Grant Program (STGP) grantees in meeting their ADA and Title VI requirements.

It should be noted that Grantees have other civil rights obligations as a consequence of other federal and state legislation that creates additional protected classes. SANDAG does not have a role in overseeing your agencies other civil rights obligations.

Overview and Applicability

ADA and Related Regulations

The ADA prohibits discrimination against and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation (42 U.S.C. 49 CFR § 12101 et seq.). It is built on Section 504 of the Rehabilitation Act of 1973, which also prohibits discrimination on the basis of disability for recipients of federal grants.

STGP grantees are also subject to applicable U.S. Department of Transportation (DOT) ADA regulations, including 49 Code of Federal Regulations (CFR) Part 37. Part 37 contains service-related requirements for fixed route bus, complementary paratransit, demand responsive service, and rail systems.

In 2015, the FTA released [FTA Circular 4710.1](#), which provides guidance to FTA recipients and subrecipients in implementing the ADA and DOT ADA regulations. However, as FTA Circular 4710.1 reiterates, 49 CFR Part 37 applies to the following entities, whether or not they receive Federal financial assistance from the DOT:

- Any public entity that provides designated public transportation or intercity commuter rail transportation
- Any private entity that provides specified public transportation; and
- Any private entity that is not primarily engaged in the business of transporting people but operates a demand responsive or fixed route system (49 CFR § 37.21(a)).

While most STGP grantees are either private entities that provide demand responsive service or public entities that provide designated public transportation, some are public entities not primarily engaged in the business of transporting people, but operate a demand response service. For consistency in monitoring and oversight, SANDAG has extended the 49 CFR Part 37 requirements to these public entities. In general, the ADA and DOT ADA regulations apply broadly to both public and private entities and to almost all types of transportation services.

Title VI and Related Regulations

Title VI of the Civil Rights Act of 1964 states:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (42 U.S.C. §2000d)

The Supreme Court interpreted the Title VI prohibition on national origin-based discrimination to extend protections to persons with limited English proficiency (LEP). [Executive Order 13166](#), "Improving Access to Services for Persons with Limited English Proficiency," signed in 2000, directs federal agencies to develop and implement systems by which persons with LEP can access their services in a meaningful way. SANDAG's [Language Assistance Plan](#) details how the agency complies with the Executive Order and DOT guidance to address the needs of individuals with LEP.

In 2012, the FTA released [FTA Circular 4702.1B](#), which provides guidance to FTA recipients and subrecipients concerning their responsibilities to comply with Title VI, including language assistance responsibilities.

As the designated recipient of federal Section 5310 funds, SANDAG is required to comply with Title VI requirements and ensure compliance of its subrecipients. All STGP grantees are required to have a Title VI Notice, complaint procedures, and complaint form; they are also required to track and report Title VI complaints, investigations, and lawsuits. In addition, Section 5310 subrecipients must develop and maintain a Title VI Program, as discussed in the section entitled Title VI Program Requirements.

ADA and Title VI Notices and Complaint Procedures

Notices

Grantees are required to provide the public information about their obligations under Title VI and apprise members of the public of the protections against discrimination based on Title VI. While an equivalent requirement does not exist for ADA, it is a best practice for grantees to provide this type of information for ADA rights and protections for consistency and efficiency.

ADA regulations require grantees to designate at least one individual to coordinate ADA compliance. This individual may be designated as the “ADA Coordinator.” A grantee may alternatively designate a “Discrimination Compliance Officer” if the grantee decides to consolidate its Title VI and ADA complaint processes and confer ADA and Title VI compliance responsibilities to one individual. If a grantee elects to use the terminology “Discrimination Compliance Officer,” the grantee must make clear to the public that the officer’s discrimination compliance responsibilities include ADA and Title VI. It is best practice for grantees to include the designated individual in one notice covering both ADA and Title VI.

For convenience, please see Appendix A for a Notice of Non-Discrimination template, which covers ADA and Title VI requirements and can be requested in Spanish, Tagalog, Vietnamese, Chinese (Simplified), and Arabic from the STGP Program Manager if needed.

Title VI Notice Elements

To meet Title VI requirements, a Title VI Notice must contain the following elements:

- A statement that the agency operates its STGP-funded program without regard to race, color, and national origin.
- A description of the procedures that members of the public should follow in order to request additional information on the grantee’s Title VI obligations
- A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the grantee.

Title VI Notice Dissemination

The Title VI Notice must be disseminated to sufficiently inform the public of their rights under Title VI. The Notice must be easy to find on the grantee’s website unless the grantee does not have a website. The Notice must also be posted in any public areas of the grantee’s office, including reception areas and meeting rooms. Moreover, the Notice must be displayed in vehicles that provide service funded through the STGP. The Title VI Notice must be included in any Title VI Program a subrecipient submits to SANDAG.

Title VI Notice Translation and Accessible Format Requirements

Subrecipients are required to translate the Title VI Notice into language(s) spoken by populations with LEP as identified in their Title VI Program. While SANDAG does not currently require STGP grantees that receive only SMG funds, it is best practice that they translate the Title VI Notice into any language(s) based on the LEP needs in their service area. Grantees are encouraged to use the templates in Appendix A for their notices. Grantees should ensure all of their agency’s translations are performed and/or checked by professional translators. Moreover, the Title VI Notice must either be provided in an

accessible format for individuals with disabilities or contain instructions on how individuals with disabilities can request it in an alternative format from the grantee.

ADA and Title VI Complaint Procedures

Grantees are required to develop and maintain procedures for investigating and tracking ADA and Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. For convenience, please see Appendix B for a template of ADA and Title VI complaint procedures and can be requested in Spanish, Tagalog, Vietnamese, Chinese (Simplified), and Arabic from the STGP Program Manager if needed.

Elements

FTA Circular 4710.1 states that grantees shall “adopt procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging [discrimination on the basis of a disability]” (Section 12.7.2). ADA complaint procedures must meet the following requirement:

- The process for filing a complaint, including the name, address, telephone number, and email address of the designated ADA compliance employee, must be sufficiently advertised to the public, such as on the grantee’s website
- The procedures must be accessible to and usable by individuals with disabilities
- The grantee must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant and must ensure that it has documented its response.

In their complaint procedures, grantees with Section 5310-funded projects must also describe the process by which a complainant may file an ADA or Title VI complaint directly with the Federal Transit Administration.

Dissemination, Translation, and Accessible Formats

Subrecipients must disseminate and translate its complaint procedures and provide them in accessible formats as described above for Notices.

Discrimination Complaint Form

Subrecipients must also provide a complaint form for complainants to complete and file a complaint alleging discrimination on the basis of both ADA and Title VI and other forms of discrimination. For convenience, please see Appendix C for a template of a discrimination complaint form covering ADA, Title VI, and other discrimination. The form can be requested in Spanish, Tagalog, Vietnamese, Chinese (Simplified), and Arabic from the STGP Program Manager if needed.

Dissemination, Translation, and Accessible Formats

Subrecipients must disseminate and translate its discrimination complaint form(s) and provide the form(s) in accessible formats as described above for Notices.

Log of ADA and Title VI-Related Investigations, Complaints, and Lawsuits

All grantees must keep a log of investigations, complaints, and lawsuits alleging discrimination on the basis of ADA or Title VI for services provided by the grantee and funded through the STGP. It is a best practice to maintain one database or log of all complaints and responses with key dates, and label ADA or Title VI-related complaints accordingly. The complaint log must be made available for inspection upon request by SANDAG at any time during the term of the grant agreement. As per SANDAG grant agreements, ADA and Title VI complaints must be reported to SANDAG within 72 hours. Additionally, complaints must be reported on progress reports and submitted on at least a quarterly basis. Please see Appendix D for a template that meets the ADA and Title VI log requirements.

ADA Log Requirements

ADA regulations require each grantee to keep on file all ADA complaints for one year and a summary of ADA complaints for five years.

Title VI Log Requirements

Per Title VI requirements, the log of Title VI-related investigations, complaints, and lawsuits shall include the following elements:

- The date the investigation, lawsuit, or complaint was filed
- A summary of the allegation(s)
- The status of the investigation, lawsuit, or complaint
- Actions taken by the grantee in response, or final findings related to, the investigation, lawsuit, or complaint.

A copy of this log must be included in a subrecipient's Title VI Program.

ADA-Specific Requirements

The overarching requirement of the ADA is that entities cannot discriminate against individuals with disabilities and that persons with disabilities are fully integrated into society and not segregated in separate services or facilities. Regarding the provision of transportation service, having a disability does not diminish an individual's right to have equitable access to transportation services in an integrated setting. This general nondiscrimination requirement is the foundation upon which the rest of the regulatory requirements rest and applies regardless of the type of service provided by the grantee and the funding source.

Below are some of the ADA-specific requirements relevant to the STGP. Please see [FTA Circular 4710.1](#) for more guidance on ADA-specific requirements.

Maintenance of Accessibility Features/Equipment

Per 49 CFR Part 37.161(a), grantees must maintain accessibility features in facilities and on vehicles in working condition. When accessibility features are damaged or out of order, grantees must repair them promptly. Examples of accessibility features for vehicles include lifts and ramps, lighting, and mobility aid securement areas and systems. Grantees are required to inspect all accessibility features often enough to ensure they are operational and undertake repairs or other necessary actions when they are not.

Lifts/Ramps

When drivers providing service through an STGP-funded project discover that lifts or ramps are not working, 49 CFR Part 37.163(c) requires that they report the outages to appropriate staff as soon as possible. In demand responsive services, drivers using vehicles with inoperable lifts may be able to continue to use such vehicles for the remainder of the day as long as any trips for riders needing lift-equipped vehicles can be reassigned to another lift-equipped vehicle. When a grantee discovers that a lift or ramp is inoperative, SANDAG requires that the grantee take the vehicle out of service before the beginning of its next service day and repair the lift before the vehicle is put back into service. A vehicle equipped with a lift or ramp may operate for up to three days with the lift or ramp out of service as long as a back-up vehicle is available and persons with disabilities are not disadvantaged (49 CFR § 137.163(e)).

Passengers must be permitted to board their wheelchair in either forward or reverse (49 CFR § 38.23 (b)). They can also board separately from their wheelchair; however, the driver is not required to "drive" the wheelchair into the bus. The passenger may need a personal care attendant to assist (Appendix D, 49 CFR § 37.165).

Accessible Vans and Buses

Accommodating Riders Using Wheelchairs and Other Mobility Devices

Per 49 CFR Part 38, vehicles equipped with lifts or ramps must at a minimum be able to accommodate an occupied wheelchair weighing up to 600 pounds and measuring 30 inches in width and 48 inches in length. If the grantee's vehicles are equipped with lifts or ramps that can carry occupied wheelchairs weighing more than 600 pounds or measuring more than 30 inches by 48 inches, the passenger and wheelchair must be accommodated as long as the dimensions and weight are within the manufacturer's recommendation (49 CFR § 37.165). Please see the definition of wheelchair in the Glossary of Terms. Grantees are encouraged, but are not required, to provide public information on the occupied

wheelchair's maximum size and weight the grantee's vehicle(s) can safely accommodate. If a vehicle has a designated securement location, the grantee must ensure that a wheelchair user rides in the designated securement area. Additionally, grantees must accommodate mobility devices other than wheelchairs such as canes, crutches, and walkers.

Use of Securement Devices and Seatbelts/Shoulder Harnesses

If a grantee is transporting an individual who uses a wheelchair, the grantee must use a securement system to ensure the wheelchair remains within the securement area of the vehicle. Further, grantees may not deny transportation to a wheelchair user on the grounds that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

Bus and van securement areas must also be equipped with a passenger seat belt and shoulder harness. California State law requires all passengers over 8 years old or 4'9" tall, including those in wheelchairs to use passenger seat belts and shoulder harnesses unless medically exempt (California Vehicle Code Section 27363).

The grantee cannot require passenger in a wheelchair to transfer to a regular seat in the vehicle (49 CFR § 37.165 (e)). Persons using walkers with built in seats must transfer to a vehicle seat (Appendix D, 49 CFR § 37.3).

Service Refusal

A grantee may refuse service if an individual with a disability engages in violent, seriously disruptive, or illegal conduct, or if they pose a direct threat to the health and safety of others. However, a grantee may not refuse service to an individual with a disability solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience the grantee's personnel or other riders. (49 CFR §37.5(h)). Grantees also cannot presume that certain disabilities will create threats or disruptive behavior. Moreover, a grantee cannot refuse to transport a person with a disability due to issues with the vehicle or grantee's insurance. (49 CFR §37.5(g)).

Service Animals

Grantees must permit service animals to accompany individuals with disabilities in vehicles and facilities. Grantees may not have a policy requiring riders to provide documentation for their service animal before boarding a vehicle, but personnel may ask riders two questions:

1. Is the animal a service animal required because of a disability?
2. What work or task has the animal been trained to perform?

Grantees are not required to transport animals that do not qualify as service animal such as emotional support, comfort animals or pets. Grantees may not deny service to a person accompanied by a service animal on the grounds that other riders or grantee personnel have allergies to dogs or other animals since encountering a service animal is an expected part of being in public. A passenger may be accompanied by more than one service animal (49 CFR § 37.167(d)). Caring for the animal is the responsibility of the passenger. Service animals that are deemed to pose a direct threat to others or are not under the full control of the owner may be refused transportation (FTA Circular 4701.1 at p. 2-17).

Respirator or Portable Oxygen Supplies

Grantees must not prohibit a rider with a disability from traveling with a respirator or portable oxygen supply that complies with Department of Transportation rules on hazardous materials. (49 CFR §

37.167(h)). Those rules (49 CFR §177.870) currently permit a single cylinder of up to 99 pounds and a total of up to 496 pounds for all cylinders on a single vehicle.

Equivalent Level of Service

Providers of demand responsive service must use accessible vehicles, as defined in 49 CFR 37.7, or meet the applicable equivalent service standard. For grantees that operate accessible and non-accessible vehicles for their STGP-funded service, that service must be equivalent in regard to schedules, response times, geographic areas of service, hours and days of service, availability of information, reservations capability, constraints on capacity or service availability, and restrictions based on trip purpose.

Service Characteristics for Equivalency

Below are details on the seven characteristics for determining equivalency of service provided to those with disabilities, including those who use wheelchairs.

Response Time

The elapsed time between a request for service and the provision of service is the same for riders with and without disabilities, and days and hours to request service are the same.

Fares

For a given demand-responsive service trip, the fare is the same for all riders.

Geographic Area of Service

Riders with disabilities can request trips in the same area or areas as other riders.

Hours and Days of Service

Riders with disabilities can request trips on the same days and during the same hours as other riders.

Restrictions or Priorities Based on Trip Purpose

For demand responsive service with restrictions or priorities based on trip purpose, the same restrictions or priorities apply to all riders. Establishing policies that restrict or prioritize service based on trip purpose (e.g., medical transportation only) is acceptable as long as grantees apply these policies in the same way for all riders.

Availability of Information and Reservations Capability

Riders with disabilities have access to the same information and reservation systems as other riders, including information in alternate formats (e.g., large print, braille, audio, or accessible electronic files for riders with vision disabilities).

Any Constraints on Capacity or Service Availability

In demand responsive services with service availability or capacity constraints, this means having the same constraints for all riders. The regulations do not prohibit demand responsive services from having trip denials or providing trips on a first-come, first-served basis. However, to be considered equivalent, riders with disabilities would encounter trip denials with the same frequency as riders without disabilities. Similarly, the regulations do not prohibit the use of waiting lists or trip caps, as long as riders with disabilities are not waitlisted more often or do not have more restrictive trip cap limitations. Finally, the regulations do not prohibit demand responsive services from having poor rates of on-time performance or

having long ride times due to limited-service capacity, as long as riders with disabilities do not experience lower on-time performance rates or longer ride times than other riders.

Equivalent Service Considerations for Grantees with Multiple Providers

Grantees must consider its demand responsive service in its entirety when determining equivalency of service. As explained in Appendix D to 49 CFR §37.77, “when viewed in its entirety” means that “when all aspects of a transportation system are analyzed, equal opportunities for each individual with a disability to use the transportation system must exist.” This is particularly important for grantees that use multiple service providers to operate the grantee’s demand responsive service, especially when there is a mix of accessible and inaccessible vehicles among multiple service providers. For example, a grantee through its partnerships with volunteers, taxicabs, or Transportation Network Companies may primarily use sedans to provide demand-responsive service. The grantee may also operate or contract with a vendor to operate a fleet of accessible vehicles. To meet the equivalent service requirements, a grantee should ensure that all its service providers with inaccessible vehicles operate with the same policies and practices as its service providers with accessible vehicles. For example, one taxi provider might accommodate same-day service requests with sedans while another provider using accessible vans might require advance reservations. Providing equivalent service in this instance means riders who need to travel in an accessible van are not required to place reservations earlier than riders who use the taxi service do.

Suggested Approaches to Determine and Monitor for Service Equivalency

Grantees must sufficiently monitor their demand responsive service, provided in house or by contractors or volunteers, to confirm the service is being delivered consistent with ADA requirements, including the equivalent level of service requirement. Table 7-2 of [FTA Circular 4710.1](#) offers suggested approaches for how to determine equivalency for each of the seven service characteristics when some of the grantee’s vehicles are not accessible to individuals with disabilities, including individuals who use wheelchairs. Grantees are strongly encouraged to review this table as a guide to ensure compliance with service equivalency requirements. During desk reviews or monitoring visits, SANDAG may use one or more suggested approaches in Table 7-2 to monitor grantee compliance with the service equivalency requirements.

Some of the service equivalency factors such as response time, capacity constraints and service availability may require grantees to collect and tabulate data so they can determine that service equivalency is being provided. Other factors such as fares, geographic areas served, and service hours may be assessed through a document review (FTA Circular 4710.1).

Service Equivalency in the Most Integrated Setting

Grantees must provide transportation service to persons with disabilities on the same vehicles and together with other non-disabled riders as permitted by the relevant program requirements.

To meet this requirement, vehicles should accommodate a mix of riders to promote integrated service and avoid segregated service. For example, transporting older adults to a meal program and putting persons in wheelchairs in one vehicle and ambulatory riders in another would be unacceptable. Grantees are permitted to use inaccessible vehicles, but service equivalency must be maintained.

Considering the Next Potential Customer

All of a grantee’s passengers may be ambulatory and able to travel in an inaccessible vehicle. However, an existing passenger could suddenly become incapacitated, or a new passenger could require an

accessible vehicle. The service equivalency requirement means grantees must be able to provide an accessible ride in the same time frame as someone who does not need an accessible vehicle. To meet this requirement, grantees should have an accessible vehicle in reserve, plans to obtain an accessible vehicle in short notice, or an accessible vehicle available for temporary use.

Title VI Program Requirements

All STGP grantees are required to have a Title VI Notice, Title VI complaint procedures, and a Title VI form, and maintain a log of Title VI-related investigations, complaints, and lawsuits. Section 5310 subrecipients are also required to develop and maintain a Title VI Program, which includes additional elements described in this section. Subrecipients are encouraged to contact SANDAG if they need assistance in developing their Title VI Programs.

Language Assistance Plan and Meaningful Access for Persons with Limited English Proficiency

Section 5310 subrecipients are responsible for providing language assistance measures to individuals with Limited English Proficiency (LEP). To comply with Title VI requirements, subrecipients must assess and address the needs of people with LEP in their service area. People with LEP are individuals whose primary language is not English and who speak English less than very well. Subrecipients must also take reasonable steps to ensure people with LEP receive meaningful access to the benefits, services, information, programs, and activities subrecipients offer. Each subrecipient is required to prepare a Four Factor Analysis to determine the specific language services that are appropriate for the subrecipient to provide (Circular 4702.1B III-7 a.). Each subrecipient must then use the results of its Four Factor Analysis as a foundation to develop its Language Assistance Plan (LAP).

At a minimum, a LAP must:

- Include the data and results of the subrecipient's Four Factor Analysis
- Determine the languages for which written translations of vital documents is necessary based on the subrecipient's Four Factor Analysis and the federal Safe Harbor Provision discussed below.
- Identify how the subrecipient provides language assistance services by language
- Describe how the subrecipient provides notice to people with LEP about the availability of language assistance
- Discuss how the subrecipient trains employees to provide timely and reasonable language assistance to populations with LEP
- Detail how the subrecipient monitors, evaluates, and updates its LAP.

Four Factor Analysis

The Four Factor Analysis must address the following four topics:

Factor 1: The number or proportion of persons with LEP eligible to be served or likely to be served by the subrecipient's transportation program

Factor 2: The frequency with which individuals with LEP come into contact with the subrecipient's program

Factor 3: The nature and importance of the subrecipient's program to people's lives

Factor 4: The resources available to the subrecipient for LEP engagement and the costs of that engagement.

Factor 1

For the Factor 1 Analysis, subrecipients must first analyze Census data to identify the number and percentage of people with LEP within their program service area by language. Subrecipients whose

service area is San Diego County may use the Factor 1 Analysis in SANDAG's Language Assistance Plan, which is available on the [SANDAG Language Assistance web page](#). If subrecipients have multiple STGP-funded projects with varying project service areas, subrecipients should use an aggregation of these project service areas for the Factor 1 Analysis. Step-by-step instructions for accessing and reporting Census data for the Factor 1 Analysis are provided in Appendix F. Subrecipients may also contact SANDAG for further technical assistance. Subrecipients may complement Census data with other data sources such as Department of Education English Learner data and other local data.

As part of the Factor 1 Analysis, subrecipients must determine which languages meet the Safe Harbor Provision of the federal guidance, and what documents they consider to be vital to access essential services (as described below). Safe Harbor languages are those spoken by 5% or 1,000 people with LEP, whichever is less, of the total population of persons eligible to be served or likely to be encountered. It will be considered strong evidence of compliance with the obligation to provide written translation if vital documents are provided in all Safe Harbor languages.

The SANDAG Factor 1 Analysis determined that there are five primary languages present in San Diego County and 14 less frequently encountered languages that still meet the Safe Harbor Provision threshold established by the FTA. SANDAG developed a tiered and priority approach based on the size of the limited English proficient populations that could be emulated by subrecipients.

Factor 2

For the Factor 2 Analysis, subrecipients must assess, as accurately as possible, the frequency with which they have contact with individuals with LEP. The more frequent the contact, the more likely that language assistance measures are needed. To assess the frequency of contact, subrecipients should identify the number of people with LEP that contacted them and percentage of total contacts that are LEP persons. Subrecipients should also determine the primary language spoken by each person with LEP they have encountered. Methods to determine the frequency of contact may include customer service interactions with people with LEP ridership surveys, and participation of LEP persons in public meetings. Grantees may also use the Client Voluntary Demographic Data Survey Form developed by SANDAG and available by contacting the STGP Program Manager. For the Factor 2 Analysis, subrecipients must not only determine the frequency of contact, but also describe the method(s) by which they determined this frequency.

Factor 3

For the Factor 3 Analysis, subrecipients must describe the nature and importance of the programs, activities, and services they provide to those they serve. The description should also determine the transportation needs of people with LEP and the role transportation plays in their day-to-day lives. Methods for the Factor 3 Analysis may include monitoring customer service interactions, engaging community organizations that serve people with LEP, conducting one-on-one interviews or focus groups, or administering ridership surveys.

Factor 4

For the Factor 4 Analysis, subrecipients must detail the resources they have or can access for outreach to individuals with LEP, and the costs associated with the outreach. Federal LEP Guidance recognizes that the level of language assistance provided by recipients and subrecipients will differ based on organization size and the resources or budget available. In other words, smaller subrecipients with more limited budgets are not expected to provide the same level of language services as larger subrecipients with larger budgets. Federal guidance directs recipients and subrecipients to take reasonable steps to

provide language access, but if the costs substantially exceed the benefits, additional actions may not be necessary.

Subrecipients should first inventory the language assistance measures they currently provide and document the costs associated with those measures and the frequency with which those measures are provided. Subrecipients should then evaluate what, if any, additional language assistance measures are needed, and analyze the budgetary impact of implementing these additional measures in the short and long term. Next, subrecipients should describe cost-effective practices they have considered and may undertake to provide language assistance measures for individuals with LEP.

Vital Documents

Subrecipients should review the written documents provided to program beneficiaries and assess whether they contain information that is critical for program beneficiaries to obtain services. Subrecipients should determine if these critical written documents are vital documents, which include those that, without translation, would prevent people with LEP from obtaining access to a subrecipient's programs or services or would deprive people with LEP of an awareness of their legal rights. In their LAP, subrecipients should identify the vital documents pertaining to their STGP-funded service and state the languages these documents have been translated into, consistent with the Factor 1 Analysis and Safe Harbor Provision.

LAP Implementation

In their LAP, subrecipients must also describe how they will implement their LAP, including the following elements.

Notifying Individuals with LEP of the Availability of Subrecipient's Language Assistance Measures

A LAP must include a description of how the subrecipient provides notice to people with LEP about the availability of language assistance services offered by the subrecipient.

Training

The importance of training cannot be overstated; it is essential that a subrecipient's personnel are sufficiently trained on Title VI and LEP compliance to provide timely and reasonable language assistance to populations with LEP. A subrecipient's LAP must describe how the subrecipient's training ensures its personnel are trained about Title VI requirements and its LEP assistance policies and procedures.

Evaluating, Monitoring, and Updating the LAP

In its LAP, a subrecipient must also describe how it will monitor, evaluate, and update its LAP. Subrecipients should monitor the frequency of contact with individuals with LEP and track demographic changes in their service area that could affect their Factor 1 Analysis. Subrecipients should also describe a plan to evaluate whether the language assistance measures they provide are effective in meeting the needs of individuals with LEP they contact. In their LAPs, subrecipients must also state the frequency with which they review their LAPs to determine whether the Four Factor analysis should be updated. If a LAP is not updated in a Title VI Program submittal to SANDAG, subrecipients must provide an adequate justification with data as to why an LAP update is unnecessary.

Public Participation Plan

As part of their Title VI Program, subrecipients are required to have a Public Participation Plan (PPP). A PPP is a document that explicitly describes proactive strategies, procedures, and desired outcomes that

underpin the subrecipient's public participation activities. Subrecipients have wide latitude to determine how, when, and how specific public participation activities should take place, and which specific measures are most appropriate. Subrecipients should make these determinations based on a demographic analysis of those they serve and/or are eligible to receive their services, the nature of their transportation service(s), and the resources available for public outreach. Subrecipients are encouraged to review Appendix F for information on how to conduct a demographic analysis using Census data. Subrecipients may also contact SANDAG for further technical assistance.

A PPP also must include an outreach plan for how the subrecipient engages people of color and populations with LEP. Such a plan may be part of efforts that extend more broadly to include other populations that are traditionally underserved, such as persons with disabilities and low-income populations. Subrecipients that are required to submit a Title VI Program update must additionally provide a summary of outreach efforts made since their last Title VI Program submission. Efforts to involve people of color and populations with LEP can include both comprehensive measures as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent people of color and people with LEP from effectively participating in a subrecipient's decision-making process. Some effective practices for inclusive and meaningful participation may include:

- Scheduling meetings at times and locations that are convenient and accessible for communities of color and communities with LEP
- 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 communities of color and/or communities with LEP
- 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
- Providing childcare at meetings.

SANDAG has provided a Public Participation Plan Questionnaire to help subrecipients consider inclusive public participation processes and practices when developing their PPP. The Public Participation Plan Questionnaire can be found in Appendix G. SANDAG's Public Participation Plan can be found on the [SANDAG Language Assistance web page](#). SANDAG encourages subrecipients to review these resources when developing their PPP.

Representation of People of Color on Planning and Advisory Bodies

Federal Title VI guidance requires subrecipients that have transit-related, non-elected planning boards, advisory councils, or committees, or similar committees, the membership of which is selected by the subrecipient, 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 people of color on such committees. Subrecipients are strongly encouraged to use the template provided in Appendix H and include it in their Title VI Program.

Title VI Resolution

Per federal Title VI guidance, a subrecipient's Title VI Program must be approved by their governing body. A signed and dated resolution indicating approval from that body must be included in a

subrecipient's final Title VI Program. Subrecipients are strongly encouraged to use the template in Appendix I for their Title VI Program Resolution.

Title VI Program Submission

Section 5310 awarded applicants must submit their approved Title VI Program to SANDAG prior to the execution of a Section 5310 grant agreement. Current subrecipients must update their Title VI Programs every three years, on a schedule determined by SANDAG. SANDAG recommends that organizations submit a draft of their Title VI Program to SANDAG at least 60 days before the submission deadline to ensure opportunity for a full review. Subrecipients and awarded Section 5310 applicants are encouraged to review the [SANDAG Specialized Transportation Program Management Plan](#) for a sample Title VI Program Approval Schedule and contact SANDAG for any assistance in complying with their Title VI requirements.

SANDAG uses a standardized Title VI checklist to help determine if a draft Title VI Program meets all the requirements. Organizations are strongly encouraged to review SANDAG's Title VI Program compliance checklist before they submit a draft Title VI Program to SANDAG. A template of SANDAG's Title VI Program compliance checklist is provided in Appendix J.

SANDAG ADA and Title VI Compliance Monitoring

As discussed in the SANDAG Specialized Transportation Program Management Plan, SANDAG performs monitoring to check STGP grantee compliance with the terms of the grant agreement, including adherence to applicable ADA and Title VI requirements. To assist in its monitoring efforts, SANDAG has developed a standardized monitoring checklist used during desk reviews and/or site visits that includes sections on ADA and Title VI compliance. A template of the standardized monitoring checklist is available on the [STGP web page](#).

For all grantees, SANDAG verifies that they have posted their Title VI Notice to locations such as their website and any STGP-funded vehicles so that project beneficiaries are aware of their Title VI rights. SANDAG also checks that the Title VI Notice is made available in an accessible format. For subrecipients, SANDAG monitors that this notice is translated into other languages consistent with their LAP.

Further, SANDAG confirms that all grantees have ADA and Title VI complaint procedures. SANDAG also confirms that grantees have a complaint form readily accessible to project beneficiaries so that those beneficiaries can submit a complaint on the grounds of ADA and/or Title VI. During desk reviews and/or site visits, SANDAG verifies that grantees have maintained a log of ADA or Title VI-related complaints, investigations, and lawsuits.

ADA Monitoring

As discussed in the SANDAG Specialized Transportation Program Management Plan, SANDAG conducts physical inspections of STGP-funded vehicles to validate that they are being maintained and used for their intended purpose(s). During these physical inspections, SANDAG also checks that ADA equipment such as lifts and ramps functions properly.

Additionally, SANDAG reviews grantee policies and procedures to verify ADA compliance pertaining to service animals, respirator or portable oxygen supplies, accessible information, . SANDAG may request response time or other data or information on grantee policies or procedures to confirm that an equivalent level of service is being provided.

Title VI Program Monitoring

Once a Title VI Program has been accepted by SANDAG and approved by a subrecipient's governing body, SANDAG verifies that the approved Title VI Notice, Complaint Procedures, and Complaint Form have been posted to the subrecipient's website in English and other languages per the subrecipient's Language Assistance Plan. Once verified, SANDAG notifies the subrecipient that its next Title VI Program is due in three years.

Appendices

Appendix A: Notice of Non-Discrimination Template

If information is needed in another language, contact [insert name], [insert phone number] or [insert email].

[insert organization name] operates its programs without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act of 1964. [insert organization name] also prohibits discrimination against individuals with disabilities in accordance with the Americans with Disabilities Act of 1990. 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 file a complaint. For more information on the [insert 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 its administrative office at [insert address]. For more information, visit [insert organization website address].

Appendix B: Complaint Procedures Template

If information is needed in another language, contact [insert name], [insert phone number] or [insert email].

1. Applicability. The following complaint procedures apply to all persons who believe that they have been subject to discrimination by [insert organization name] related to its [insert name of SANDAG-funded transportation service or program], which is funded in whole or in part by SANDAG.
2. Preliminary Review Process. The following process must be completed prior to filing a Formal Complaint with SANDAG.

Informal Resolution - Prior to submitting a formal complaint, the complaining party must contact [insert title of position at Organization responsible for ADA, Title VI, or other 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 [insert organization name]'s alleged non-compliance with state or federal non-discrimination laws. Complaints must be filed within 180 days of an alleged incident.

The [insert title of position at Organization responsible for ADA, Title VI, or other discrimination complaints] can be reached at [insert address]; [insert phone number].

[insert organization name] will notify SANDAG of the complaint within 72 hours of receiving the complaint, and record the complaint and steps taken toward resolution. [insert organization name] is responsible for informing the complaining party about [insert organization name]'s complaint procedure, including the opportunity to file a formal complaint with SANDAG and/or the Federal Transit Administration (FTA) as described below.

Report of Results to SANDAG and Complaining Party – [insert 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 [insert organization name]'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 [insert organization name] 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.

Formal complaints must be filed within 10 calendar days from the date the complaining party receives notice of the end of the preliminary review process.

Complaints must be in writing and must include an attached copy of any correspondence concerning the complaint with [Insert organization name].

Complaints must be filed with the Compliance Officer at 401 B Street, Suite 800, San Diego, CA 92101; Fax number (619) 699-1995; TTY (619) 699-1904.

Investigation – The Compliance Officer or their designee 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 Compliance Officer believes to have relevant information, [insert organization name] staff and members of the public. The Compliance Officer may also hold an informal hearing at their discretion.

Representation - The complaining party, and any party against whom the complaint is directed, has the right to have a representative.

Findings and Notification - The 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 [insert organization name] within 45 calendar days of the filing of the formal complaint.

Final Disposition - The disposition proposed by the Compliance Officer 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 Chief Executive Officer (as set forth below) will not suspend the implementation of the disposition proposed by the Compliance Officer, except in those circumstances where the SANDAG Chief Executive Officer decides that good cause exists making the suspension of implementation appropriate.

4. Appeal

Within 10 calendar days of the issuance of the final report, the complaining party may appeal to the SANDAG Chief Executive Officer.

A complaining party may appeal by filing a written request for review by the SANDAG Chief Executive Officer.

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.

The review by the Chief Executive Officer or their designee normally will 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?

A copy of the Chief Executive Officer'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 Chief Executive Officer for good cause. The decision of the Chief Executive Officer or their designee on the appeal will be SANDAG's final decision.

5. File with the FTA - Any person who believes themselves or any specific class of persons to be subjected to discrimination prohibited by ADA or Title VI may also 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 and ADA complaints regarding federally funded programs at [insert organization name] can be sent to the following address:

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Appendix C: Discrimination Complaint Form Template

If information is needed in another language, contact [insert name], [insert phone number] or [insert email].

Instructions: If you believe [insert organization name] has engaged in discrimination against one or more persons relating to its [insert name of SANDAG-funded transportation service or program], please fill out this form completely, in black ink or type-written form. Sign and return to the "Return To" address below. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request to SANDAG.

Complainant: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: Home: _____ Business: _____

Person Discriminated Against:
(if other than the complainant) _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: Home: _____ Business: _____

When did the discrimination occur? _____ Date: _____

I believe the discrimination I experienced or was made aware of was based on (check all that apply):
 Race Color National Origin Disability Other

Describe the alleged acts of discrimination providing the name(s) where possible of the responsible individuals (use space on the next page or attach additional pages if necessary). If you marked "Other" above, include the category upon which you believe the discrimination was based (medical condition, sex, veteran status, etc.):

Has a complaint been filed with the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes: _____ No: _____

If Yes:

Agency or Court: _____

Contact Person: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Telephone: _____

Date Filed: _____

Additional space for answers:

Signature: _____

Date: _____

Return to:
Compliance Officer – Office of Diversity and Equity
SANDAG
401 B Street, Suite 800
San Diego, CA 92101
Phone: (619) 699-1900; Fax: (619) 699-1995; TTY: (619) 699-1904
OfficeofDiversityandEquity@sandag.org

Appendix D: Template for Transit Related ADA and Title VI Investigations, Complaints, and Lawsuits

Record and Report of Discrimination Investigations, Complaints and Lawsuits Related to [insert name of organization's SANDAG-funded program(s)]

Date Filed	Summary of Allegations	Status	Actions Taken/Final Findings

Appendix E: Instructions for Accessing and Reporting Census Data

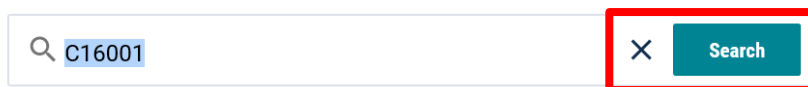
Accessing Census Data

1. Go to data.census.gov
2. In the search bar, find the **Table** you need: enter **C16001** and then **click search**.



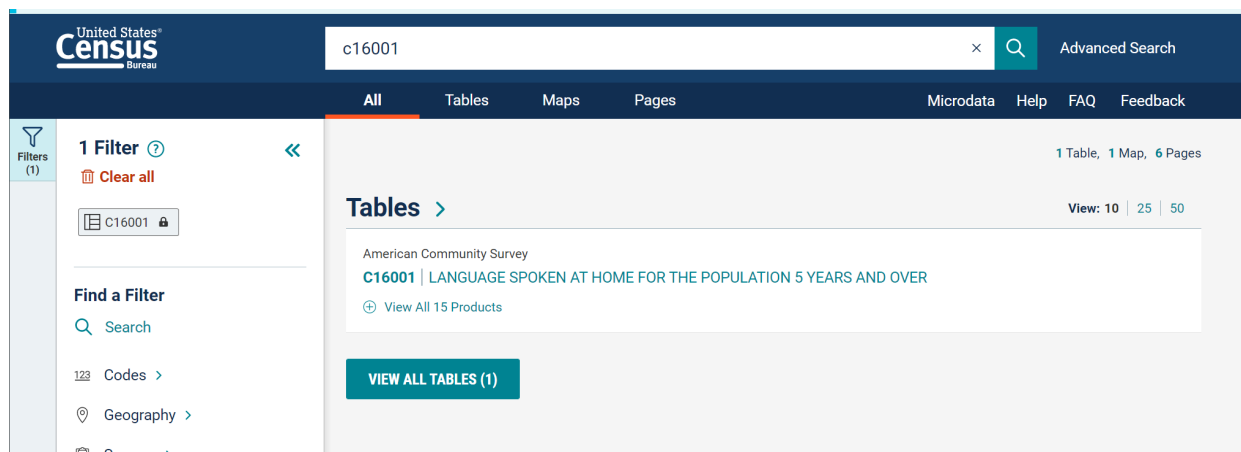
Explore Census Data

The Census Bureau is the leading source of quality data about the nation's people and economy.



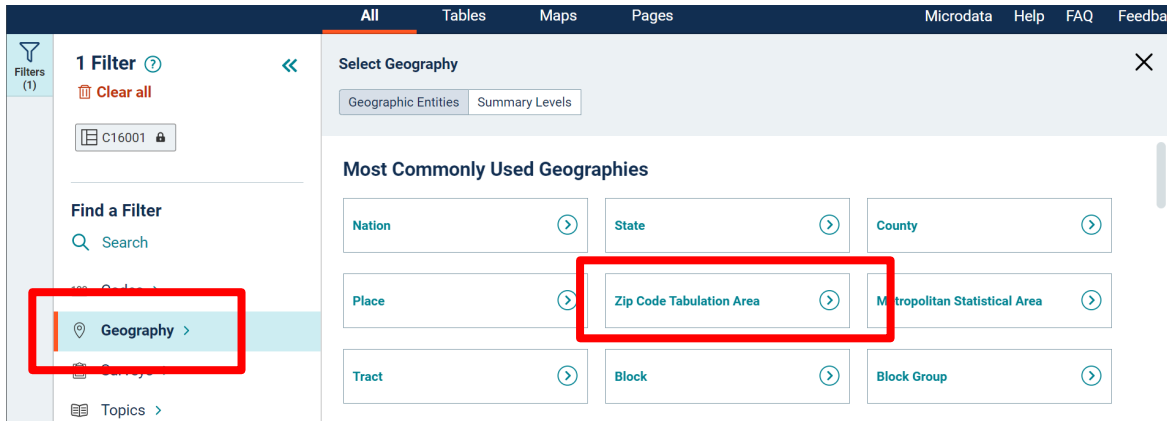
[Advanced Search](#) [Help](#) [Feedback](#)

It should return this sort of result:

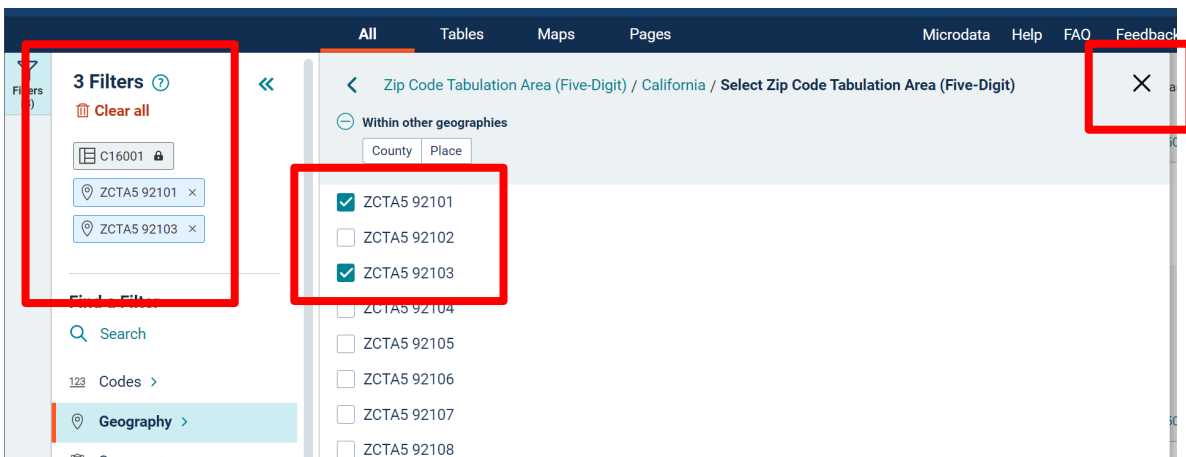


3. You now need to filter the data to a certain **geography** – the zip codes served by your agency, city jurisdiction, or – if you think it would be more appropriate – Census Block Groups or Tracts, etc. To view the selected information by your agency's service area by **zip code**:

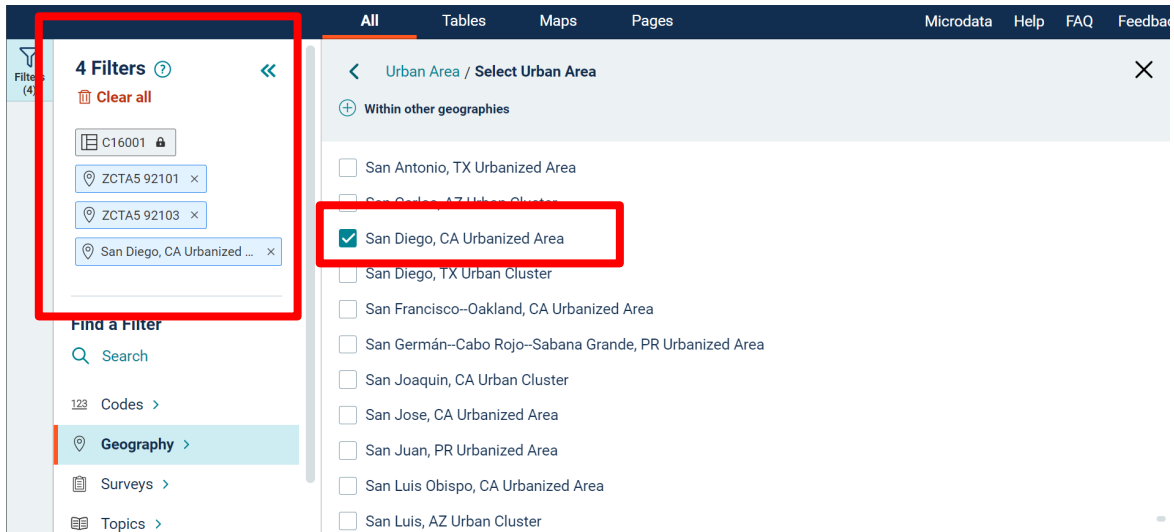
First, click on **Geography** (under **Find a Filter** on the left) and click on **Zip Code Tabulation Area** in the **Most Commonly Used Geographies** section:



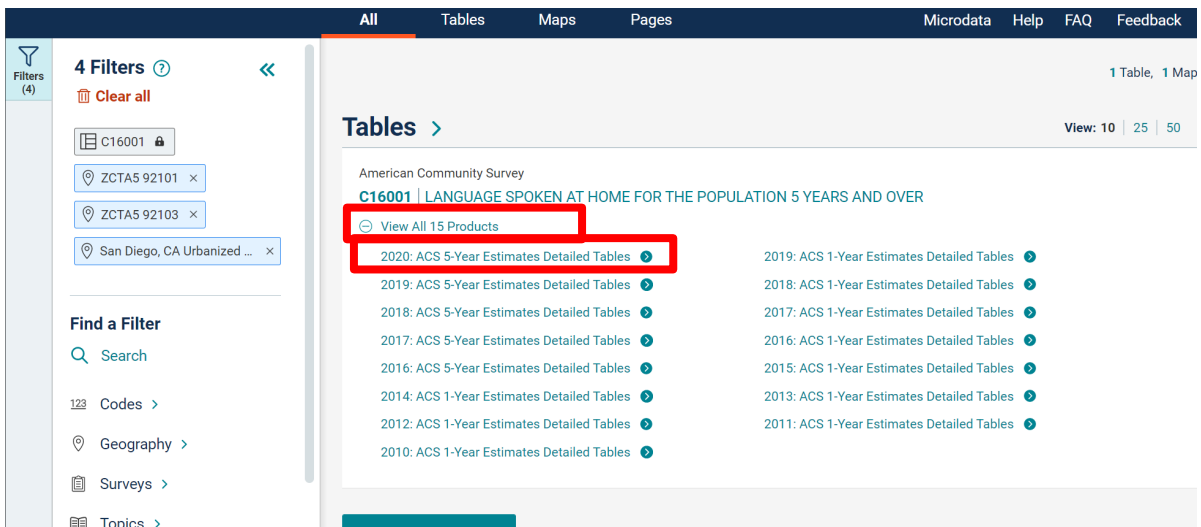
Scroll down and **select California**, then check the box[es] next to the **5-digit zip code[s]** you need. Checking these boxes will add them to the filters on the left. Then click the **X** at the top right to close this window.



If, instead of ZIP codes, you want to get the data by another geography, go back to **Geography** (under Find a Filter). You can explore the possibilities on this page to get data by County (dig in to find San Diego County), Place (San Diego city, California), Metropolitan Statistical Area (San Diego-Chula Vista-Carlsbad, CA Metro Area). **Urban Area (San Diego, CA Urbanized Area)** might be most useful – it can be found under **All Other Geographies**. Scroll down to check the box next to San Diego, CA Urbanized Area. It will add that geography to the Filters. Again, click the **X** at the top right to close this window.



- Now, choose the product for the Table you want – you should **use the most current 5-year data available**. Click **View All 15 Products** (there may be more or fewer depending on the table or other filters you've added), then click on the table you want.



- The desired table, filtered to your chosen geography, should display. In this example, the Table (C16001) and three geographies (two ZIP codes and San Diego City) are the filters. You can sort the data – Hide columns, Transpose the data, remove the Margin of Error, etc., using the tool bar at the top. You can also click on the Map tab underneath the Census search bar to see if the geographies you've chosen are correct. Then use those buttons above the data to **download** it – as an Excel, CSV, or ZIP file; the ZIP file will contain the most information, and after downloading it you can extract the CSV files and save them in Excel.

Navigation: All **Tables** **Maps** Pages Microdata Help FAQ Feedback

American Community Survey
C16001 | LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER
 2020: ACS 5-Year Estimates Detailed Tables | Universe: Population 5 years and over

Tools: Notes 3 Geos Years Topics Surveys Codes 123 Hide Transpose Margin of Error Restore Excel CSV ZIP print Map

	San Diego, CA Urbanized Area (2010)		ZCTA5 92101		ZCTA5 92103	
Label	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
▼ Total:	2,970,804	±4,001	41,500	±2,049	32,954	±1,427
Speak only English	1,851,139	±9,001	32,097	±1,813	25,687	±1,271
▼ Spanish:	728,672	±8,066	5,642	±968	3,915	±562
Speak English "very well"	475,963	±7,089	4,019	±683	3,070	±479
Speak English less than "very well"	252,709	±4,877	1,623	±524	845	±249
▼ French, Haitian, or Cajun:	9,866	±973	174	±120	199	±115
Speak English "very well"	8,524	±857	174	±120	175	±105
Speak English less than "very well"	1,342	±436	0	±28	24	±26
▼ German or other West Germanic languages:	10,925	±1,301	227	±138	291	±168
Speak English "very well"	9,650	±1,169	176	±110	291	±168
Speak English less than "very well"	1,275	±349	51	±79	0	±28
▼ Russian, Polish, or other Slavic languages:	19,670	±1,632	506	±197	666	±245

Reporting Census Data in Title VI Program

You can now analyze the data you have accessed in Table C16001 for your organization's service area by creating a table like the example provided below. In the table, please order the primary languages of those who speak English less than "very well" from largest to smallest by number of people with LEP who speak that language. For each primary language, provide the number of persons with LEP the percentage of LEP persons of each primary language of all people with LEP in your organization's service area, and the percentage of people with LEP of each primary language of the total population in your organization's service area. Use this data analysis to help determine the types and level of language assistance measures your organization may need to provide consistent with the Safe Harbor Provision.

Census Data Reporting Template

Please use this template when reporting Census data for the Factor 1 Analysis of your LAP. Add or remove rows based on the popularity of languages in your organization's service area.

Primary Languages and People with LEP in [insert organization name] Service Area (Ranked by Highest to Lowest # of People with LEP)			
Primary Language	# of People with LEP in Service Area	% of People with LEP in Service Area	% of Total Population in Service Area
[insert language 1]			
[insert language 2]			
[insert language 3]			
[insert language 4]			
[insert language 5]			
[insert other language(s)]			
Total			
*Source: Table C16001, ASC 5-Year Estimates Detailed Tables, [insert data year(s)]			

Census Data Reporting Example

Primary Languages and People with LEP in Example Organization Service Area <i>(Ranked by Highest to Lowest # of People with LEP)</i>			
Primary Language	# of People with LEP in Service Area	% of People with LEP in Service Area	% of Total Population in Service Area
Spanish	120,000	74.07%	8.20%
Tagalog	20,000	12.35%	1.37%
Vietnamese	10,000	6.17%	0.68%
Chinese (Simplified)	5,000	3.09%	0.34%
Arabic	4,000	2.47%	0.27%
Other	3,000	1.85%	0.21%
Total	162,000	100.00%	11.07%
*Source: Table C16001, ASC 5-Year Estimates Detailed Tables, 2017			

Appendix F: 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 |
|---|--------------------------|--------------------------|--------------------------|
| 1. 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"/> |
| 2. 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"/> |
| 3. Does your organization hold meetings to get public input using different sizes or formats? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does your organization provide materials in languages other than English? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Does your organization provide interpretation services or employ bilingual staff at public meetings/events, and include notice of the availability of such in meeting/event announcements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Does your organization hold meetings at locations that are accessible by public transportation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. 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

1. Does your organization perform outreach activities on a regular basis (at least quarterly)?
2. Does your organization perform outreach activities in a number of different areas or communities within your service area?
3. Does your organization market its programs/services through a variety of mediums in order to reach a greater population?
4. Does your organization provide translated outreach materials in appropriate languages given the communities served?
5. 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?
6. 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.

Program Monitoring

- | | YES | NO | N/A |
|---|--------------------------|--------------------------|--------------------------|
| 1. Does your organization administer customer satisfaction surveys or feedback forms to solicit input from project beneficiaries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does your organization administer any other type(s) of surveys? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Describe how your organization monitors programs and services provided including surveys, customer interviews, rating systems, or other methods that may apply.

Appendix G: Representation of People of Color on Planning and Advisory Bodies

My organization does not have a transit-related, non-elected board, advisory council or committee, or similar committee for which my organization selects the membership

OR

My organization has a transit-related, non-elected board, advisory council or committee, or similar committee for which my organization selects the membership.

[Insert Board, Advisory Council, or Committee Name] Racial Breakdown

Race	Count	Percentage
American Indian/Alaska Native		
Asian/Pacific Islander		
Black/African American		
Hispanic/Latino		
White		
Some Other Race		
Two or More Races		
Declined to State		
Total		100%

Additional details of members who are “Some Other Race” or “Two or More Races” if applicable:

Description of efforts made to encourage participation of people of color on my organization’s planning and advisory committees:

Appendix H: Title VI Program Resolution Template

Resolution No. **XX**

RESOLUTION OF THE **[Organization Governing Body]** APPROVING THE **[Name of Organization]**'S 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 Title VI Program," including a Language Assistance Plan and Public Participation Plan;

NOW, THEREFORE, BE IT RESOLVED:

That the **[Organization Governing Body]** hereby approves the organization's Title VI Program and policies as set forth in the entitled "Title VI Program."

Dated: _____

Presiding Officer

Attest:

Recording Secretary

Appendix I: Title VI Program Compliance Checklist Template

Organization Information

Organization Name: _____

Organization Title VI Program
Submitter Name: _____

Organization's Title VI Program Submission Information

Draft Submission Due Date: _____

Draft Submission Date: _____

SANDAG Reviewer Information

Reviewer Name: _____

Review Date: _____

Title VI Notice to the Public (Non-Discrimination Statement) – Required Elements

A Title VI Notice includes the following elements:

- (1) statement that indicates the 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 the 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 the organization.

Reviewer Comments:

Title VI Notice – Translation Requirements

The organization's Title VI Notice has been translated into all Safe Harbor Provision languages identified in the organization's Factor 1 Analysis. The Safe Harbor Provision languages are:

Reviewer Comments:

Title VI Notice – Public Posting and Availability

The Title VI Notice has been posted or made available in the following public areas:

YES N/A

<input type="checkbox"/>	<input type="checkbox"/>	Organization’s website. The following is a link to where the Title VI Notice is posted:

<input type="checkbox"/>	<input type="checkbox"/>	Any public area of the organization’s office including the reception desk and meeting rooms
--------------------------	--------------------------	---

<input type="checkbox"/>	<input type="checkbox"/>	Transit vehicles (applicable to those organizations operating vehicles)
--------------------------	--------------------------	---

<input type="checkbox"/>	<input type="checkbox"/>	Other:

The Title VI Notice is readily accessible to members of the public:

- The Title VI Notice has been posted in an accessible format
- The Title VI Notice has been posted in English and other Safe Harbor Languages identified in the organization’s Language Assistance Plan

Reviewer Comments:

Complaint Form and Procedures

- The Complaint Form clearly indicates race, color, or national origin as a basis for filing a discrimination complaint.
- The Complaint Procedures contain a process for filing a complaint, including procedures for receiving a complaint, communicating the organization’s response to the complainant, and maintaining documentation.
- The Complaint Procedures describe the process by which a complainant may file a complaint directly with the Federal Transit Administration.

- The Complaint Form and Procedures are translated into other Safe Harbor Languages identified in the organization's Factor 1 Analysis.
- The Complaint Form and Procedures are provided in an accessible format.
- The Complaint Form and Procedures are posted, at a minimum, on the organization's website.

Link(s) to the organization's website where its Complaint Form and Procedures are located:

SANDAG Reviewer: If the organization does not have a website, indicate how the organization ensures that its Title VI complaint form and procedures are made available to the public, including for non-English speakers:

Reviewer Comments:

Record and Report Transit-Related Title VI Investigations, Complaints, and Lawsuits Related to Activities Supported by the STGP

Reviewer Comments:

Language Assistance Plan

The LAP includes the following minimum elements:

- Data and results of the Four Factor Analysis
- Determination of the languages for which written translations of vital documents is necessary based on the Four Factor Analysis and Safe Harbor Provision
- Description of how the organization provides language assistance services by language

- Description of how the organization provides notice to people with LEP about the availability of language assistance
- Description of how the organization trains employees to provide timely and reasonable language assistance to people with LEP
- Description of how the organization monitors, evaluates, and updates its LAP

Reviewer Comments:

Public Participation Plan (PPP)

The organization's PPP includes the following minimum elements:

- Description of the proactive strategies, procedures, and desired outcomes that underpin the organization's public participation activities
- An outreach plan for how the subrecipient engages communities of color and populations with LEP

Reviewer Comments:

Minority Representation on Planning and Advisory Bodies

The template for this element is completed accurately and included in the organization's Title VI Program.

Reviewer Comments:

Title VI Resolution

The organization's Title VI Resolution is signed and dated by its governing body.

Reviewer Comments:

Signatures

This Title VI Checklist was reviewed and completed by:

SANDAG Program Manager (Print)

SANDAG Program Manager (Signature)

Date

Grantee Project Manager (Print)

Grantee Project Manager (Signature)

Date

Appendix J: Glossary of Terms

Please refer to Federal Transit Administration (FTA) Circular 4710.1 for additional terms and information related to Americans with Disabilities Act of 1990 (ADA) guidance. Please refer to FTA Circular 4702.1B for additional terms and information related to Title VI guidance.

A

Accessible Vehicle

a vehicle that has the capacity to accommodate a passenger who uses a personal mobility device inside the vehicle, and meets the requirements for lifts, ramps, and securement systems specified in 49 CFR part 38, subpart B

Americans with Disabilities Act (ADA)

a law that prohibits discrimination against and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation (42 U.S.C. 49 CFR § 12101 et seq.)

B

Bilingual

ability to speak two languages fluently and without effort; fluency and bilingual skills may be measured and certified

C

Community of Color

any readily identifiable group of minorities 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 SANDAG-funded program, policy, or activity

D

Demand Responsive Service

any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, nonprofits, and private providers

Designated Public Transportation

transportation provided by a public entity (other than public school transportation) by bus, rail, or other conveyance that provides the general public with general or special service on a regular and continuing basis

Discrimination

A

B

C

D

E

F

G

H

I

J

K

L

M

N

O

P

Q

R

S

T

U

V

W

X

Y

Z

41

any action or inaction, whether intentional or unintentional, in any program or activity of a grant 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

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

E

Equivalent Level of Service

means that individuals with disabilities, including those who use wheelchairs, receive the same or similar level of service as those without disabilities for a demand-responsive service

Executive Order

rule or order issued by the president to an executive branch of the government and having the force of law

F

G

Grantee

an organization that has been awarded funding through the Specialized Transportation Grant Program and has entered into a grant agreement with SANDAG

H

I

Individual with a Disability

an individual who has a physical or mental impairment that substantially limits one or more of their major life activities

Interpretation

oral, real-time translation from one language to another

J

A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z
42

K

A

L

B

Limited English Proficient (LEP) Persons

C

persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. People with LEP include those who report to the U.S. Census that they speak English less than very well, not well, or not at all.

D

E

Low-income Person

an individual whose family income is at or below 200% of the poverty line as defined by the Office of Management and Budget based on the most recent data available from the U.S. Census Bureau for a household of the size being evaluated

F

G

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 SANDAG-funded program, policy, or activity

H

I

J

K

M

L

Minority

is a term in Title VI and other federal guidance and used when speaking of data from the U.S. Census. It means to a person who is:

M

N

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.

O

P

Q

R

S

T

U

V

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 SANDAG-funded program, policy, or activity

W

X

Y

Z

43

N

National Origin

the nation in which a person was born, or where the person's parents or ancestors were born

O

Open-door Service

refers to service that is open to the general public or a segment of the general public defined by age, disability, or low-income. It includes public transportation service, as well as alternatives to public transportation that may require a passenger to be an older adult or person with a disability but is not limited to clients or members of a particular agency.

Out of Service

the time in which an STGP-funded vehicle or service is not providing specialized transportation to the target population. It includes miles driven for deadheading, vehicle maintenance, vehicle testing, and driver training without transporting target population

P

People of Color

is the term used generally throughout this Guide, which include includes minority persons as defined by the U.S. Census. Other references include communities of color.

Project Property

vehicles and other equipment purchased, in part, with grant funds and used in accordance with a SANDAG grant agreement

Public Entity

means (1) any state or local government or (2) any department, agency, special purpose district, or other instrumentality of one or more state or local governments. SANDAG is a public entity as a special purpose district.

Q

R

S

Safe Harbor Provision Language

language spoken by at least 1,000 persons with LEP in a grantee's service area

Service Animal

refers to any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision,

A

B

C

D

E

F

G

H

I

J

K

L

M

N

O

P

Q

R

S

T

U

V

W

X

Y

Z

alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. A

Subrecipient B

an organization that receives a grant award from a direct recipient or designated recipient to carry out a portion of a federal program. Section 5310 grantees are considered subrecipients of SANDAG C

T D

Title VI E

refers to Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal funding from discriminating on the basis of race, color, or national origin F

Translation G

written rendering text from one language to another while preserving meaning H

U I

V J

Vital Document K

a document that contains information that is critical for obtaining services and/or benefits or is required by law. Vital documents include those that, without translation, would prevent individuals with LEP from obtaining access to a recipient’s or subrecipient’s programs or services or would deprive persons with LEP of an awareness of their legal rights. Whether or not a document is “vital” may depend on the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is neither accurate nor timely. Examples of vital documents include, but are not limited to, an intake or application form with the potential for important consequences, a notice of a person’s rights under ADA and Title VI, a complaint form, and complaint procedures. L

W M

Wheelchair N

is a mobility aid belonging to any class of three-or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered O

X P

Y Q

Z R

Appendix K: Online Resources Referenced

Census Data

data.census.gov

Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency”

<https://www.justice.gov/crt/executive-order-13166>

Federal Transit Administration (FTA) Circular 4702.1B

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf

FTA Circular 4710.1

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf

SANDAG Board Policy No. 009

<https://www.sandag.org/-/media/SANDAG/Documents/PDF/about/about-SANDAG/bylaws-and-policies/board-policy-no-009-2022-11.pdf>

SANDAG Language Assistance Plan

<https://www.sandag.org/about/civil-rights/language-assistance>

SANDAG Public Participation Plan

<https://www.sandag.org/about/civil-rights/language-assistance>

SANDAG Specialized Transportation Grant Program Web Page

www.sandag.org/stgp

SANDAG Specialized Transportation Program Management Plan

<https://www.sandag.org/-/media/SANDAG/Documents/PDF/funding/grant-programs/specialized-transportation/specialized-transportation-grant/2022-specialized-transportation-program-management-plan-2022.pdf>