



# Duluth Transit Authority Title VI Plan

Approved by DTA  
Board of Directors: November 30, 2022

Approved by: Rodney Fournier, General Manager  
DTA Board of Directors

Prepared By: Chris Belden, Director of Planning and Grants



**DULUTH TRANSIT AUTHORITY  
2022 - RESOLUTION NO. 417**

Concerning the approval of the 2023-2025 Title VI plan for submittal to the FTA.

Whereas, the DTA is required to update the Title VI plan every three years, and;

Whereas, the staff has prepared this plan in accordance with Federal requirements for both Duluth and Superior, and;

Whereas, the staff has held the required Public Hearing on the Plan with the proper notice, and;

Whereas there have been no comments received.

Now, therefore be it resolved that the DTA Board of Directors hereby approves the Title VI Plan as presented for submittal to FTA.

PASSED AND ADOPTED THIS 30<sup>TH</sup> DAY OF NOVEMBER 2022 BY  
THE BOARD OF DIRECTORS OF THE DULUTH TRANSIT  
AUTHORITY.

ADOPTED,

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Rondi Watson  
DTA Board President

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# Introduction

The Duluth Transit Authority is a small urban transit system in the urban area of Duluth MN and Superior WI (Northeast Minnesota/Northwest Wisconsin) at the far western corner of Lake Superior. The urban area is often referred to as the “Twin Ports” for the two city’s strong connections to the shipping industry. The DTA operates a fixed route system with ADA Complimentary Paratransit Services. Current operating hours are 4:26am to 12:35am Monday through Friday with less service hours on Saturday and Sunday. There are currently 33-fixed route patterns Monday through Friday with 15-fixed routes on weekends. The Duluth Transit Authority operates primarily within the city limits of Duluth and Superior and operates small segments within Hermantown, Rice Lake, and Proctor MN. The DTA has 64-vehicles during peak service. A large portion of service and ridership is related to college students in the area. The Duluth Transit Authority does not have any sub-recipients.

The DTA completed a comprehensive operations analysis and network redesign in 2021. The redesign is planned to take effect June of 2023. The new network will change every route and schedule in an effort to provide a less complex system that is more reliable and efficient. The service changes will result in a slight increase in total operating hours and continue to serve the vast majority of existing ridership. The service will also better serve residents working in retail and service industry-related fields because of a large increase in weekend operating hours.

In accordance with the requirement of Federal Transit Administration (FTA) Circular 4702.1A, The Duluth Transit Authority has developed a Title VI Plan. This Plan defines the agency’s commitment to the tenets of the Civil Rights Act of 1964, which necessitates the DTA’s assurance of equal access, equitable delivery of transit services and the equitable distribution of transit amenities to patrons throughout its service area.

The DTA General Manager is responsible for ensuring that the agency adheres to all applicable regulations and law. More specifically in relation to this plan, the General Manager and the Director of Planning provides strategic oversight for the agency’s Title VI Plan and program, updates and provides assurances to FTA of compliance.

# Overview

The Federal Transit Administration (FTA) is responsible for ensuring that its funding recipients fully comply with Title VI of the Civil Rights Act of 1964. The City of Duluth and Superior public transit provider, the Duluth Transit Authority, is a recipient of federal funds, pursuant to Title 49 U.S.C. Chapter 53, under FTA section 5307, 5309, 5339, and other programs from the Federal Transit Administration. As a recipient of federal funds, the Duluth Transit Authority has prepared its 2022 Title VI Report in accordance with FTA Circular 4702.1B, dated October 1, 2012. This report covers calendar years 2023 through 2025 and addresses the DTA's compliance with the Civil Rights Act of 1964, Section 601, which states the following:

**“No persons 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.”**

Specifically, it also states:

“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.”

The Duluth Transit Authority clearly understands its responsibility to ensure that all transit service and access to its facilities are equitably distributed and provided without regard to race, color, or national origin. Furthermore, the DTA shall continuously strive to ensure that equal opportunities are afforded to all individuals in its service area without regard to race, color, or national origin, as they relate to community participation in local transit planning and decision-making processes.

The following are the objectives of Title VI:

- Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;
- Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
- Ensure meaningful access to transit related programs and activities by persons with limited English proficiency.

Guiding Documents: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq; Federal Transit Laws, Title 49, United States Code, Chapter 53; 49 CFR § 1.51; 49 CFR part 21; 28 CFR § 42.401 et seq; FTA Circular C 4702.1B.

# Commitment to Fairness - Rights of Beneficiaries

The DTA pledges that all will have access to all our programs, services, and benefits without regard to race, color, national origin, sex, age, disability or socioeconomic status.

The DTA will not tolerate discrimination by its employees or by those who receive federal funds from the DTA.

The DTA prohibits all discriminatory practices that may result in an individual:

- Being denied any service, financial aid or benefit provided under a program to which he or she may be otherwise entitled
- Being held to different standards or requirements for participation
- Experiencing segregation or separate treatment in any part of a program
- Being subject to distinctions in quality, quantity, or manner in which a benefit is provided
- Experiencing discrimination in any activities conducted in a DTA facility built in whole or part with Federal funds.
- Prevent the denial of reduction in or significant delay in the receipt of benefits by minority and low-income populations.

Furthermore, the DTA will:

- Avoid or reduce harmful human health and environmental effects on minority and low-income populations.
- Ensure full and fair participation by all communities, including low income and minority populations in the transportation decision-making process.

These rights are guaranteed under Title VI of the Civil Rights Act of 1964. In addition, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994 and amended in part by Final Circular 4703.1 Environmental Justice Policy Guidance for FTA Recipients October 11, 2012, provides:

“Each Federal 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 populations and low-income populations.”

If you believe that you have been discriminated against because of your race, color, national origin, sex, age, disability or socioeconomic status, you may file a written complaint with the DTA's Office of Diversity and Equal Opportunity at this address:

Christopher Belden, DTA  
2402 West Michigan St.  
Duluth, MN 55806

Or you can contact the DTA Title VI Coordinator by phone at (218) 623-4316 or by e-mail at [planning@duluthtransit.com](mailto:planning@duluthtransit.com)

# Fixed Route Service Standards and Policies

## Description of Transit Service

The Duluth Transit Authority, established in 1969, provides fixed route services to citizens within the city limits of Duluth, Proctor, Rice Lake, and Superior as well as the township of South Superior. The basic characteristics of the DTA fixed route transit system area as follows:

Historically, the system has been a coverage-oriented rather than productivity-oriented system. That is to say system resources are more oriented to serving as many people as possible as opposed to providing high-frequency service along just a few key corridors.

Service frequencies of 30 minutes on almost all routes in the peak and 60 minutes in the off-peak.

Hours of service between 4 a.m. and 12:00 a.m. on weekdays, with shorter schedules on weekends.

Reliance on a timed-transfer system with important hubs in the downtown, at Miller Hill Mall, and The University of Minnesota, Duluth.

## Paratransit Service

To comply with the Americans with Disabilities Act transit agencies are required to provide a paratransit system that mirrors the fixed route service they provide. Paratransit service must be provided along a corridor that stretches three quarters of a mile on either side of an established fixed route. The DTA provides a curb-to-curb paratransit service as viable and door to door when needed, that will deliver patrons in accordance with the ADA. STRIDE is the DTA's ADA service. It meets the geographical requirements in the Cities of Hermantown, Proctor, Rice Lake, and Superior. It exceeds them in the City of Duluth.

## Service Standards and Policies

### For Recipients Serving Large Urban Areas:

Chapter V of FTA Circular 4702.1B provides program-specific guidance for recipients who provide service to geographic areas with a population of 200,000 people or greater under U.S.C. 5307. These program-specific requirements should be followed in addition to the general reporting requirements outlined in the above section (Section 3 of this report). The DTA's service area is under this threshold.

**Requirement to Set Systemwide Service Standards and Systemwide Service Policies:** In order to comply with 49 CFR Section 21.5(b)(2) and (7), Appendix C to 49 CFR part 21, recipients to which this chapter applies shall adopt quantitative system-wide service standards necessary to guard against discriminatory service designs or operations decisions. The DTA's Goals and objectives as presented in the TDP has established system wide design standards and policies. Also, specifically the DTA has adopted as part of this plan the following standards:

### Service standards

	<b>Fixed Route Peak</b>	<b>Off Peak</b>	<b>Express Service</b>	<b>Paratransit (STRIDE)</b>
Vehicle load for each mode. Peak & Off Peak	105%	85%	100%	85%
Vehicle headway for each mode.	30 minutes	1 hour	NA	On Demand
On-time performance for each mode	95%	95%	95%	95%
Service availability for each mode	98%	98%	98%	100%



## Distribution of transit amenities for each mode

	Fixed Route	Paratransit
Bus Shelters	One per route and stops with over 20 boardings per day	Curb-to-Curb service
Printed signs, system maps, route maps, and schedules.	Major Stops, over 20 Boardings per day	On Demand Not needed
Digital equipment	Major Stops, over 100 Boardings per day	On Demand Not needed

## Vehicle assignment for each mode

The DTA has The DTA currently operates a fleet of seventy-two (72) fixed route vehicles (seven are battery electric buses and three are trolley buses). Peak service requires 64 vehicles. 62 are 35Ft and 40Ft Gillig diesel buses, 7 are 40Ft Proterra Battery Electric buses, 2 are 30Ft Hometown diesel trolley buses, and 1 is a 30Ft Gillig diesel trolley bus. The paratransit fleet consists of 12 smaller vehicles that are class 300 and 400.

Bus assignment for fixed route is based on maximum daily passenger loads and topographical/geographical challenges. Routes with tight turns and steep inclines or low ridership may be assigned a 35ft bus. Otherwise, buses rotate and are evenly distributed around the region. The Paratransit bus assignments are assigned to different operators each day based on scheduled trips.

**Requirement to Evaluate Service and Fare Changes:** In order to comply with 49 CFR Section 21.5(b)(2) and (7), Appendix C to 49 CFR part 21, recipients to which this chapter applies shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. For service changes, this requirement applies to “major service changes” only. More information can be found in the Public Participation Plan chapter, in the “DTA Policy on Public Comment Process for Fare and Service Changes” section.

**Service Changes:** the Duluth Transit Authority defines “major service changes” as modifications to Twenty-five percent (25%) or more of the number of transit route miles of a route; twenty-five percent (25%) or more of the number of transit revenue vehicle miles of a route computed on a daily basis for the day of the week for which the change is made; or twenty-five percent (25%) or more of the ridership of a route computed on a daily basis for the day of the week for which the change is made. New routes would also constitute a major service change.

**Fare Changes:** A fare change is defined by the DTA as a change in any fare (a one day reduced fare or free fare promotion is not a fare change). These changes must also be reviewed by the Duluth City Council who must also hold a public meeting as per enabling legislation.

### Requirement to Monitor Transit Service:

The Duluth Transit Authority is a smaller transit operator and is not required to do this, however monitoring is part of the TDP and will continue.

# DTA Public Participation Plan

## Overview

DTA works to ensure all populations are included in the agency's decision-making process including minority, low-income and LEP populations. DTA solicits broad participation through a variety of means. Included in this chapter is a summary of public outreach and involvement activities, both those that are ongoing and those that have been undertaken since the last submission of the Title VI Report.

The Public Participation Plan is used when considering fare changes, significant modifications to routes and schedules and other transit planning projects.

## Key Principles

The DTA's Public Participation Plan ensures that:

- Potentially affected community members will have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health
- The public's suggestions can and will influence DTA's decision making
- The concerns of all participants involved will be considered in the decision-making process
- DTA will seek out and facilitate the involvement of those potentially affected

## Goals

The DTA's Public Participation Plan has the following goals:

- **Clarity in Potential for Influence** – The process clearly identifies and communicates where and how participants can have influence and direct impact on decision making.
- **Consistent Commitment** – DTA communicates regularly, develops trust with riders and our community and builds community capacity to provide public input.
- **Diversity** – Participants represent a range of socioeconomic, ethnic, and cultural perspectives, which include residents from low-income neighborhoods, ethnic communities and residents from Limited English Proficiency.
- **Accessibility** – Every reasonable effort is made to ensure that opportunities to participate are physically, geographically, temporally, linguistically, and culturally accessible.
- **Relevance** – Issues are framed in a way that the significance and potential effect is understood by participants.
- **Partnerships** – DTA develops and maintains partnerships with stakeholder communities.

## Boards and Committee Meetings

The DTA is governed by a nine-member Board of Directors. The members apply through and are appointed by the City of Duluth and represent City of Duluth Council Districts, as well as three at-large positions and a City of Superior appointed position. Board roles include providing oversight, setting policies, developing strategies, reviewing agency performance, monitoring the budget, and establishing resolutions. The DTA Board of Directors meets on the last Wednesday of every month, with occasional special meetings if absolutely necessary. Every DTA meeting has an opportunity for public comment. The DTA also has an Accessibility Advisory Committee to the DTA Board of Directors. That committee meets a minimum of quarterly, usually more often for special topics. Their roles include providing input on fixed-route and paratransit operations, capital investments, and policies related to improving accessibility to all members of the community.

The City of Duluth encourages diversity on their Boards and Commissions. They explain: "Beyond technical expertise, we're looking for people who are broadly representative of Duluth and willing and passionate about using your knowledge, skills, lived experiences, time and talents to improve the quality of life in Duluth." The DTA also encourages participation from minority and diverse populations by encouraging those in the DTA network and existing members to encourage others to apply.

## Racial breakdown of boards and committees:

<i>DTA Board of Directors</i>			
Race	Number of Members	Percent of Board	Percent in Community
White	8	89%	93.7%
American Indian and Alaska Native	0	0%	3.4%
Black or African American	1	11%	3.5%
Asian	0	0%	2.1%
Hispanic or Latino	0	0%	2.2%
<i>DTA Accessibility Advisory Committee</i>			
Race	Number of Members	Percent of Board	Percent in Community
White	6	86%	93.7%
American Indian and Alaska Native	1	14%	3.4%
Black or African American	0	0%	3.5%
Asian	0	0%	2.1%
Hispanic or Latino	0	0%	2.2%

## Outreach Activities

The DTA employs many different outreach strategies depending on the nature of the project and the impacted communities. At a minimum, the DTA provides press releases about upcoming activities and meetings to the major media outlets serving the service area. The Duluth News Tribune and the Superior Telegram are designated as the official newspaper for the purpose of publication of legal notices and dissemination of public information announcements. Public comments are always welcomed at DTA Board of Director and Accessibility Advisory Committee meetings.

DTA seeks out and considers the needs and input of the general public, with an emphasis on including interested parties and those traditionally underserved by existing transportation systems, such as minority, LEP, low income, disabled, low-income, and other persons that may be affected by DTA activities. DTA keeps a list of interested and relevant persons and organizations, including those that serve minority, low income and LEP populations, and contacts them periodically regarding issues which may affect people that they serve.

The DTA will also use the following strategies, depending on context, to inform the public and collect feedback:

- Display posters and other associated information in buses and transit centers.
- Rider alerts on our website, social media, real-time signs, and e-mail lists.

- DTA maintains a website, [www.duluthtransit.com](http://www.duluthtransit.com). The website includes information on services provided, board meetings, rider alerts, contact information, and the Title VI compliance notice and complaint procedures. The website also allows riders to submit general complaints or suggestions, as well as contact specific leadership members and the Board of Directors.
- Hold information sessions or feedback collection at events planned by other community entities where communities will be in attendance. Examples include neighborhood block parties or festivals, events by neighborhood organizations, or other governmental outreach activities.
- Use virtual meetings as an option to make outreach more accessible for some and record for others to view at their own convenience.
- Surveys to gather feedback on a planning project or on general rider satisfaction. Paper and digital surveys are deployed together.
- Tabling's and open house meetings. The downtown transit center and other popular transfer stations have been a fantastic place to distribute information, answer questions, have conversations, and collect feedback from passengers.
- Focus groups for feedback on specific topics or from specific communities.
- Voice mailbox for more intensive projects. This allows the public to voice their concerns at their convenience.
- DTA also provides special assistance or materials in an alternate language or accessible format if required.

DTA collects and tracks customer comments. If a response is requested or warranted, we will respond within 48 hours on the receipt of the message and then follow up on any findings or answer their questions. If the comment is project specific, their comments will be saved with other project specific comments. Project specific comments are distributed to staff members for review and to the Board of Directors for consideration. Staff may recommend modifications to planning recommendations to the Board of Directors based on findings from community feedback.

The public can and typically submits feedback through the following channels:

- Social Media or YouTube
- [Duluthtransit.com](http://Duluthtransit.com)
- E-mail, mailed letters, or phone calls
- To the DTA Board of Directors or at a meeting
- Through the DTA's Accessibility Advisory Committee
- To DTA bus operators, information operators/customer service, administrative staff, other governmental agencies, and local advocates
- Surveys or focus groups (if being used)

Feedback received, where demographic information is provided, is analyzed to ensure a sufficient sample has been collected from a variety of demographic representation. If there are short comings, new/different approaches will be deployed to gather feedback from underrepresented communities.

## DTA Policy on Public Comment Process for Fare and Service Changes

It shall be the policy of the Duluth Transit Authority (DTA) that no significant changes in service or fares shall be made without having afforded an adequate opportunity for the public to express views regarding such changes. The following procedures shall be followed to ensure that adequate public comment is solicited and incorporated into the decisions of the DTA. All comments received as part of the hearing process will be reviewed by the DTA Board of Directors prior to final decisions on fare and service changes.

### **A hearing shall be required when:**

- 1) There is a change in any fare (a one day reduced fare or free fare promotion is not a fare change). These changes must also be reviewed by the Duluth City Council who must also hold a public meeting as per enabling legislation.
- 2) There is any change in service which directly affects:
  - Twenty-five percent (25%) or more of the number of transit route miles of a route.
  - Twenty-five percent (25%) or more of the number of transit revenue vehicle miles of a route computed on a daily basis for the day of the week for which the change is made.
  - Twenty-five percent (25%) or more of the ridership of a route computed on a daily basis for the day of the week for which the change is made.
- 3) A new transit route is established.
- 4) If a number of changes on a route in the calendar year add up to twenty-five percent (25%) as detailed in #2 above or more, a hearing must be held prior to the last change.
- 5) Standard seasonal variations are exempt from the hearing requirement unless the number, timing, or type of standard seasonal variations change.
- 6) In an emergency situation, a service change may be implemented immediately without a public hearing being held. A public hearing on the changes must be held within 60 days of the implementation unless the change is to be in effect for 90 days or less.
- 7) Experimental service changes may be instituted for 180 days or less without a public hearing being held. If, at the end of the experimental period, it is determined that the experimental service change should become permanent, the service that existed prior to the change must be reinstated, and a public hearing held. However, the hearing may be held prior to the institution of, or during the period of, the experimental service change and will satisfy the public hearing requirement if the hearing notice states that the experiment may become permanent at the end of the experimental period.

### **Hearing Requirements**

- 1) Notice of intent to hold a public hearing must be published in a newspaper of general circulation in the Duluth-Superior service area.
- 2) The notice must be published at least 10 days prior to the public hearing.
- 3) The notice must contain:
  - A description of the contemplated service changes or fare changes, as appropriate
  - Time and place of the hearing
- 4) The notice will allow comments at the hearing, received via email or letter, or phone call to be part of the public comment for that hearing.

## Summary of Recent Outreach Activities

In early March 2020, the DTA implemented service changes that resulted in added frequency to two of the most popular routes that are heavily used by transit reliant populations and added a new route that was a loop service in Duluth's downtown. The added service was inspired by the DTA's 2017 TDP and by community requests. Outreach and a public hearing were held in January 2020. Along with these changes, a route was proposed for elimination due to very low ridership and having a duplicative route for part of the year.

There were a number of changes to routing and schedules due to the global COVID-19 Pandemic. Due to varying bus operator availability, the DTA needed to temporarily scale back service to a level where we were confident we could provide the service we were promising. Announcements were made to the public in advance of any service changes. As of November 2022, the DTA is still not providing the full programmed amount of service as Route 5 is curtailed. The decision-making process for reductions was to first reduce routes that had a duplication of some kind where transfers were maybe necessary but travel was still possible. Then frequency on other routes were reduced. The DTA frequently analyzed bus load data and other ridership metrics. To the extent possible, the DTA limited the negative impacts to those most reliant on transit and disadvantaged populations.

In January of 2021, the DTA undertook outreach activities and held a public hearing to gather feedback on several proposed fare changes. The DTA was seeking to reduce some pass type costs and make the fare structure less complex. The changes were implemented in May of 2021 in conjunction with the launch of a new mobile fare payment application. The DTA plans to implement account-based ticketing/fare capping in early 2023.

The most significant outreach activities were related to the DTA's comprehensive operational analysis (COA), dubbed the Better Bus Blueprint. This was a 19-month study that resulted in a complete network redesign. All routing and schedules were revamped to better meet the needs of the community. Many rounds of community engagement occurred using many different strategies. This most likely was the most robust planning effort and community engagement activity in the DTA's history. Equity was a key guiding principal throughout the planning process. The new network plan will result in significant improvements in travel time and access to opportunities for BIPOC populations. The new network is planned to launch in June of 2023. All planning documents and documentation on outreach activities can be found at <https://www.duluthtransit.com/home/better-dta/better-bus-blueprint/> under the "Planning Documents" tab.

Copies of the DTA's public notices, press releases, and other related materials are in the appendix.

# DTA Language Assistance Plan

## Introduction

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and **Executive Order 13166**

Executive Order 13166 “Improving Access to Services for Persons with Limited English proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons with Limited English Proficiency.” (See 65 FR 50123, August 16, 2000, DOJ's General LEP Guidance). Different treatment based upon a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as the Duluth Transit Authority (DTA) and governments, private and non-profit entities, and subrecipients.

## Plan Summary

The DTA has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to DTA services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

## Four Factor Analysis

### **1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program.**

The DTA examined the US American Community Survey report from 2021 and was able to determine that approximately 0.8%, or 432 households within DTA’s service area identified as a limited English-speaking household. Of households that speak another language other than English, 2.1% speak other Indo-European languages, 1.5% speak Spanish, 0.7% speak Asian and Pacific Island languages, and another 0.7% speak other languages.

### **2. The frequency with which LEP persons come into contact with the program.**

The DTA assesses the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. Since June 2003, the DTA has had no requests for interpreters and zero requests for translated DTA documents from the public. The staff and drivers have had very little to no contact with LEP individuals.

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

The most critical services are the fixed-route and para transit services provided throughout the metro area. It is an important service to provide transportation access to opportunities – education, employment, health care, social services, socialization, recreation, and more. There is no large geographic concentration of any one type of LEP individuals in the DTA service area. The overwhelming majority of the population is not limited in speaking English. Therefore, there is a lack of any social, service, professional and leadership organizations within the DTA service area that focuses on outreach or membership of LEP individuals.

### **4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.**

The DTA assessed its available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation service would cost on as needed basis, which documents would be the most valuable to be translated if and when the populations support, taking an inventory of available organizations that the DTA could partner with for outreach and translation efforts, and what level of staff training is needed. After analyzing the four factors, the DTA developed the plan outlined in the following section for assisting persons of limited English proficiency.

#### **Results of Analysis:**

The DTA service area/Urbanized area has very few persons with limited English proficiency and has had very little to no interactions with LEP populations. However, if there is a need for a person of limited English proficiency, the DTA will work to accommodate the needs of that person.

#### **Safe Harbor Provision**

The DTA would not meet the minimum threshold that stipulates that, “if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations.”

## **LIMITED ENGLISH PROFICIENCY PLAN**

### **How to Identify an LEP Person who Needs Language Assistance**

Below are tools to help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings.
- When DTA sponsored workshops or conferences are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee’s ability to speak and understand English, ask a question that requires a full sentence reply.
- Have the Census Bureau’s “I Speak Cards” at the workshop or conference sign-in sheet table. While staff may not be able to provide translation assistance at this meeting, the cards are an excellent tool to identify language needs for future meetings. Also, have the cards available at the DTA Transit Center Customer Service Area.
- Survey drivers and other first line staff on an annual basis at the beginning of each fiscal year (federal) regarding their experience on having any direct or indirect contact with LEP individuals.

### **Language Assistance Measures**

The DTA has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least “well,” and the lack of resources available in the DTA service area:



- Census Bureau’s “I Speak Cards” are to be located at the Customer Service window in the Transit Center at all times.
- The DTA’s website uses the Google translator which incorporates over 80 different languages.
- When an interpreter is needed, in person or on the telephone, and the DTA staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service – CyraCom International at <http://www.cyracom.com/>

### **DTA Staff Training**

All DTA staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the DTA staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities
- What language assistance services the DTA offers
- Use of LEP “I Speak Cards”
- How to access CryaCom via the Customer Service computer(s) in the DTA Transit Center
- How to use the Language Line interpretation and translation services
- Documentation of language assistance requests
- How to manage a Title VI and/or LEP complaint

### **Outreach Techniques**

As of this first draft of the DTA LEP Plan dated December 2007, DTA does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that the DTA will incorporate when and/or if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available.”
- Key print materials, including but limited to schedules and maps, will be translated and made available at the DTA Transit Center, on board vehicles and in communities when a specific and concentrated LEP population is identified.

### **Monitoring and Updating the LEP Plan**

This plan is designed to be flexible and is one that can be easily updated. At a minimum, the DTA will follow the Title VI Program update schedule for the LEP Plan.

### **Dissemination of the DTA Limited English Proficiency Plan**

The DTA includes the LEP plan on the DTA website ([www.duluthtransit.com](http://www.duluthtransit.com)) together with its Title IV Policy and Complaint Procedures. The DTA’s Notice of Rights under Title VI to the public posted in the DTA Transit Center, on all DTA vehicles, and in selected printed materials also refers to the LEP Plan’s availability.

Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan. Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the DTA Title VI Coordinator.

DTA  
 Christopher Belden  
 2402 West Michigan Street  
 Duluth, MN 55806  
 Phone: 218-623-4316

## 2021 ACS Data on Limited English-Speaking Households

<b>LIMITED ENGLISH-SPEAKING HOUSEHOLDS - Duluth, MN--WI Urbanized Area</b>				
	<b>Total</b>	<b>Percent</b>	<b>Limited English-speaking households</b>	<b>Percent limited English-speaking households</b>
All households	50,988	(X)	432	0.8%
Households speaking --				
Spanish	790	1.5%	0	0.0%
Other Indo-European languages	1,067	2.1%	303	28.4%
Asian and Pacific Island languages	353	0.7%	129	36.5%
Other languages	336	0.7%	0	0.0%

# Procedures for Filing, Tracking, and Investigating Title VI Complaints

## **What is Title VI of the Civil Rights Act of 1964?**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance. The Duluth Transit Authority is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964. You may also find more information on compliance requirements placed on public transit operators as they relate to Title VI in Federal Transit Administration (FTA) Circular 4702.1A. If you believe you have been subjected to discrimination under Title VI, you may file a complaint.

## **How to file a Title VI Complaint?**

You may file a signed, written complaint within 180 days from the date of alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where, and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant.

## **The complaint may be filed in writing with the Duluth Transit Authority' Title VI Program Officer at the following address:**

Duluth Transit Authority  
Christopher Belden  
2402 West Michigan Street  
Duluth, MN 55806

## **You may also contact the Title VI Program Officer**

By phone: 218-623-4316

By Email: [cbelden@duluthtransit.com](mailto:cbelden@duluthtransit.com)

NOTE: The Title VI Program Officer may assist with writing a complaint if the complainant is unable to do so. Additionally, the DTA encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Program Officer as soon as possible, but no later than 30-days from the alleged date of discrimination.

## **What happens to my complaint after it is submitted to the Duluth Transit Authority?**

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the Duluth Transit Authority will be directly addressed by the DTA' Title VI Program Officer (Program Officer). The Program Officer shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the Program Officer shall make every effort to address all complaints in an expeditious and thorough manner. In instances where additional information is needed for assessment or investigation of the complaint, the Program Officer will contact the complainant in writing within fifteen (15) working days of receipt of the complaint. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information by the date indicated by the Program Officer may result in the administrative closure of the complaint.

Once sufficient information for investigating the complaint is received by the Program Officer, they will prepare a draft written response subject to review by the General Manager of the DTA. If appropriate, they may administratively close the complaint. In this case, the DTA' Title VI Program Officer will notify the complainant of the action as soon as possible.

**How will I be notified of the outcome of my complaint?**

The Duluth Transit Authority' Title VI Program Officer will send a final written response to the complainant and advise the complainant of his or her right to 1) appeal to the DTA's General Manager within 7 days of receipt of the final written decision from the Program Officer, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration. The Program Officer will make every effort to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner. In addition to the complaint process described above, a complainant may file a Title VI complaint with the following office:

Federal Transit Administration Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 205904

# Duluth Transit Authority/Title VI/ADA Discrimination Complaint Form



*Note: The following information is needed to assist in processing your complaint.*

## Information about Complainant:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number (Home): (\_\_\_\_\_) \_\_\_\_\_

Telephone Number (Work): (\_\_\_\_\_) \_\_\_\_\_

## Person Discriminated Against (if someone other than complainant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) \_\_\_\_\_

## Which of the following best describes the reason you believe the discrimination took place?

Race/Color (Specify)

National Origin (Specify)

Sex

Religion

Age

Disability

## On what date(s) did the alleged discrimination take place (date, time, bus number/bus route are helpful)?

\_\_\_\_\_

**Please explain below as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to describe in what way you believe other persons were treated differently than you and why you believe these events occurred. (Please use additional sheets if necessary and attach a copy to written material pertaining to your case).**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## List names and contact information of persons who may have knowledge of the alleged discrimination.

Name

Address

Telephone

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? Check all that apply.**

Federal Agency       Federal Court       State Agency  
 State Court       Local Agency

**Please provide information about a contact person at the agency/court where the complaint was filed.**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number (Work): (\_\_\_\_) \_\_\_\_\_

**How can this/these issue(s) be resolved to your satisfaction?**

\_\_\_\_\_  
\_\_\_\_\_

If an advisor will be assisting you in the complaint process, please provide his/her name and contact information.

Name: \_\_\_\_\_  
Name of Business: \_\_\_\_\_ Position/Title \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: (\_\_\_\_) \_\_\_\_\_

**Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.**

**This Discrimination Complaint form or your written complaint statement must be signed and dated in order to address your allegation(s).**

**Additionally, this office will need your consent to disclose your name, if necessary, in the course of our inquiry. If you are filing a complaint of discrimination on behalf of another person, our office will also need this person's consent to disclose his/her name.**

I certify that to the best of my knowledge the information I have provided is accurate and the events and circumstances are as I have described them. As a complainant, I also understand that if I indicated I will be assisted by an advisor on this form, my signature below authorizes the named individual to receive copies of relevant correspondence regarding the complaint and to accompany me during the investigation. My signature below also authorizes my approval to disclose my name, if needed as part of the DTA inquiry.

Complainant Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Attachments: Yes No

**Sign and submit** complaint form and any additional information to:

Christopher Belden, DTA  
2402 West Michigan Street  
Duluth, MN 55806  
(218) 623-4316  
[cbelden@duluthtransit.com](mailto:cbelden@duluthtransit.com)

# Investigations, Lawsuits, or Complaints

To comply with 49 CFR Section 21.9 (b), DTA shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming DTA that allege discrimination on the basis of race, color, or national origin. The list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by DTA in response to the investigation, lawsuit, or complaint.

The DTA has had no investigations, complaints, or lawsuits regarding Title VI since the last plan update.

# Facility Site Equity Analysis

The DTA has not identified a site or location for a new facility and Hadid not construct a facility during the last program (2019-2022).



# Appendices

1. DTA Mission, Goals, Objectives, and Standards
2. Public Notices
3. General Reporting Requirements

# DTA Mission, Goals, Objectives & Standards

Approved by the DTA Board of Directors 2017

## DTA Mission Statement

*The Mission of the DTA shall be to provide public transit service that is safe, convenient, efficient, and affordable.*

## Goals, Objectives, and Service Standards

At the beginning of the 2017 TDP process, a thorough review of existing plans, relevant planning and policy documents was conducted to provide a framework for the TDP (see Appendix 1). This review helped identify key items of focus for the TDP as well as to inform the goals and objectives for the DTA. As part of this TDP update, the mission, goals and objectives were revised to better match input received during the initial outreach efforts (see Appendix 2).

The Mission of the DTA shall be to provide public transit service that is safe, convenient, efficient and affordable. The following goals set standards towards accomplishing this mission:

Goal 1. Increase transit use in the Duluth area by providing high quality transit service.

Goal 2: Provide safe, clean and reliable transit service and infrastructure to all current and potential DTA riders.

Goal 3: Provide efficient and sustainable transit service.

Goal 4: Improve customer information and marketing strategies to increase ridership and customer satisfaction.

Specific objectives to help make progress towards accomplishing these goals were defined.

### **Goal 1. Increase transit use in the Duluth area by providing high quality transit service.**

1.1 Customer Satisfaction: The DTA will improve customer satisfaction each year and will strive to minimize unsatisfied customers by monitoring customer complaints and offering corrective action when possible/appropriate.

- 75 percent of on-board survey respondents satisfied with service (survey fielded every two years).
- Investigating and classifying the customer dissatisfaction complaints on a semi-annual basis.

1.2 Fixed Route Headways: The DTA will determine headways based on time of day, passenger loads and service area characteristics (such as population density, job density, income and auto ownership).

- Peak hours and/or transit supportive areas: Not more than 30 minutes.
- Peak hours (mainline and University of Minnesota at Duluth (UMD) Routes): 15 minutes.
- Off-peak hours and/or non-transit supportive areas: Not more than 60 minutes.

1.3 Transit Service Availability: The DTA will maximize transit service availability (based on demand) to neighborhoods and/or housing facilities with high concentrations of senior, low income and disabled populations, as well as to major employers, higher education institutions and major destinations within the service area.

- Assure equitable delivery of transit services to population sections traditionally underserved such as people with disabilities, low-income population and population with limited English proficiency.
- Provide access to major employers, higher education institutions, and other major destinations for all transit users.

1.4 Passenger Loading: The DTA will adopt maximum loading standards based on operating costs, revenues produced, passenger comfort and quality of service for different types of operations.

Maximum load:

- System-wide: 150 percent.
- Peak hours and/or transit supportive areas: 105 percent (DTA will adhere to this standard in 95 percent of all scheduled trips).
- Off-peak hours and/or non-transit supportive areas: 85 percent (DTA will adhere to this standard in 95 percent of all scheduled trips).
- Freeway operation: 100 percent.

1.5 Service Expansion: The DTA will evaluate opportunities of service expansion based on regional community and municipality support (financial and/or marketing) and current and future growth of the area, or other conditions that are deemed warranted by the DTA.

- Provide service when the municipality, area business or institution served provides the local share of the operating subsidy for the service and guarantees the fare-box revenue.
- Expand service on a minimum one-year trial basis when publicity campaigns are supported by local community or municipality and before and after route data collections are enforced.
- Evaluate routes and the possibility of service expansion in the event of newly developed “major destinations”, population shifts, opportunities for route efficiencies or in other conditions in which the DTA decides route evaluation or service expansion is necessary.

1.6 STRIDE Service Availability: The DTA will strive to meet the existing demand for STRIDE service and meet minimum ADA requirements.

- Meet existing ADA demand based on FTA requirements.

**Goal 2: Provide safe, clean and reliable transit service and infrastructure to all current and potential DTA riders.**

2.1 On-time Performance: The DTA will maintain on-time performance at all destination points and maintain scheduled trip service reliability.

- Schedule adherence: 95 percent on-time service (based on destination station) during peak periods and 95 percent during off-peak periods. On-time operation: Zero minutes ahead of schedule and no more than 5 minutes behind schedule.
- Service reliability: 99 percent scheduled trips operated and at least 4500 vehicle miles between road calls.

2.2 On-time Performance for STRIDE services: The DTA will strive to maintain on-time performance for STRIDE services.

±15 minutes of scheduled time for 90 percent of the operations during peak hours and 80 percent operations during off-peak hours (evenings and weekends).

2.3 Safety and Security: The DTA will ensure maximum safety and security for all patrons and parties affected by the system by maintaining video monitored transit buses/facilities and a safe transit system perception among the patrons.

- Passenger safety: Zero passenger accidents per 100,000 passengers Zero vehicle collisions per 100,000 miles.
- Passenger security: At least 75 percent of riders should indicate themselves as safe in the security perception question asked in the passenger survey (survey fielded every two years).

2.4 Transit Facilities and Rolling Stock: The DTA will ensure that all transit facilities and equipment are well-maintained and enhance the overall transit experience of DTA customers.

- Fleet size: Total number of vehicles needed to service an area shall be related to the changing demand consistent with operating and replacement standards.
- Fleet Condition:
  1. Large, heavy-duty transit buses including over the road buses (approximately 35'–40', and articulated buses): at least 12 years of service or an accumulation of at least 500,000 miles.
  2. Light Duty Vehicles (regular and specialized vans and light-duty buses): At least 4 years or an accumulation of at least 100,000 miles.

- Shelters: Shelters must have seating, lighting, schedule and route information and should provide clear visibility in all directions.

- Shelter location and amenities:

Any stop where 25 or more people board on an average weekday (with seniors and disabled counted as two) must have a shelter.

At least one shelter on each bus route.

The number of shelters located on a route or neighborhood should not result in a disparate impact on the basis of race, color or national origin of the local riders (as per FTA's Title VI).

Every shelter should have up to date DTA schedule and route information meeting ADA requirements.

*Standard is based on State of Good Repair guidelines by Minnesota DOT and Federal Transit Administration.*

2.5 Bus Stop Spacing: The DTA will evaluate the number of transit stops on a transit route by maintaining a balance between speed (riding time) and passenger access convenience (walking distance to bus stop).

- Residential areas: Bus stop spacing between 660-1320 feet (4-8 stops per mile). Exceptions: Route operating on steep hill (greater than 6 percent slope) or two major transit trip generators located less than a block apart.
- Commercial areas: The distance between stops determined based on safe pedestrian accessibility and proximity to major transit trip generators. Safe Pedestrian Accessibility: People should be able to reach the transit vehicle from their origin point or reach their destination from the transit vehicle with minimal risk.

**Goal 3: Provide efficient and sustainable transit service.**

3.1 Transit Effectiveness: The DTA will strive to increase transit ridership each year.

Transit ridership measurement: Total revenue passengers increase by at least 3 percent.

3.2 Economic Efficiency: The DTA will strive to increase transit service efficiency each year.

Performance measures used – total cost per passenger, revenue per passenger, subsidy per passenger.

3.3 Route Efficiency and Effectiveness: The DTA will analyze route level performance to determine where corrective actions are warranted.

- Performance measures used – trip capacity, ridership per trip, ridership growth, senior ridership, transit dependent ridership and revenue efficiency.
- One example of using ridership criteria for corrective actions: - 20-35 percent subsidy per passenger above the system average and/or 20-35 percent passenger per revenue hour below the system average: considered for extra marketing efforts and/or minor modifications. - 36-50 percent subsidy per passenger above the system average and/or 36-50 percent passenger per revenue hour below the system average: Significant route change. - Greater than 50 percent subsidy per passenger above the system average and/or greater than 50 percent passenger per revenue hour below system average: Major restructuring or possible elimination.
- These standards are guidelines to help inform when route modifications might be considered; however, DTA will have final discretion to maintain any route due to other circumstances.

3.4 Transit Planning Coordination: The DTA will continue to promote transit planning consideration during the development of short- and long-range plans and policies in the Duluth metropolitan area.

- Continued participation in the Metropolitan Interstate Council (MIC) Transportation Advisory Committee (TAC), Duluth city planning issues and City of Duluth reviews.

3.5 Multimodal Coordination: The DTA will continue to promote transit in coordination with the design and development of roadways, pedestrian, and bicycle infrastructure and with transportation network companies (TNCs) like Uber, Lyft, etc.

- Bus routes and stop locations coordinated with pedestrian and bicycle trails, Park and Rides and regional transfer stations (for example: Downtown Terminal)

3.6 Recycling and Carbon Footprint: The DTA will continue to maximize on-site recycling and minimize its carbon footprint of vehicles and facility operation.

- DTA shall adopt a policy to evaluate its current greenhouse gas emissions and commit to a reduction in accordance with MN Statute 216H.02.

**Goal 4: Improve customer information and marketing strategies to increase ridership and customer satisfaction.**

4.1 Schedule and Routing: Provide integrated, useful, and easy to understand schedule and routing information (including information on website and other social media).

- 75 percent of on-board survey and passenger survey respondents indicating schedule and routing information useful and easy to understand.
- Seek feedback from riders and non-riders via on-board and passenger survey for best practices of providing scheduling and routing information.

4.2 Transit Education and Marketing Activities: The DTA will promote the use of transit by educating Duluth and surrounding community residents and businesses about the benefits of public transit using social media, Chamber of Commerce, Greater Downtown Council, Duluth Visitors and Convention Bureau for public outreach.

- Minimum of 3 transit awareness and education events organized per month.
- Provide regular travel training to DTA patrons.
- At least one percent of the total operating cost will be spent on marketing activities.

4.3 Service Operations and Customer Service: The DTA will actively study and indulge in more proficient user interface software and technological methods of improving service delivery, ridership, effectiveness and customer service.

- The DTA will provide an updated website that is also mobile friendly and able to provide real time bus location information, fare information and trip planning features, as well as links to the Duluth Transportation Center's intercity providers and in addition to the information the DTA website currently provides.
- The DTA will employ more technology solutions to track service requests, bus stop locations, Title VI compliance, and continue to remain open to all public comments and concerns.

4.4 Commuter Pass Program: The DTA will continue to work with employers to promote participation in commuter pass program.

- Monitor ridership by group in the commuter pass program
- Maintain 3-4 new businesses' increase to the commuter pass program

# Public Notices

DTA Title VI Notice to the Public

Posted at the DTA, Downtown Transportation Center, on all passenger vehicles, and DTA's website.

## **Notifying the Public of Rights Under Title VI Duluth Transit Authority**

The Duluth Transit Authority (DTA) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes they have been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the DTA.

Any such complaint must be in writing and submitted to the DTA Title VI Coordinator within thirty (30) days following the date of the alleged occurrence. For more information on the DTA's civil rights program, if information is needed in a different language, and the procedures to file a complaint, please visit [duluthtransit.com/civilrights](http://duluthtransit.com/civilrights) or contact: Title VI Coordinator, Duluth Transit Authority, 2402 West Michigan Street, Duluth, MN 55806; or at 218-623-4316 or [planning@duluthtransit.com](mailto:planning@duluthtransit.com)

DTA Public Hearing Announcement:

Published in the Duluth News Tribune, Superior Telegram, [duluthtransit.com](http://duluthtransit.com), and social media.

### **Duluth Transit Authority - Title VI Public Hearing Notice**

The DTA is required to have a Title VI Program. This program details how the DTA meets the objectives of the law. The DTA Pledges that everyone will have access to all of the DTA's programs, services, and benefits regardless of race, color or national origin.

The DTA will not tolerate discrimination by its employees or by those that receive Federal funds from the DTA. The DTA prohibits all discriminatory practices that may result in an individual:

- Being denied any service, financial aid, or benefit provided under a program to which a person might otherwise be entitled.
- Being held to different standards or requirements for participation in a DTA Program.
- Experiencing segregation or separate treatment in any part of a DTA program.
- Being subject to distinctions in quality, quantity, or manner in which a DTA benefit is provided.
- Experiencing discrimination in any activities conducted in a DTA facility built in whole or part with Federal Funds.
- The denial, or reduction in, or significant delay in receipt of benefits by minority or low-income populations.

The DTA's draft program and meeting information is posted on the DTA website ([www.duluthtransit.com](http://www.duluthtransit.com)) and available to review at the Duluth Transportation Center. A virtual open house will be conducted on Tuesday, November 29<sup>th</sup>, at 1pm via Zoom. The link to that meeting can also be found on the DTA's website. A public hearing will be conducted on Wednesday, November 30<sup>th</sup>, 2022, at 4 pm, at the DTA's Operation Center located at 2402 West Michigan Street, as a part of the DTA Board Meeting. All interested persons are encouraged to attend or submit comments via email ([planning@duluthtransit.com](mailto:planning@duluthtransit.com)) or mail at: DTA ATTN. Christopher Belden; 2402 W. Michigan St.; Duluth, MN 55806.



Published in the Duluth News Tribune, Superior Telegram, [duluthtransit.com](http://duluthtransit.com), and social media.

**Proposed Route and Schedule  
Changes to take effect  
August 7, 2022**

Over the past 20 months, the Duluth Transit Authority has been working with a consulting firm and the community to make significant changes to the DTA's Fixed Route bus routing and schedules. The current bus network will be eliminated in its entirety and replaced with a new network of routes. The changes were based on community feedback and desire for a less complex service with more bus service where it is needed most. To learn more about the proposed changes, visit [duluthtransit.com](http://duluthtransit.com)

The DTA will hold public hearings/open house meetings from 3pm to 6pm on Thursday, June 9th, 2022, at the Duluth Transportation Center and Wednesday, June 15th, 2022, at the Superior Public Library where you can learn more about the changes, ask questions, and provide feedback. Comments can also be sent by mail to DTA/Route Changes, 2402 W. Michigan St. Duluth, MN 55806, by calling 218-623-4316, or via email to [planning@duluthtransit.com](mailto:planning@duluthtransit.com). Comments received before June 16th will be considered.

(May 28, 2022) 68250

Public Hearing on Fare Changes

Published in the Duluth News Tribune, Superior Telegram, [duluthtransit.com](http://duluthtransit.com), and social media.

**Notice of Proposed Fare Structure Changes  
January 7th, 2021**

The DTA has proposed changes to our fare structure which includes the following: The reduction of a single-day bus pass with unlimited rides from \$4.00 to \$3.00; The reduction of a seven-day bus pass with unlimited rides during that period from \$17.00 to \$15.00; and the reduction of a 31-day youth bus pass from \$37.50 to \$30.00. The DTA proposes to discontinue the acceptance of pennies in its fareboxes to speed up boarding, and to discontinue the sale of 90/180/360-day pass formats. The 90-day Summer youth pass for ages 5-19 will, however, still be available.

The proposed changes have been approved by the Duluth Transit Authority Board of Directors to proceed forward for public comment under our Public Comment Policy and Title VI program.

The DTA will hold a public hearings/comment meeting via Zoom on Monday, January 25th from 3:00p.m-5:00p.m. Members of The Duluth Transit Authority leadership team will be on hand to answer questions and receive comments. Comments can also be sent by mail to DTA/Route Changes at 2402 W. Michigan Street, Duluth, MN 55806 or via email to [planning@duluthtransit.com](mailto:planning@duluthtransit.com).

A link to virtually attend the meeting will be available at [www.duluthtransit.com](http://www.duluthtransit.com), along with more information.

(Jan. 9, 2021) 2872353

## DTA ANNOUNCES PROPOSED SERVICE CHANGES

DULUTH, MINNESOTA (January 7, 2020) – The Duluth Transit Authority (DTA) is proposing several changes to better serve our passengers and the community. The changes would take effect on March 1<sup>st</sup>, 2020.

The DTA’s 2017 Transit Development Plan identified the addition of more frequent trips to existing routes as a top improvement request from the community. In a continuing effort to implement strategies contained in the plan, the DTA is proposing the following changes:

- **NEW Route 25, the “DuLooper”:** A Downtown Circulator that will travel along Superior Street, 10<sup>th</sup> Ave E, 3<sup>rd</sup> Street, and 6<sup>th</sup> Ave W.
  - A new route to serve Downtown Duluth and Hillside that will travel in a loop. This will be a free route that will have buses arriving every 15 minutes from 6 AM to 6 PM, Monday through Friday.
- **Added trips to the West Mainline Route 1:** Route 1 runs between Downtown Duluth and the Lake Superior Zoo via Superior Street, W 3<sup>rd</sup> Street, Grand Avenue, and Hwy 23.
  - 24 additional trips on weekdays, 5 trips added on Saturday, and 4 trips added on Sundays on Route 1.
  - \* Extensions of select evening trips into Downtown Duluth on Routes 2 and 3.
- **Added trips to Route 10H:** This route runs between Downtown Duluth and the Miller Hill Mall area via 6<sup>th</sup> Ave E, Central Entrance, Haines Rd, and more.
  - 19 additional trips on weekdays

“We believe that the free circulator route will provide improved access for those who live and work downtown. The route reaches employers, entertainment, dining, and the healthcare facilities that are common destinations. The added trips and improved frequency on our West Mainline and Route 10H to the mall area will work to decrease wait times and improve rider experience.” - DTA General Manager, Phil Pumphrey.

The DTA is also proposing the elimination of Route 24 (Aquarium/DECC Loop) due to poor performance. The route launched August 25<sup>th</sup>, 2019 as an experimental route. Unfortunately, after several months of tracking performance, the route has not met performance standards.

Additionally, the DTA is considering the elimination of the D.A.S.H. (Downtown Area Short Hop) fare due to the new free “DuLooper” Route, and the M.A.S.H. (Mall Area Short Hop) fare due to low utilization.

The DTA encourages the community to explore the proposed changes and submit comments via the following outlets:

- <https://www.duluthtransit.com/home/contact/contact-us/>
- Attend an open house meeting at the Duluth Transportation Center (228 West Michigan Street) on January 21<sup>st</sup> between 7 AM – 9 AM and 4 PM – 6 PM
- Attend the January 29th DTA Board of Directors Meeting (DTA Operating Center – 2402 West Michigan Street)

# General Reporting Requirements

1. INTRODUCTION. This chapter describes requirements that all FTA recipients must follow to ensure that their programs, policies, and activities comply with DOT's Title VI regulations.

2. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES. 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. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA. Primary recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. The text of FTA's annual certifications and assurances is available on FTA's website.

3. REQUIREMENTS FOR FIRST-TIME APPLICANTS. First-time applicants must submit a Title VI Program that is compliant with this Circular, and submit an assurance (as noted in Section 2 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years. The summary shall include:

- a. The purpose or reason for the review.
- b. The name of the agency or organization that performed the review.
- c. A summary of the findings and recommendations of the review.
- d. A report on the status and/or disposition of such findings and recommendations. This information shall be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part. In addition, first-time applicants shall submit a brief description of any pending applications to other Federal agencies for assistance, and whether any Federal agency has found the applicant to be in noncompliance with any civil rights requirement.

4. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. Title 49 CFR Section 21.9(b) requires recipients to "keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule]." FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts. Such Programs may be submitted and stored electronically at the option of the primary recipient. Subrecipients may choose to adopt the primary recipient's notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Operational differences between the primary recipient and subrecipient may require, in some instances, that the subrecipient tailor its language assistance plan. Subrecipients shall develop and submit to the primary recipient a list of complaints, investigations, or lawsuits. Subrecipients that have transit-related non-elected planning boards, advisory councils, or

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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. Subrecipients must submit all the above information to the primary recipient on a schedule requested by the primary recipient. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

a. Contents. Every Title VI Program shall include the following information:

- (1) A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted. A sample Title VI notice is in Appendix B.
- (2) A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form. Sample complaint procedures are in Appendix C, and a sample Title VI complaint form is in Appendix D.
- (3) A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. See Appendix E for an example of how to report this information. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the larger agency or department of which the recipient is a part.
- (4) A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission. A recipient's targeted public participation plan for minority populations may be part of efforts that extend more broadly to include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.
- (5) A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.
- (6) Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, 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 or councils.
- (7) Primary recipients shall include a narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.
- (8) 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.
- (9) Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a fixed route transit provider, a State, or an MPO.

b. Upload Title VI Program to TEAM. Direct and primary recipients must upload their Title VI Program into FTA's Transportation Electronic Award Management (TEAM) system, or other tracking system as directed by FTA. The Title VI Program shall be attached via the paper clip function on the Civil Rights screen, and not attached to a particular grant. Recipients must also notify their FTA Regional Civil Rights Officer via email that they have uploaded their Title VI

Program to TEAM. The Title VI Program must be uploaded to TEAM no fewer than sixty calendar days prior to the date of expiration of the Title VI Program.

c. Determinations. The status of a direct or primary recipient's Title VI Program will be noted in TEAM. The three status determinations are:

(1) Concur. This status indicates that the recipients' Title VI Program meets the requirements as set out in this Circular. The recipient may receive grant funds.

(2) In review. This status indicates that the recipient's Title VI Program is being reviewed by FTA staff and a determination as to sufficiency has not yet been made. "In review" status is only effective for sixty days and grants may be processed while a Title VI Program has an "in review" status.

(3) Expired/Expiration. This status indicates that the recipients' Title VI Program has expired and that an updated Title VI Program must be submitted. A recipient with an expired Title VI Program may have its draw-down privileges suspended and grants may not be processed.

d. Reporting Requirement Exemptions. Recipients whose only FTA funding is through FTA's University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or the Public Transportation on Indian Reservations program are exempt from submitting a Title VI Program to FTA. In addition, FTA may exempt a recipient, upon receipt of a request for a waiver submitted to the Director of the Office of Civil Rights, from the requirement to submit a Title VI Program, or from some elements of the Title VI Program. The absence of the requirement to submit a Title VI Program does not obviate the underlying obligations to comply with DOT's Title VI regulations. Furthermore, with the exception of the Public Transportation on Indian Reservation program, FTA may, at any time, request information from an exempt recipient in order to determine compliance with Title VI regulations and statutes.

5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI. Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles. A sample Title VI notice to the public is provided in Appendix B.

a. Contents. The Title VI notice shall include:

(1) A statement that the agency operates programs without regard to race, color, or national origin.

(2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations.

(3) A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient.

b. Effective Practices for Fulfilling the Notification Requirement.

(1) Dissemination. Agencies shall inform the public of their rights under Title VI through such measures as posting the Title VI notice on posters, comment cards, or flyers placed at stations, bus shelters, and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's discretion, as long as the type, timing, and frequency are sufficient to notify passengers and other interested persons of their rights under DOT's Title VI regulations with regard to the recipient's program.

(2) Document translation. Notices detailing a recipient's Title VI obligations and complaint procedures shall be translated into languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's language assistance plan.

(3) Subrecipients. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the primary recipient; however, subrecipients shall notify passengers and other interested persons that they may file discrimination complaints directly with the subrecipient.

6. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM. In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures and complaint form developed by the primary recipient. Sample complaint procedure and complaint forms are located in Appendices C and D. See Chapter IX of this Circular for more information on complaints.

7. REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS. In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years. See Appendix E for an example of how to report this information.

8. PROMOTING INCLUSIVE PUBLIC PARTICIPATION. The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities). Recipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. Recipients should make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities can include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, 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 a recipient's decision-making process. FTA has developed a Circular, 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," that includes many examples of effective strategies for engaging minority and low-income populations. FTA encourages recipients to review that Circular for ideas when developing their public engagement strategy. Some of those effective practices include:

- a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- b. Employing different meeting sizes and formats.
- c. Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.

d. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.

e. 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. Grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307(b) (requires programs of projects to be developed with public participation) and 5307(c)(1)(I) (requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service). FTA/FHWA (Federal Highway Administration) joint planning regulations (23 CFR part 450) require States and MPOs engaged in planning activities to seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems, such as minority and LEP persons, who may face challenges accessing employment and other services, as States and MPOs develop and conduct their public involvement activities. Recipients engaged in planning and other decision-making activities at the local level should consider the principles embodied in the planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

9. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS. Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). This Circular contains only a summary of the LEP requirements as they apply to FTA recipients; recipients are encouraged to review DOT's LEP guidance for additional information (70 FR 74087, Dec. 14, 2005) <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/pdf/05-23972.pdf>. Recipients are also encouraged to review DOJ's guidelines on self-assessment, Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs (May 2011), as well as other materials, available at [www.lep.gov](http://www.lep.gov).

a. Four Factor Analysis. In order to ensure meaningful access to programs and activities, recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. A careful analysis can help a recipient determine if it communicates effectively with LEP persons and will inform language access planning. The Four Factor Analysis is an individualized assessment that balances the following four factors:

(1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. This population will be programspecific. In addition to the number or proportion of LEP persons served, the recipient's analysis should, at a minimum, identify:

- (a) How LEP persons interact with the recipient's agency;
- (b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;
- (c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and
- (d) Whether LEP persons are underserved by the recipient due to language barriers.

(2) The frequency with which LEP persons come into contact with the program. Recipients should survey key program areas and assess major points of contact with the public, such as:

- (a) Use of bus and rail service;



- (b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;
- (c) Participation in public meetings;
- (d) Customer service interactions;
- (e) Ridership surveys;
- (f) Operator surveys.

(3) The nature and importance of the program, activity, or service provided by the program to people's lives. Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed. The provision of public transportation is a vital service, especially for people without access to personal vehicles. An MPO's regional planning activities will impact every person in a region. Development of a coordinated plan to meet the specific transportation needs of seniors and people with disabilities will often also meet the needs of LEP persons. A person who is LEP may have a disability that prevents the person from using fixed route service, thus making the person eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

(4) The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach. Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

b. Developing a Language Assistance Plan. After completing the Four Factor Analysis, the recipient shall use the results of the analyses to determine which language assistance services are appropriate. Additionally, the recipient shall develop an assistance plan to address the identified needs of the LEP population(s) it serves. The DOT LEP Guidance recognizes that certain recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written plan. However, FTA has determined it is necessary to require its recipients to develop an assistance plan in order to ensure compliance. A recipient may formally request an exemption from this requirement if it believes it fits within the exception described. Recipients have considerable flexibility in developing a Language Assistance Plan, or LEP Plan. An LEP Plan 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 the recipient provides language assistance services by language;
- (c) Describe how the recipient provides notice to LEP persons about the availability of language assistance;
- (d) Describe how the recipient monitors, evaluates and updates the language access plan; and
- (e) Describe how the recipient trains employees to provide timely and reasonable language assistance to LEP populations.

FTA will solely determine, at the time the recipient submits its Title VI Program or subsequent to a complaint investigation or compliance review, whether a recipient's plan is sufficient to ensure meaningful access and thus ensure the recipient is not engaging in discrimination on the basis of national origin.

After completing the Four Factor Analysis, a recipient may determine that an effective LEP plan for its community includes the translation of vital documents into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's programs and services. Vital written documents include, but are not limited to, consent and complaint forms; intake and application forms with the potential for important consequences; written notices of rights; notices of denials, losses, or decreases in benefits or services; and notices advising LEP individuals of free language assistance services. Examples of vital documents include an ADA complementary paratransit eligibility application, a Title VI complaint form, notice of a person's rights under Title VI, and other documents that provide access to essential services. Failure to translate these vital documents could result in a recipient denying an eligible LEP person access to services and discrimination on the basis of national origin.

c. Safe Harbor Provision. DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide 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. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program.

10. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES. Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, 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.

11. PROVIDING ASSISTANCE TO SUBRECIPIENTS. Title 49 CFR Section 21.9(b) states that if "a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part." See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT's Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient. Primary recipients should provide the following information to subrecipients; such information, forms, and data may be kept in a central repository and available for all subrecipients:

- a. Sample notices to the public informing beneficiaries of their rights under DOT's Title VI regulations, procedures on how to file a Title VI complaint, and the recipient's Title VI complaint form.
- b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when the primary recipient expects the subrecipient to notify the primary recipient of complaints received by the subrecipient.

c. Demographic information on the race and English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.

d. Any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI.

12. MONITORING SUBRECIPIENTS. In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

a. In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:

(1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.

(2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

(3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.

b. When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a primary recipient, the subrecipient/direct recipient reports directly to FTA and the primary recipient/designated recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

13. DETERMINATION OF SITE OR LOCATION OF FACILITIES. 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." 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, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

a. The recipient shall complete a 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. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis

must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

b. When evaluating locations of facilities, recipients 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.

c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient 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. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must 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.

14. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST. FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.