

RESOLUTION NO. 2013-122

ADOPTING POLICIES REQUIRED FOR COMPLIANCE WITH TITLE VI OF  
THE CIVIL RIGHTS ACT OF 1964

WHEREAS, the Board of Trustees has been granted the power and authority, pursuant to Chapter 306 of the Ohio Revised Code, to manage and conduct the affairs of the Greater Cleveland Regional Transit Authority (GCRTA); and

WHEREAS, Title VI of the Civil Rights Act of 1964 requires GCRTA and all recipients of Federal financial assistance to operate their programs and services in a nondiscriminatory manner without regard to race, color or national origin; and

WHEREAS, the Federal Transit Administration (FTA) issued Circular 4702.1B, effective October 1, 2012, setting forth requirements and guidelines for Title VI compliance; and

WHEREAS, as set forth in the above-referenced Circular, GCRTA is required to adopt policies and definitions to determine when a fare change or major service reduction will have a disparate impact on minority populations or impose a disproportionate burden on low-income populations; and

WHEREAS, as set forth in the above-referenced Circular, GCRTA is required to adopt specific standards and policies to guide the equitable distribution of its services and facilities; and

WHEREAS, before adopting the aforementioned standards and policies, GCRTA is required to solicit and consider public comments on drafts of the standards and policies; and

WHEREAS, during the past two months, draft standards and policies were widely distributed to the RTA Citizens Advisory Committee, RTA passengers, and the public, and GCRTA has refined the draft standards and policies in response to the comments received in writing and comments received at public hearings; and

WHEREAS, on December 3, 2013, GCRTA's Committee of the Whole considered the standards and policies, along with the public comments, and referred the standards and policies, with further refinements, to the full Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority:

Section 1. The Board of Trustees, having considered the public comments, hereby adopts the standards and policies attached hereto as Exhibit A through Exhibit F.

Section 2. The "Revised Service Policy," adopted by the Board of Trustees in May 2003, is hereby amended to conform to Exhibits E and F of this resolution.

Section 3. This resolution shall be effective immediately upon its adoption.

Attachments:

- Exhibit A: Title VI Policy
- Exhibit B: Major Service Reduction Policy
- Exhibit C: Disparate Impact Policy
- Exhibit D: Disproportionate Burden Policy
- Exhibit E: Service Standards
- Exhibit F: Service Policies

Adopted: December 17, 2013

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
CEO, General Manager/Secretary-Treasurer

## Exhibit A: Title VI Policy

The Greater Cleveland Regional Transit Authority (GCRTA) is committed to ensuring that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, on basis of race, color, national origin, sex, age, or disability.

GCRTA as a recipient of federal assistance will ensure full compliance with Title VI of the Civil Rights Act of 1964, as amended, and related statutes and regulations in all GCRTA programs and activities. With regard to Title VI, GCRTA is equally committed to:

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

The Board of Trustees, General Manager, Chief Civil Rights Officer, management, and all employees share the responsibility for carrying out GCRTA's commitment to Title VI. The Manager of EEO and ADA Programs is responsible for the day-to-day operation of the program and receives and investigates Title VI complaints which come through the Office of Equal Opportunity.

To request additional information on GCRTA's non-discrimination obligations or to file a Title VI complaint, please submit your request or complaint in writing to:

Office of Equal Opportunity  
1240 W. 6<sup>th</sup> Street  
Cleveland, Ohio 44113

Complaint forms can be obtained online at the GCRTA website: [www.riderta.com](http://www.riderta.com)

### **Exhibit B: Major Service Reduction Policy**

The Greater Cleveland Regional Transit Authority (RTA) defines a “major service reduction” as a service reduction that decreases total vehicle-miles of service by 10% or more.

### **Exhibit C: Disparate Impact Policy**

When considering a fare change or major service reduction, RTA will conduct an analysis (following the procedures below) to determine whether the fare change or major service reduction being considered would have a disparate impact on minority populations. If so, RTA will revise its plan until analysis shows that the revised plan would not have a disparate impact. RTA will not implement a plan with a disparate impact unless RTA has demonstrated that (a) achieving the plan's goal is absolutely necessary and (b) there is no way reduce or eliminate the disparate impact and still achieve the plan's goal.

Analysis procedure for major service reductions: RTA will analyze the planned service reduction by time period, i.e., rush-hour, weekday midday, evening, and weekend. In any time period, “riders who would no longer be served” will be defined as riders whose current boarding or alighting location would no longer be within ½ mile of an active bus or rapid transit stop. If minorities represent a significantly larger percentage of “riders who would no longer be served” than of all riders, RTA will view that as a disparate impact on minority populations. Significantly larger percentage is defined as 10 percentage points difference.

Analysis procedure for fare changes: RTA will calculate the percent change in average fare for minority and non-minority riders. If the percent change for minorities exceeds the percent change for non-minorities by more than five percentage points, RTA will view that as a disparate impact on minority populations.

### **Exhibit D: Disproportionate Burden Policy**

When considering a fare change or major service reduction, RTA will conduct an analysis (following the procedures below) to determine whether the fare change or major service reduction being considered would have a disproportionate burden on low-income riders. If so, RTA will describe alternatives and will avoid, minimize, or mitigate impacts where practicable.

For the purpose of this policy, RTA will include in the “low-income” category everyone whose total household income is less than \$25,000. RTA will periodically reconsider this threshold because of the effects of inflation.

Analysis procedure for major service reductions: RTA will analyze the planned service reduction by time period, i.e., rush-hour, weekday midday, evening, and weekend. In any time period, “riders who would no longer be served” will be defined as riders whose current boarding or alighting location would no longer be within ½ mile of an active bus or rapid transit stop. If low-income riders represent a significantly larger percentage of “riders who would no longer be served” than of all riders, RTA will view that as a disparate impact on minority populations. Significantly larger percentage is defined as 10 percentage points difference.

Analysis procedure for fare changes: RTA will calculate the percent change in average fare for low-income and non-low-income riders. If the percent change for low-income riders exceeds the percent change for non-low-income riders by more than five percentage points, RTA will view that as a disproportionate burden on low-income riders.

## Exhibit E: Service Standards

### Service Availability (all modes)

Route coverage and spacing should be based on demonstrated need or potential demand (ridership).

### Service Frequency (also known as vehicle headway)

Service frequency is based on ridership, but, during each time period that a route operates, the minimum number of trips per hour per direction will be as follows:

	<u>5 a.m. – 10 p.m.</u>	<u>Other Times</u>
Rail *	2	1
Bus *	1	1

\* Does not apply to minor branches and special services

To maintain service coverage with limited resources, RTA may make an exception to the minimums shown above. RTA will conduct a public hearing before initiating such an exception.

### Vehicle Load

Adherence to the maximum-load standards in the table below shall be monitored as follows:

- Passengers are counted at the point on the route where most trips carry the highest load
- Passenger loads are averaged for 30-minute intervals during rush hours and 60-minute intervals during other time periods.
- If one trip has an unusually high load, it shall be excluded from the average.

MAXIMUM-LOAD STANDARDS		
SERVICE TYPE	RUSH HOURS	NON-RUSH HOURS
Park & Ride	54-63	49-57
Regular Bus (40-ft.)	54	44
Trolley (30-ft.)	36	36
Heavy Rail (per car)	142	117
Light Rail (per car)	132	108
Articulated bus & RTV	80	65

### On-Time Performance

The following standard applies to all modes:

- A trip is deemed "late" if it arrives or departs more than 5 minutes after the scheduled time.
- A trip is deemed "early" if it departs before the scheduled time.
- A trip is deemed "on-time" if it is neither "late" nor "early" as defined above.
- The long-term goal is 100% "on time"; the 2013 goal is 80% on-time.

## Exhibit F: Service Policies

### Vehicle Assignment

**Euclid Corridor Vehicles** are specially designed for use on the HealthLine with its combination of left-side and right-side stations. These buses may not be utilized on any other route.

**Standard articulated buses** must be assigned to routes whose schedules have been built for high-capacity buses.

**Over-the-road buses** have narrow aisles and lack rear doors; they are thus not well suited to regular transit routes where passengers board and alight at the same stop. These vehicles shall be assigned exclusively to park-n-ride routes.

**Trolleys** may be assigned only to the designated trolley services. These vehicles carry the "Trolley" brand and will create passenger confusion if utilized on other services.

**Standard transit buses** shall be assigned to all other routes based on block mileage. Newer buses have lower per-mile maintenance costs and shall therefore be assigned to higher mileage blocks. Care shall be taken to maintain compliance with Title VI (non-discrimination) regulations.

### Transit Amenities

RTA seeks to provide seating and shelter at bus stops and rail stations if sufficient space is available and 50 or more daily riders are expected to use the shelter. (RTA considers a canopy to be one form of passenger shelter.) RTA installs and services waste receptacles only on RTA property. Each municipality decides whether to install and service waste receptacles in the public right-of-way.

On Rail/BRT, printed and/or digital service information is attached to walls and shelters if they exist; digital displays are provided at busier stations. On bus routes, printed and/or digital service information is provided at transit centers and park-ride lots.

Elevators will be installed and maintained to the extent required by the Americans with Disabilities Act. Existing escalators will remain in service unless they become cost-prohibitive to maintain.

### Facilities

When making decisions about facilities, RTA will:

- Comply with Title VI of the Civil Rights Act of 1964 and all other applicable laws and regulations.
- Comply with the National Environmental Protection Act 23, CFR Part 771 and with Section 4(f) 23 CFR Part 774.
- Comply with Section 106 of the National Historic Preservation Act, 36 CFR Part 800.
- Evaluate the impact of facilities per Environmental Justice Executive Order 12898 (1994), DOT Order 5610.2(a) (May 2012) and FTA Circular 4703.1.
- Seek to avoid negative impacts on areas and neighborhoods near the facility.

Where impacts cannot be avoided, RTA will seek to mitigate negative impacts.



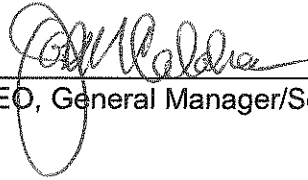
Greater Cleveland Regional Transit Authority  
**STAFF SUMMARY AND COMMENTS**

TITLE/DESCRIPTION:  ADOPTING POLICIES REQUIRED FOR COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964	Resolution No.: 2013-122
	Date: December 12, 2013
	Initiator: Legal/Office of Equal Opportunity
ACTION REQUEST: X Approval      Review/Comment      Information Only      Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will allow the Authority to update and adopt standards and policies in regards to service, fares and facilities in accordance with the Title VI of the Civil Rights Act of 1964.
  
- 2.0 **DESCRIPTION/JUSTIFICATION:** In October 2012, the Federal Transit Administration (FTA) issued Circular 4702.1B, requiring each transit agency to adopt its own policy to determine whether a proposed fare change or major service reduction would have a disparate impact on minority populations and/or place a disproportionate burden on low-income persons. The new FTA Circular further requires each transit agency's governing board to adopt its own standards and policies to guide decisions regarding transit service and facilities. The Circular further states that the transit agency board must consider comments from the public before adopting the standards and policies mentioned above.  
  
 Many of the service standards and policies listed above are identical to or similar to the RTA's current practices. The resolution is needed because some of these practices were not included in the "Revised Service Policy" adopted by the Board in 2003, and, moreover, there was no public involvement in the development of the 2003 service policy.
  
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
  
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
  
- 5.0 **POLICY IMPACT:** Adoption of the resolution will bring RTA's policies into conformance with the latest Federal guidelines implementing Title VI of the Civil Rights Act of 1964.
  
- 6.0 **ECONOMIC IMPACT:** Failure to adopt updated and new policies to comply with the terms of the federal requirements may result in a finding by the FTA of non-compliance with Title VI requirements set forth in the Circular 4702.1B, and the imposition of appropriate sanctions, including a refusal by the FTA to approve grants.
  
- 7.0 **ALTERNATIVES:** Disapproval of the updated and new policies would impact and delay the approval of Federal grants.

- 8.0 RECOMMENDATION: On December 3, 2013, the Committee of the Whole of the Board of Trustees reviewed the standards and policies and recommended their approval, with refinements, to the full Board of Trustees. It is recommended that the Resolution be approved, authorizing the CEO, General Manager/ Secretary-Treasurer to implement the standards and policies.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



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CEO, General Manager/Secretary-Treasurer