



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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2010

March 9, 2010

James Fang
PRESIDENT

Bob Franklin
VICE PRESIDENT

Dorothy W. Dugger
GENERAL MANAGER

Honorable Dianne Feinstein
United States Senator
#1 Post Street #2450
San Francisco, CA 94104

Dear Senator Feinstein:

DIRECTORS

Gall Murray
1ST DISTRICT

Joel Keller
2ND DISTRICT

Bob Franklin
3RD DISTRICT

Carole Ward Allen
4TH DISTRICT

John McPartland
5TH DISTRICT

Thomas M. Blalock, P.E.
6TH DISTRICT

Lynette Sweet
7TH DISTRICT

James Fang
8TH DISTRICT

Tom Radulovich
9TH DISTRICT

It was wonderful to see you in Washington. I know how busy you are and understand the relentless demands on your schedule. I passed on your greetings to my mother, Florence Fang.

Thank you for taking the time to discuss the Oakland Airport Connector (OAC) Project and the federal Title VI Program with me and BART Board member Carole Ward Allen. As we discussed, BART is fully committed to Title VI compliance. I believe the BART Board and BART District embodies all the goals of Title VI. We currently have three women on the BART Board, as well as three people of color and a Director who is a member of the gay community. Our General Manager is a woman, our Deputy General Manager is an African American woman and our General Counsel is African American. We are Title VI.

I wanted to send you an update about BART's progress on getting all Title VI issues cured with FTA, and a list of potential federal funding sources which we might work on together to help bridge the loss of \$70 million in stimulus funds and move the connector project forward. This vitally important project is a regional priority that has been in the planning stages for many years and deserves to go forward. Labor and community leaders (a very diverse group) have strongly advocated for this project over the last year and remain steadfast in their support.

I am happy to report that on Friday, March 5, 2010, BART staff sent to FTA our final Title VI Corrective Action Plan. FTA staff has told us our plan addresses all of their comments and that following review by FTA's Chief Counsel and Administrator they anticipate approval of the plan. Attached is a copy for your review. I assure you, nothing will interfere with BART's commitment to meeting every deadline in our plan and clearing up all Title VI deficiencies. We will keep you posted on our progress.

For your consideration, I am offering a few federal funding source ideas that we hope you and your office will help us to pursue to complete the OAC funding plan:

1. There may be stimulus funds that were obligated by March 5 that encounter difficulty and may be redirected to the Department of Transportation. While Administrator Rogoff would likely still have concerns with the final September 30 obligation deadline, we have a shovel ready project that has a contract ready to award. We are the textbook definition of "...ready to go."

Honorable Dianne Feinstein
United States Senator
March 9, 2010

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2. On the same "stimulus fund" theme, we are also interested in the potential for another jobs bill later this year, and stand ready should funds become available.
3. Another opportunity may present itself when the FTA announces a Notice of Funds Availability (NOFA) this Spring for \$135 million in New Starts monies and \$800 million in bus and bus facilities monies. The later account also covers the cost of "intermodal" facilities and we may be able to argue that this project satisfies that requirement.

No doubt there are other federal funding possibilities, and we welcome any ideas from you or your staff.

We will also need FTA Administrator Peter Rogoff to hold steady on a commitment of \$24.9M of Small Starts money already allocated to the OAC project. The money is discretionary and the prerogative of the Administrator. We believe he has the discretion to maintain the FTA obligation of these dollars even as we work to correct our Title VI deficiencies as he outlined in his January 15, 2010 letter.

We continue to work with MTC, ACTIA, the Port of Oakland, the Oakland Redevelopment Agency, and the State of California to seek any funding opportunity at the state or local level – although there is no readily identifiable source at this time. We plan to leave no stone unturned in an effort to resurrect this \$500 million project.

As you know, our Bay Area economy needs an infusion of dollars – and this project promises to put 2,500 people to work. With the construction trades experiencing 30% unemployment rates, it will bring jobs to one of the neediest sectors.

We appreciate your leadership and are hopeful you will support our effort to fill the gap on this project while we work to achieve full compliance with all Title VI requirements.

Sincerely,



James Fang
President

Attachment

Honorable Dianne Feinstein
United States Senator
March 9, 2010

Page Three

cc: Senator Barbara Boxer
Speaker Nancy Pelosi
Congresswoman Anna Eshoo
Congressman John Garamendi
Congressman Mike Honda
Congresswoman Barbara Lee
Congresswoman Zoe Lofgren
Congressman Jerry McNerney
Congressman George Miller
Congresswoman Jackie Speier
Congressman Pete Stark

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**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
TITLE VI CORRECTIVE ACTION PLAN
March 5, 2010**

The purpose of this action plan is to correct the deficiencies in BART's Title VI program that were identified in the Federal Transit Administrator's letter of January 15, 2010, and provided verbally during the exit conference at the conclusion of the Title VI review conducted in December 2009.

BART intends to comply fully with the requirements of 49 CFR Part 21 and the implementation guidance provided by the FTA, including that contained in FTA Circular 4702.1A. To that end BART will take the following actions and provide the identified deliverables to the FTA by the dates indicated.

Letter from General Manager

Responsible Office: General Manager

1. Clarify to BART staff their responsibilities for compliance with Title VI of the Civil Rights Act of 1964; and establish that the Office of Civil Rights is the lead department responsible for identifying, disseminating and providing the specific requirements to the departments responsible for implementation, and provide oversight authority to ensure the requirements are met.

This will be detailed in a letter from the General Manager to BART staff.

Departments with primary responsibility for carrying out the Title VI implementation guidance contained in 49 CFR Part 21 and FTA Circular 4702.1A are:

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| Office of Civil Rights: | Oversee BART's compliance with Title VI; prepare BART's Title VI Triennial Update and BART's Limited English Proficiency Plan. |
| Operations Planning: | Establish BART's "Major Service Change" threshold; monitor service delivery against BART's standards; assess the effects of proposed service changes on minority and low-income populations. |
| Financial Planning: | Assess the effects of proposed fare changes on minority and low-income populations. |
| Marketing & Research: | Obtain population demographic and ridership survey data to identify low-income, minority and LEP populations within the service area. Prepare graphic displays of the demographic data, identify low-income, minority and LEP populations; and provide public information documents. |
| Government & Community Relations: | Establish and implement BART's Inclusive Public Participation Plan. |
| Treasury: | Notify the Office of Civil Rights of considered fare media changes. |
| Transit System Development: | Conduct the fare and service change analysis for the Oakland Airport Connector Project; notify the Office of Civil Rights at the planning and programming stages of proposed projects. |
| Media & Public Affairs: | Prepare visual aids, disseminate public announcements. |
| Transportation: | Incorporate LEP information in the Station Agent's Manual and train Station Agents and Transportation Supervisors. |

Procurement

Require contractors to comply with Title VI.

Action Office: Office of Civil Rights

- Draft and coordinate a letter setting forth the above for the General Manager's signature, and distribute the signed letter.

Deliverables to FTA: Signed GM Letter.	To FTA: Mar 15, 2010
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Limited English Proficiency Plan

Responsible Office: Office of Civil Rights

2. **Complete a Limited English Proficiency Plan:** BART supports the goals of the DOT LEP Guidance to provide meaningful access to its services by LEP persons. Several of the language assistance services already provided by BART:

- LEP customers who call the Transit Information Center have direct access to multilingual customer service representatives and if needed, can be connected to the Language Line service that can communicate in over 140 languages.
- "BART Basic" Guides are available in Spanish and Chinese. The Guides can be found at BART offices, station kiosks, and can be downloaded from the BART website.
- Information about how to ride BART is on the BART website in multiple languages.

2.a Analyze and conduct the four-factor framework provided in Section V of the DOT LEP Guidance.

Action Office: Office of Civil Rights, Marketing and Research

Factor 1: Identify LEP Persons in the BART Service Area – The number and proportion of LEP Persons served or encountered in the BART's service area.

Methodology for Data Sources:

- To analyze the LEP population in the BART Service Area, which includes four counties, the 2000 US Decennial Census will be used as the primary base data for this analysis. We will complement the 2000 Census data from other sources such as using the 2008 American Community Survey (ACS), English Language Learner data by language and school district within BART's service area. Will use Geographic Information Systems (GIS) mapping technology.

Deliverables to FTA: Based on the criteria provided by the U.S. Department of Transportation (DOT) LEP Guidelines, BART will identify the language groups that fall within its service area and document the analysis for Factor 1.	To FTA: July 12, 2010
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Action Office: Office of Civil Rights, Government and Community Relations, Customer Service, BART Police and Transportation

Factor 2: The frequency of contacts with LEP Individuals with BART's programs, activities, and services.

Methodology:

- Seek information from community-based organizations that are located in areas with high proportions of LEP persons.

- Establish partnerships/collaboration and work closely with community-based organizations that serve LEP populations; contact community-based organizations that BART has worked with in the past.
- Conduct face-to-face meetings or conduct a survey of LEP persons.
- Collect data on LEP persons seeking language assistance through Language Line.
- Collect data on the frequency and language used by LEP persons for ticket/pass purchases at the LMA ticket sales offices.
- Collect data on the frequency, language and type of contacts by LEP persons with the Transit Information Center and Customer Service.
- Collect BART Police data on the frequency, language and type of contacts by LEP persons.
- Obtain records on the number of annual website page views in languages other than English.
- Survey and collect data from Station Agents and Transportation Supervisors to determine the frequency of contact with LEP persons, as well as the languages spoken.

Deliverables to FTA: Provide documentation that identifies the frequency of contact and language of LEP persons with BART services. Provide a list of organizations serving the LEP population.	To FTA: Aug 31, 2010
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Action Office: Office of Civil Rights and Government and Community Relations,

Factor 3: Assessing the importance of BART's programs, activities, or services.

Methodology:

- Identify BART's critical services or activities.
- With the assistance of community-based organizations that serve the LEP populations, discuss the importance of BART's critical services or activities with their members and identify any additional critical services. Discussions may include:
 - Experiences with BART's fares fare collection system.
 - Safety/security issues.
 - Awareness of prohibited activities.
 - Awareness of and use of BART's language assistance services.
 - Suggestions to make riding BART easier.
- Prepare summary and evaluation of comments.

Deliverables to FTA: Provide a summary of discussions with and evaluation of comments by community-based organizations that serve the LEP population.	To FTA: Nov 15, 2010
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Factor 4: The Resources Available to BART and the Costs.

Methodology:

- Create an inventory of language assistance measures currently provided, along with the associated costs.
- Determine what additional services are needed to provide meaningful access to LEP persons.
- Analyze costs for each department with LEP responsibilities.
- Utilize cost-effective practices, such as the following, for providing language services:
 - Develop a standard to identify BART employees who accurately speak or write another language including sign language to accommodate members of the LEP population.
 - Research with various community-based organizations to secure volunteers for translation and interpreter services (Note: As with all interpreters, community volunteers should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules).

- o Centralizing telephone and written translation services, such as the Language Line, to secure the most cost-effective rates.

Deliverables to FTA: <ul style="list-style-type: none"> • Provide inventory of current language assistance measures and additional language service required. • Provide a copy of the District's LEP Plan. 	To FTA: Jan 17, 2011 Feb 17, 2011
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2.b "Vital" Documents

Action Office: General Counsel, Media and Public Affairs, Human Resources, Government and Community Relations, Office of Civil Rights, Safety and Operations

Additional Services:

- Determine which BART documents meet the definition of "vital documents"; stay up-to-date of new documents that may be considered "vital".
- For an LEP group that constitutes 5% of BART's service area, or 1,000 persons, whichever is less to determine if written translation or oral interpretation is necessary, and/or if there are other alternatives to translation.
- Translate vital signage and design pictograms with community input that indicates prohibited behavior in areas of high LEP concentration.
- Review for adequacy existing competency standards for interpreters and translators.
- Determine if a particular "non-vital" document needs to be translated and in what languages.

Deliverables to FTA: <ul style="list-style-type: none"> • Identify "vital documents" and provide samples of translated vital documents. 	To FTA: Jan 17, 2011
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2.c Provide LEP training to appropriate District staff.

Action Office: Transportation

- Send Operations Bulletin on LEP customer interaction procedures to Station Agents and Transportation Supervisors.
- Revise Station Agent Manual to incorporate LEP Plan and interactive procedures.

Deliverables to FTA: <ul style="list-style-type: none"> • Copies of the Operations Bulletin of LEP customer interaction procedures. • Revise Station Agent Manual to include LEP Plan and interactive procedures. 	To FTA: Jul 30, 2010 Mar 14, 2011
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Action Office: Media and Public Affairs, Office of Civil Rights, BART Police, and Operations

- Prepare LEP interactive video script that covers the following areas:
 - o Awareness of type of language services available.
 - o How staff and/or LEP persons can obtain these services.
 - o How to respond to calls from LEP persons.
 - o How to respond to correspondence from LEP persons.
 - o How to respond to LEP persons in person.
 - o How to document the needs of LEP persons.
 - o How to respond to civil rights Title VI complaints.

Deliverables to FTA: <ul style="list-style-type: none"> • LEP training script including test questions. 	To FTA: Feb 25, 2011
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- Produce interactive LEP training video per script.
- Produce LEP training handbook

Deliverables to FTA: <ul style="list-style-type: none"> • Interactive LEP training video. • LEP training handbook. 	To FTA: Mar 25, 2011 Mar 25, 2011
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- Provide interactive LEP video training to Station Agents, Transportation Supervisors, Customer Service Representatives, BART Police Department employees, survey takers and new hires.
- The Office of Civil Rights and Transportation will use software to track training completion and participant comprehension.
- The Office of Civil Rights and Transportation training staff will conduct follow-up with Station Agents to ensure that they are utilizing LEP interaction procedures covered in the training video.
- The Office of Civil Rights will conduct periodic reviews to assess the effectiveness of LEP training video or other LEP training material and update as necessary.

Deliverables to FTA: <ul style="list-style-type: none"> • List of District staff that successfully completed the interactive LEP video training. 	To FTA: Jun 30, 2011
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Action Office: Human Resources, Office of Civil Rights and Safety

- Incorporate District's LEP Plan information into the new employee orientation and handbook.

Deliverables to FTA: <ul style="list-style-type: none"> • Copies of new employee orientation material and employee handbook. 	To FTA: Mar 14, 2011
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2.d Monitoring and Evaluation of LEP Plan

Action Office: Office of Civil Rights

- Provide day-to-day administration of the District's LEP Plan, ensuring compliance and correct implementation.
- Seek feedback from LEP communities, including customers and community-based organizations, about the effectiveness of BART's LEP Plan.
- Translate BART's Title VI complaint procedure and form in multiple languages.
- Establish a BART procedure that requires all written translation requests be routed through and managed by the Office of Civil Rights to ensure consistency.
- Conduct an evaluation every 3 years of BART's LEP Plan to gauge its effectiveness and determine if updates are needed. OCR staff will lead the evaluation with the help of staff familiar with Title VI language access requirements and the LEP Plan. The evaluation may include the following:
 - Determine the number of LEP individuals in BART's service district.
 - Assess whether existing language assistance services are meeting the needs of LEP persons.
 - Assess whether staff members understand BART's LEP Plan, how to carry them out, and whether language assistance resources and arrangements for those resources are still current and accessible.
- Create one-stop LEP information center for BART employees.

Deliverables to FTA: <ul style="list-style-type: none"> • Provide BART's Title VI procedures and forms in multiple languages. 	To FTA: Sept 30, 2010
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2.e Additional Services

Action Office: Customer Service

- Provide telephone interpretation for basic transit questions and trip planning assistance in different languages. Use the Language Line for additional languages.
- Survey BART staff to determine existing multilingual resources.

Action Office: Government and Community Relations and Office of Civil Rights

- Place foreign-language information and notices in publications serving LEP populations to demonstrate BART's commitment to full information; to share current significant, service-related announcements; to increase comfort levels regarding access to information in a native language.
- Provide information to LEP populations of the available services in the language assistance plan that is free of charge.
- Notice of availability of language assistance.

Inclusive Public Participation Plan

Responsible Office: Government and Community Relations and Office of Civil Rights

3. Establish an Inclusive Public Participation Plan: The District commits to developing a customized public participation program in order to offer early and continuous opportunities for the public to be involved in the identification of social, economic and environmental impacts of transportation decisions. The District's Plan will identify low-income, minority and LEP populations within the District's service area relative to specific transportation decisions and will identify population appropriate strategies to be utilized to engage such populations and to seek their input on specific decisions. Our inclusive public participation process will be constantly improving and expanding to include contacts with community-based organizations and networks that can reach the minority, low-income and LEP populations:

Government and Community Relations and the Office of Civil Rights will work with District staff going forward to ensure that inclusive public participation is included in transportation decisions during the planning and programming stages of projects and any fare change or major service change.

Government and Community Relations will tailor the District's Public Participation Plan for a specific action, and solicit public participation during staff planning phases. The elements listed below constitute a draft of the District's Inclusive Public Participation Plan. It includes some effective best practices already used in BART outreach and has also incorporated best practices from other transportation agencies. Once the draft BART Public Participation Plan has been circulated and comments received in a series of public engagements, the plan will be redrafted and recirculated before a final plan is completed.

BART has significant relationships already established with community-based organizations that serve low income, minority and LEP populations. Immediately, we will reach out to these organizations and ask to meet to discuss outreach and ask them to help us put together a survey, small meetings and focus groups with the targeted population to give them an opportunity to comment on outreach for BART and suggest improvements. Existing and newly established relationships with LEP community-based organizations will be used during the Factor 3 LEP analysis to assess the importance of BART's programs, activities and or services.

Below is a sample of community-based organizations that BART works with actively:

- Martin Luther King Jr. Freedom Center in Oakland – The group helped us fashion diversity training exercise for our police officers last year and continues to work with us on Citizens Oversight of the BART Police Department.
- Oakland Chinatown Chamber of Commerce – the group is an active participant with BART and the City of Oakland in a planning study of the Chinatown Area adjacent to our Lake Merritt BART Station.
- Oakland and San Francisco NAACP are working with BART on Citizens Oversight of the BART Police Department.
- Spanish Speaking Unity Council - BART's partner in an award winning transit oriented development project, which was completed in 2005. Currently, BART and the Unity Council are actively working together to complete the project's last phase.
- The Alameda County Office on Education, the SF School District and approximately 15 other school districts partnered with BART this year on our Free Rides for School Field Trips Program sponsored by American Express, which underwrote free BART trips for approximately 15,000 students and chaperones.
- Mission Housing Corporation, Urban Ecology and the Mission Community Council continue to work with BART on the 16th Street Station renovation of West (2003) and East (2006) plazas in San Francisco's Mission District. The plaza renovations required significant community outreach with local neighborhood residents and merchants. The community groups that partnered with BART also played a significant role in helping us to accomplish ethnic and socially sensitive outreach to groups who may otherwise never participate in such a process. The groups helped us to reach non-English speaking, low-income, disabled and homeless groups.
- The Monument Corridor Project in Concord is one of more than 40 youth groups, recreation centers and non-profit organizations that BART has partnered with over the last four years on our Summer Youth Tour Program, which invites 200 K-12 students each summer to ride BART, learn about transportation and take tours of our Central Control Command Center, the BART-SFO airport connecting line and learn what goes on in BART shops.

Guiding Principles for BART's Inclusive Public Participation Plan:

Public participation is a dynamic activity that requires teamwork and commitment at all levels of the organization.

One size does not fit all – Effective strategies must be tailored to fit the audience – low-income, minority, and LEP populations – on each issue.

Effective public participation is about relationship and trust building.

Engaging interested citizens in transportation issues is challenging. We must approach the low-income, minority, LEP populations at the places where they live and gather and establish relationships with the community-based organizations that interact with them to help us connect.

Outreach to low-income, minority, and LEP populations must be an ongoing process, and our outreach plan must be constantly improved and refined to meet the changing needs of the communities.

Action Office: Operations, Transit Systems Development, Financial Planning, Treasury, Planning, Customer Access, BART Police/Security Programs

- Notify Government and Community Relations and Office of Civil Rights in the planning and programming stages of developing projects that could potentially impact low-income, minority and LEP populations.
- In conjunction with Government and Community Relations and Office of Civil Rights, determine appropriate outreach practices from the menu of outreach strategies as listed on Page 8, which constitute an Interim Inclusive Public Participation Plan for BART. This Interim Plan will be distributed for comment and discussion with low-income, minority and LEP populations from February 22, 2010

until April 9, 2010 using the outreach components listed below, including language assistance measures. The comments will be reflected in the Interim Inclusive Public Participation Plan that will be completed by May 3, 2010. Upon Completion of the LEP Plan, BART will incorporate the LEP Plan into the District's Final Inclusive Public Participation Plan.

Action Office: Marketing and Research

- Provide 2000 (or more recent) census tract maps of BART station service areas to identify communities that have higher than average minority populations.
- Provide when available 2000 (or more recent) census tract maps of BART station service areas to identify communities that have higher than average low-income populations.
- Provide information about English Language Learners by School District to identify districts within BART's service area that are likely to have high concentrations of LEP populations.
- Use the 2008 System Profile Study to determine which BART stations have high percentages of minority and low-income passengers.
- Publicize Title VI Policy on the BART website in multiple languages. Upon completion, publicize Inclusive Public Participation Plan on the BART website in multiple languages.

Action Office: Government and Community Relations

- Identify the low-income, minority and LEP populations relative to the transportation decision for which public participation is sought. Partner with community-based organizations so they may assist BART with conducting outreach to specific low-income, minority and LEP populations. In consultation with community-based organizations, BART will develop appropriate strategies to engage each population and determine the types of outreach most effective for each group. (Currently, BART has relationships with dozens of organizations, which have access to low-income, minority and LEP populations.)
- Identify appropriate outreach methods for each population.
- Where appropriate, schedule and implement public meetings using locations, facilities and times that are convenient and accessible and culturally appropriate.
- Where appropriate, use surveys (verbal or written) at appropriate locations (on-system, off-system), using community-based organization staff to lead, facilitate, translate or administer as appropriate.
- Public participation will commence during staff planning and programming phases.
- Create databases of community-based organizations and networks that have access to minority, low-income and LEP populations, and constantly refine and add additional elements.
- Provide multi-language invitation tools as needed. Make qualified interpreters available and outreach materials available in appropriate language.
- Accept oral comments. Incorporate comments from the public for further consideration by BART decision makers.
- Compile an Interim Inclusive Public Participation Plan based upon aforementioned public outreach.
- Finalize Inclusive Public Participation Plan by incorporating LEP analysis from final LEP Plan, conducting outreach to LEP populations to seek input, and revising based on experience with Interim Inclusive Public Participation Process.
- Upon completion, publicize BART's Final Inclusive Public Participation Plan in the community in multiple languages.

Action Office: Media and Public Affairs

- Prepare in advance of public meetings, news media announcements in which communications are tailored to the news media that serves the particular communities or populations.

Action Office: Customer Service

- Develop a standard to identify BART employees who accurately speak or write another language including sign language to accommodate members of the LEP population.
- Provide Language Line services access to BART employees who regularly provide information to the public (including the BART Police).
- Meeting notices shall include BART Telephone Interpreter telephone number to provide access to LEP participants.

Action Office: Government and Community Relations and Office of Civil Rights

- Publicize in the BART system in multiple languages the Title VI Notice to Beneficiaries of Protections under Title VI.
- Seek feedback from the low-income, minority and LEP populations including customer and community-based organizations about the effectiveness and inclusiveness of the District's Inclusive Public Participation Plan.

Deliverables to FTA: <ul style="list-style-type: none"> • District's Interim Inclusive Public Participation Plan. • Upon Completion of the LEP Plan, BART will incorporate the LEP Plan into the District's Final Inclusive Public Participation Plan. 	To FTA: May 3, 2010 May 23, 2011
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Major Service Change Threshold

Responsible Office: Operations Planning

4. **Establish a "Major Service Change" Threshold:** In order to comply with FTA Circular 4702.1A, BART will develop, conduct outreach for, and establish a "Major Service Change" threshold.

4.a Draft a new guideline that defines BART's threshold for what constitutes a "Major Service Change."

Deliverables to FTA: Preliminary Draft "Major Service Change" Threshold	To FTA: Mar 15, 2010
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4.b Pursuant to the District's Inclusive Public Participation Plan (item 3), the District will reach out to low-income, minority and LEP populations and provide them with opportunities to review and provide input on the District's draft "Major Service Change" threshold. Such an outreach plan would include, but not be limited to the following activities:

- Identify the low-income, minority and LEP populations relative to the transportation decision for which public participation is sought. Partner with community-based organizations so they may assist BART with conducting outreach to specific low-income, minority and LEP populations. In consultation with community-based organizations, BART will develop appropriate strategies to engage each population and determine the types of outreach most effective for each group. (Currently, BART has relationships with dozens of organizations, which have access to low-income, minority and LEP populations.)
- Identify appropriate outreach methods for each population.
- Where appropriate, schedule and implement public meetings using locations, facilities and times that are convenient and accessible and culturally appropriate.
- Where appropriate, use surveys (verbal or written) at appropriate locations (on-system, off-system), using community-based organization staff to lead, facilitate, translate or administer as appropriate.
- Public participation will commence during staff planning and programming phases.
- Create databases of community-based organizations and networks that have access to minority, low-income and LEP populations, and constantly refine and add additional elements.

- Provide multi-language invitation tools as needed. Make qualified interpreters available and outreach materials available in appropriate language.
- Accept oral comments. Incorporate comments from the public for further consideration by BART decision makers.
- Compile list of interested parties to review a later revised draft of the "Major Service Change" threshold.

4.c Evaluate comments from low-income, minority and LEP populations and incorporate input as appropriate into the revised draft "Major Service Change" threshold.

Deliverables to FTA: Revised Draft "Major Service Change" Threshold, including a summary of public comments and how they were incorporated in the Threshold.	To FTA: June 1, 2010
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4.d The District will consider FTA comments on the revised draft "major service change" threshold in the final circulation draft, which will be distributed to interested parties.

4.e. Include the final comments of the interested parties in the final "major service change" threshold.

Deliverables to FTA: Final "Major Service Change" Threshold	To FTA: Jun 30, 2010
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4.f Describe and analyze service changes implemented over the past three years to determine if they exceeded the final "Major Service Change" threshold.

4.g Evaluate major service changes as defined by the final standard using the methods in Option A in FTA Circular 4702.1.A Chapter V, Section 4. The list below describes the kinds of service changes BART has implemented over the past three years, as well as those it may implement over the next three years:

- Changes in the frequency or amount of service (in revenue vehicle miles) provided on existing lines.
- Extensions to the length (in miles) of existing lines.
- Establishment of entirely new transit lines (does not apply to the past three years).
- Changes in the number of hours service is operated on existing lines.

These four types of service changes can be exhaustively analyzed within framework outlined in Option A, or a modified version of Option A which addresses the three elements identified in Option B. Those elements include: a description of the methodology, a determination of discriminatory impacts, and agency actions taken in response to the analysis.

Deliverables to FTA: Analysis of service changes implemented over the past three years.	To FTA: Aug 31, 2010
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Fare Change Procedures Applied to Fare Increases Effective January 1, 2008 and July 1, 2009

Responsible Office: Financial Planning

5. Establish Procedures for Evaluating and Mitigating Disproportionate Impacts, if any, from Fare Changes. BART will follow the Fare Change Procedures, a draft of which is included as Attachment A, including applying these procedures to evaluate the effects of and, if needed, develop mitigation actions for, the two fare increases BART implemented over the last three years. BART does not intend to implement any additional fare increases for the fiscal year ending June 30, 2010. In the planning and programming stages for any potential fare change in Fiscal Year 2011, the proposed Fare Change Procedure (Attachment A) will be followed.

5.a Assess the effects of the fare increases effective January 1, 2008 and July 1, 2009 on minority and low-income populations.

Action Office: Marketing and Research

- Provide survey data to identify minority and low-income passengers affected by the fare increases.

Action Office: Financial Planning

- Describe the nature of the fare increase.
- Describe the rationale for the fare increase.
- Analyze survey data to identify impacts of the increase on minority and low-income riders.

5.b Assess the alternatives available for people adversely affected by the fare increase.

Action Office: Financial Planning

- Describe alternatives to the fare increase.
- Analyze survey data to identify impacts of the alternatives on minority and low-income riders.
- Compare the impacts of these alternatives to those of the fare increase, including comparing the fares paid under the fare increase with fares that are paid with the alternatives.
- Analyze alternative transit modes, fare payment types, and fare payment media available for people affected by the fare increase.

5.c Determine if the fare increase had a disproportionately high and adverse effect on minority and low-income riders.

Action Office: Financial Planning, Marketing and Research

- Make determination based on results of analyses described in 5.1.a and 5.1.b above.

Deliverables to FTA: BART analyses and determination developed per 5.1.a, b, and c above.	To FTA: Apr 30, 2010
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5.d If the effect of the fare increase is determined to have been disproportionately high and adverse, develop proposed actions to minimize, mitigate, or offset any adverse effects of the fare changes on minority and low-income populations. Proposed mitigation actions are developed at this stage in the Fare Change Procedure in order to provide a starting point for the public to review and comment as detailed in 5.e.

Action Office: Financial Planning, External Affairs, Treasury, Access Planning, Station Area Planning, Grants

- Develop proposed actions to minimize, mitigate or offset adverse effects identified in analyses.

Deliverables to FTA: BART's proposed actions to minimize, mitigate, or offset adverse effects identified in analyses.	To FTA: June 7, 2010
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5.e Pursuant to the District's Inclusive Public Participation Plan, the District will reach out to low-income, minority and LEP populations and provide them with opportunities to review and provide input on the proposed mitigation actions. Such an outreach plan would include, but not be limited to the following activities:

- Identify the low-income, minority and LEP populations relative to the transportation decision for which public participation is sought. Partner with community-based organizations so they may assist BART with conducting outreach to specific low-income, minority and LEP populations. In consultation with community-based organizations, BART will develop appropriate strategies to engage each population and determine the types of outreach most effective for each group. (Currently, BART has relationships with dozens of organizations, which have access to low-income, minority and LEP populations.)
- Identify appropriate outreach methods for each population.
- Where appropriate, schedule and implement public meetings using locations, facilities and times that are convenient and accessible and culturally appropriate.
- Where appropriate, use surveys (verbal or written) at appropriate locations (on-system, off-system), using community-based organization staff to lead, facilitate, translate or administer as appropriate.
- Public participation will commence during staff planning and programming phases.
- Create databases of community-based organizations and networks that have access to minority, low-income and LEP populations, and constantly refine and add additional elements.
- Provide multi-language invitation tools as needed. Make qualified interpreters available and outreach materials available in appropriate language.
- Accept oral comments. Incorporate comments from the public for further consideration by BART decision makers.
- Compile list of interested parties to review a later revised draft of the "Proposed Mitigation" analysis.

Deliverables to FTA: Submitted prior to conducting outreach, BART's Inclusive Public Participation Plan for the public to review and comment on proposed mitigation actions.	To FTA: June 7, 2010
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Deliverables to FTA: Information on where and when the inclusive public participation meetings were held, list of people who attended each meeting, comments provided by the low-income, minority and LEP populations in attendance and comments incorporated into the Proposed Mitigation Analysis.	To FTA: July 19, 2010
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5.f Revise mitigation actions as needed to reflect input from inclusive public participation effort, and if needed, undertake next round of inclusive public participation effort per BART Inclusive Public Participation Guidelines.

Action Office: Financial Planning, Marketing and Research, External Affairs

- Analyze and incorporate comments and options presented in public meetings to develop revised options for public review.

Deliverables to FTA for Concurrence: Revised proposed mitigation actions incorporating public input.	To FTA: Aug 16, 2010
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5.g Present finalized mitigation action proposal that incorporates public input and has received FTA concurrence at public hearing of BART Board.

Action Office: Financial Planning and, as needed, Government and Community Relations

- Hold public hearing on finalized mitigation action proposal; public can comment by attending hearing or submitting their comments by e-mail, mail, or fax to BART District Secretary prior to meeting.
- BART Board considers public comment and makes decision.

Deliverables to FTA: Finalized mitigation action adopted by BART Board.	To FTA: Within one week of Board action
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5.1 Fare Change Procedures Applied to Any Potential Fare Change in Fiscal Year 2011

5.1 In the planning and programming stages for any potential fare change in Fiscal Year 2011, the proposed Inclusive Public Participation Plan and proposed Fare Change Procedure (Attachment A) will be followed.

BART has developed the procedures described in Attachment A pursuant to FTA direction. These procedures include submission to FTA of BART's fare analysis and proposed mitigation actions. Nonetheless, BART wishes to express concern regarding FTA's direction that these elements be submitted to FTA for approval. Although FTA stated in discussion with BART that this is a standard FTA requirement pursuant to Circular 4702.1A, Ch. V, Sec. 4, this requirement does not appear to have been defined and communicated broadly to the industry. Our particular concern is that the resulting timelines associated with the deliverables may not allow transit agencies to respond to operational challenges, including financial, in a timely manner. BART expects that when and if FTA guidelines are formalized, BART will have the opportunity to revise the procedures described in this Draft Corrective Action Plan.

Fare and Service Change Analysis for OAC

6. Conduct fare and service change analysis of the Oakland Airport Connector project.

Responsible Office: Transit System Development - OAC Project Staff

Assess the effects of the proposed service and fare change on minority and low-income populations by examining the existing and proposed elements of the service/fare change from the AirBART bus to the OAC. The methodology proposed requires the service area be defined and the predominantly low-income and minority populations (EJ population) within that service area be identified. The proposed change in service/fare from the existing AirBART bus to the proposed OAC will be tabulated and quantitatively analyzed to determine impacts of a service/fare increase and to determine whether the proposed change is likely to produce disparate impact to the EJ population when compared to non-EJ population. A detailed description of various steps involved in the proposed Service and Fare change analysis is included as Attachment B.

- Should either the service or fare change analysis indicate disproportionate impacts, BART will assess the alternatives available for those people affected by the service change and fare increase including:
 - Existing AC Transit bus services
 - Taxis & shuttles
 - Driving & Park & Ride, and
 - Drop off & Pick up
- Analyze what, if any, alternative transit modes, fare payment types, or fare payment media are available for people affected by the fare change, including a comparison of the fares paid under the change with fares that would be paid through available alternatives.
- Should the analysis indicate disproportionate impacts caused by either service or fare changes, the District would begin an outreach process using its Interim Inclusive Public Participation Plan to obtain feedback on the proposed fare / service change effects and potential mitigations.
- BART will identify a number of representative low-income, minority and LEP populations by working with community-based organizations in several cities, for example, Richmond, Concord and Oakland to host focus group meetings between members of their organizations and BART. All comments will be recorded and used as the foundation for discussions of mitigation strategies.

- BART may also gather information on the current AirBART riders using customer surveys, soliciting stated preferences, race, socio-economic, origin/destinations, trip information, trip duration, as well as questions and comments about the OAC Project. The survey information can then be analyzed and broken down into LEP, minority / non-minority, low income and non-low income riders to ensure feedback from all AirBART riders are equally considered. That information could assist BART in clarifying the potential impacts created by a fare/service change and in the development of potential mitigations.

<p>Deliverables to FTA:</p> <ol style="list-style-type: none"> 1. A comprehensive report detailing the impacts of service changes affecting minority, and low-income passengers, which identifies areas of impact and potential mitigation measures, existing service alternatives, and off-setting benefits. 2. A comprehensive report detailing the impacts of a potential fare increase affecting minority and low-income passengers, which identifies areas of impact and potential mitigation measures, existing service alternatives, and off-setting benefits. 	<p>To FTA: July 9, 2010</p> <p>July 9, 2010</p>
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OAC Construction Impacts

Responsible Office: Transit System Development - OAC Project Staff

7. **OAC Construction Impacts:** FTA's comments included a request for assessment of the construction impacts and proposed mitigation of the OAC project on EJ communities affected by the project.

BART understands this request to encompass relevant documentation addressing each of the required topics identified in Circular 4702.1A, Ch. IV, Section 8 (a) - (f) (Guidance on Conducting an Analysis of Construction Projects). This information was previously integrated into the environmental analysis prepared by BART in connection with the OAC Project. The submittal made to the FTA dated January 14, 2010 included all of the relevant information addressing each of the six identified topics, with cross-references to relevant sections of the 2002 FEIR/FEIS and the 2007 Addendum, which addressed these requirements. We have attached this information as Attachment C.

<p>Deliverables to FTA:</p> <ol style="list-style-type: none"> 1. Assessment of the construction impacts and proposed mitigation of the OAC project on EJ communities affected by the project. 	<p>To FTA: See Comment above.</p>
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Procedure to Assure all Future EJ Analysis Address the Requirements in Circular 4702.1A

Responsible Office: Planning and Office of General Counsel

8. **Procedure to Assure all Future EJ Analysis Address the Requirements in Circular 4702.1A:** As provided in FTA Circular Guidance, Chapter IV, 8:

All EJ analysis are incorporated into NEPA documentation of construction projects or addressed by submitting FTA's standard CE checklist if preparing a categorical exclusion.

Monitoring Procedure

Responsible Office: Operations Planning

9. **Evaluate BART's Service Monitoring Procedures for Compliance with Title VI:** Determine if the existing service delivery monitoring procedures are adequate and comply with FTA Circular 4702.1A, and revise if necessary.

9.a Compare BART's existing level of service, quality of service, and/or customer satisfaction survey service monitoring procedures to those identified in FTA Circular 4702.1A Chapter V, Section 5.

9.b Evaluate demographic data available from Marketing and Research to identify areas with high concentrations of low-income, minority, and LEP populations within the District's service area. With regards to analysis of minority populations, BART currently has a complete set of maps showing minority status by census tract within BART's service area, based on data from the 2000 Census. Census tracts in which the minority percentage is at or above 52.7% (the average in the service area) are shaded. In order to further assist BART in complying with Title VI, Marketing and Research will produce the following detailed maps showing concentrations of specific ethnic groups using data from the 2000 Census:

- Service area map showing census tracts in which the Asian/Pacific Islander/Native Hawaiian population is at or above 20.6%, the average in the service area
- Service area map showing census tracts in which the Hispanic population is at or above 18.2%, the average in the service area.
- Service area map showing census tracts in which the Black/African American population is at or above 9.8%, the average in the service area.
- Service area map showing the census tracts in which the Other minority population (includes American Indian/Alaska Native, Other, and two or more race categories) is at or above 4.1%, the average in the service area

9.c . Develop revised service monitoring procedures, which will identify if there are any disparities in the level and quality of service or the distribution of transit amenities and security measures provided to low-income, minority and LEP populations as identified in 7.b. An overview of BART's monitoring process for each of its service standards and policies is outlined below:

- **Vehicle Load:** Collect service data from each of BART's rail transit lines (currently five) on the ratio of the number of passengers per car. Conduct an annual analysis of this "load factor" data which evaluates how maximum vehicle loading levels and the duration of maximum vehicle loading levels are distributed across all BART lines
- **Vehicle Headways:** Based on the findings of the Vehicle Load Analysis determine whether additional trains are needed on any line which are above and beyond BART's peak period base headways (currently 15 minutes). If such trains are needed, determine whether they can be added to service given the constraints placed on the BART system by its train control system, its fleet size, and the complex junction of routes between Oakland and San Francisco.
- **On-Time Performance:** Conduct annual review of daily train on-time performance data for all BART lines relative to the established goal (currently 94%).
- **Distribution of Transit Amenities:** In conjunction with the BART's triennial review submittal, conduct a survey of the availability of the following amenities at each of BART's fixed stations (currently 43): station agents, restrooms, benches, route maps, timetables, informative publications, arrival information displays, ticket vending machines, change machines, public telephones, elevators, escalators, and bicycle and bus access facilities (where appropriate). Determine if these transit amenities are distributed equitably across station types and in proportion to station ridership.
- **Service Availability:** - The concept of service availability, a measure of the distribution of rail lines within the general service area, is only applicable to BART when system extensions or infill stations are contemplated. To that end BART has developed a ridership-based cost effectiveness standard that proposed expansions and infill stations must meet. In general, the ridership for a new station is projected based on the population and travel mode patterns within its catchment area.
- **Vehicle Assignment:** In conjunction with the its triennial review submittal BART will provide a report on the age of its vehicles and their seating configurations. (All of BART's revenue vehicles have

identical sizes, performance characteristics, and amenities; hence there are no superior or inferior vehicle types to track across its five lines. Also, while BART does have a captive fleet of cars assigned to each of its four maintenance shops, it does not assign particular cars to particular lines. Cars are used interchangeably on a daily basis and do not remain in fixed train consists. Thus, tracking individual cars or small age or modification cohorts is not applicable to BART operations.)

- **Transit Security:** In conjunction with its triennial review submittal, conduct a survey of the availability of surveillance technology and security personnel across BART's facilities. Document measures taken to implement security training among employees and awareness among the public. Determine if the provision of security measures is in proportion to the assessment of security threats and the levels of criminal activity across the BART system.

9.d Add to the revised service monitoring procedures, a corrective action plan which would address any disparities found per item 9.c.

Deliverables to FTA: Final BART Service Monitoring Procedures.	To FTA: June 15, 2010
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Deficiencies in BART's 2007 Title VI Program Triennial Update

Responsible Office: Office of Civil Rights

10. **Deficiencies in BART's 2007 Title VI Program Triennial Update:** Correct deficiencies in 2007 BART Title VI Program Triennial Update.

10.a Provide a summary of public outreach and involvement activities undertaken since the 2004 Title VI Program Triennial Update.

10.b Provide a summary of the equity evaluation of any significant service changes and fare change implemented since the 2004 Title VI Program Triennial Update.

10.c. Provide a summary of service monitoring activities since the 2004 Title VI Program Triennial Update.

10.d Provide a demographic analysis of the 2008 Customer Satisfaction Survey.

Deliverables to FTA:	To FTA:
• Summary of public outreach and involvement activities.	Jun 30, 2010
• Equity evaluation of any significant service changes or fare changes.	Aug 30, 2010
• Results of service monitoring activities.	Aug 30, 2010
• Demographic analysis of the 2008 Customer Satisfaction Survey.	Mar 1, 2010