I. Purpose. Title VI of the Civil Rights Act of 1964 prohibits discrimination by recipients of federal financial assistance on the basis of race, color, or national origin. Utah Transit Authority, as a public transit provider and recipient of federal financial assistance, is subject to Title VI requirements as outlined in FTA’s Circular FTA C 4702.1B and future amendments.

In accordance with the Circular, UTA has developed this policy for measuring disparate impacts on minority populations and disproportionate burdens on low-income populations. UTA remains committed to avoiding unfair treatment and discrimination in the allocation of public transit services.

II. Definitions.

A. “Addition of Service” means the creation of a new bus route or the opening of a new rail line.

B. “Discrimination” refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

C. “Disparate Impact” refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

D. “Disproportionate Burden” refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations.

E. “Eligible Low-income Individual” means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines. UTA will use the definition found in 49 U.S.C. 5302 as amended by Fixing America’s Surface Transportation Act (FAST): “an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section) for a family of the size involved”.

F. “Low-income Population” refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy or activity.
G. "Major Change" means a service or fare change which meets UTA's definition in section III.B of this policy, and requires equity analysis in compliance with FTA's Title VI Circular.

H. "Minority Persons" include the following:
   1. American Indian or Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
   2. Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
   3. Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
   4. Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
   5. Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

I. "Minority Population" means any readily identifiable group of minority persons who live in geographic proximity.

J. "National Origin" means the particular nation in which a person was born, or where the person's parents or ancestors were born.

III. Policy

A. UTA prohibits discrimination on the basis of race, color, or national origin in the provision of public transit services, programs, and activities.

B. Public Input

1. UTA will seek public input on the following types of changes. These changes will be considered "major changes" which require equity analysis in compliance with FTA's Title VI Circular.
   a. The Addition of Service;
   b. A proposed service level reduction in miles, hours, or trips of thirty-three percent (33%) or more of any route;
   c. The elimination of all service during a time period (peak, midday, evening, Saturday, or Sunday);
   d. A proposed twenty-five (25%) or greater change in route alignment;
   e. A proposed fare change.
2. The type of public input opportunities used for service or fare changes described in Paragraph B(1) will be based on the requirements of Corporate Policy 1.1.6, Public Input Opportunities, and a demographic analysis of the population(s) affected, the type of plan, program and/or service under consideration, and the resources available, and may include any combination of the following:
   a. Public hearings;
   b. Public meetings;
   c. Posted notices on UTA’s website;
   d. Outreach to minority groups and the non-English speaking community within UTA’s service area;
   e. Coordination with community and faith-based organizations, educational institutions, and other organizations that reach out specifically to members of affected minority and/or LEP (Limited English Proficient) communities;
   f. Notices in radio, television, or newspapers including those that serve non-English speaking and/or minority populations;
   g. Posting notices at bus stops, rail stations and on transit vehicles;
   h. Use of social media, including those targeted at minority groups and the non-English speaking community.

C. Evaluation and Analysis of Service and Fare Changes

1. UTA will analyze proposed major changes to service and any proposed fare changes in accordance with FTA’s Circular C 4702.1B as amended.

2. UTA will evaluate the impacts of all major service changes cumulatively when there is more than one route being affected for a service change period.

3. UTA will primarily utilize American Community Survey (ACS) Data, block group data and/or ridership data to evaluate and analyze any proposed major service and fare changes. This data will be analyzed with Geographic Information System (GIS) software.

4. UTA will rely on population data and use the smallest geographic area that reasonably has access to the stop or station affected by the proposed major service change. This will be translated into a one-quarter mile radius to a bus stop, one-half mile to a light rail station and three miles to a commuter rail station.

D. Disparate Impact and Disproportionate Burden Policy

1. UTA will measure the burdens of service and fare changes on minority riders to determine when minority riders are bearing a disparate impact from the change between the existing service or fare and the proposed service or fare.

2. UTA will measure the burdens of service and fare changes on low-income riders to determine when low-income riders are bearing a disproportionate burden of the change between the existing service or fare and the proposed service or fare.
3. A threshold of 5% will be used to determine disparate impact on minority populations and disproportionate burden on low-income populations. This 5% is based on the margin of error from the US Census data that UTA uses to determine the populations in the service area. This means that if the burden of the service or fare change on minority or low-income populations is more than 5% worse than it is for the non-protected populations, then the change will be considered either a disparate impact or a disproportionate burden.

E. Finding a Disparate Impact

1. At the conclusion of UTA’s Analysis, if UTA finds a disparate impact on the basis of race, color, or national origin, UTA shall seek to modify the proposed changes in a way that will mitigate the adverse effects that are disproportionately borne by minorities. Modifications made to the proposed changes must be reanalyzed in order to determine whether the modifications actually removed the potential disparate impacts.

2. If UTA chooses not to alter the proposed services changes despite the potential disparate impact on minority populations, or if UTA finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service or fare change, UTA may implement the change only if:

   a. UTA has substantial legitimate justification for the proposed change; and
   b. UTA can show that there are no alternatives that would have a less disparate impact on the minority riders but would still accomplish the transit provider’s legitimate program goals. In order to show this, UTA 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.

F. Finding a Disproportionate Burden. If at the conclusion of the analysis, UTA finds that low-income populations will bear a disproportionate burden of the proposed major service change, UTA will take steps to avoid, minimize, or mitigate impacts where practicable. The provider should also describe alternatives available to low-income passengers affected by the service changes.

G. Transit Amenities Improvement Projects. Transit amenities improvement projects will be reviewed for Title VI compliance prior to approval.

H. Title VI Complaint Process.

1. Any person who has a complaint relating to discrimination in receiving service from UTA based on race, color, or national origin can file a complaint and it will be investigated and responded to in a timely manner by the Civil Rights Office.
2. UTA has a Title VI Complaint Form which can be obtained from the Title VI Compliance Officer and on UTA's website.

3. Complaints that come to UTA through the Customer Service department will be received, recorded and responded to according to UTA Corporate Policies No. 5.1.1, Customer Communications, 6.1.8 Equal Employment Opportunity, Anti-Discrimination Harassment, and Retaliation Policies and UTA Standard Operating Procedure, No 5.1.1-1, Customer Communication Process. After receipt of a complaint, the Investigator will investigate it and provide written findings of the investigation to all applicable parties within (15) calendar days of the conclusion of the investigation.

IV. Cross-References. UTA Corporate Policy No. 1.1.6, Public Input Opportunities; UTA Corporate Policy No. 5.1.1, Customer Communications, UTA Standard Operating Procedure No 5.1.1-1, Customer Communication Process, UTA Corporate Policy 6.1.8. Equal Employment Opportunity, Anti-Discrimination Harassment, and Retaliation Policies; Circular 4702.1B, Chapter VI, Sections 7(a)-(b); Standard Operating Procedure BU 7.0 – Transit Improvement Projects.

This UTA Corporate Policy was reviewed by the Corporate Staff on November 15, 2016, and approved by the President/CEO on this ___ day of ___ December ___ 2016, and takes effect on the latter date.

Jerry Benson
President/CEO

Approved as to form:

Counsel for UTA

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