

### **SECTION III. FEDERAL REQUIREMENTS**

#### **A. TITLE VI (Civil Rights Act of 1964, 42 USC 2000(d)-2000(d)(1))**

##### **General**

This title declares it to be the policy of the United States that discrimination on the grounds of race, color, or national origin shall not occur in connection with programs and activities receiving Federal financial assistance and authorizes and directs the appropriate Federal departments and agencies to take action to carry out this policy.

**Section 601** -- This section states the general principle that no person in the United States shall be excluded from participation in or otherwise discriminated against on the grounds of race, color, or national origin under any program or activity receiving Federal financial assistance.

**Section 602** -- Directs each Federal agency administering a program of Federal financial assistance by way of grant, contract, or loan to take action pursuant to rule, regulation, or order of general applicability to effectuate the principle of section 601 in a manner consistent with the achievement of the objectives of the statute authorizing the assistance. In seeking the effect compliance with its requirements imposed under this section, an agency is authorized to terminate or to refuse to grant or to continue assistance under a program to any recipient as to whom there has been an express finding pursuant to a hearing of a failure to comply with the requirements under that program, and it may also employ any other means authorized by law. However, each agency is directed first to seek compliance with its requirements by voluntary means.

**Section 603** -- Provides that any agency action taken pursuant to section 602 shall be subject to such judicial review as would be available for similar actions by that agency on other grounds. Where the agency action consists of terminating or refusing to grant or to continue financial assistance because of a finding of a failure of the recipient to comply with the agency's requirements imposed under section 602, and the agency action would not otherwise be subject to judicial review under existing law, judicial review shall nevertheless be available to any person aggrieved as provided in section 10 of the Administrative Procedure Act (5 USC 1009). The section also states explicitly that in the latter situation such agency action shall not be deemed committed to unreviewable agency discretion within the meaning of section 10. The purpose of this provision is to obviate the possible argument that although section 603 provides for review in accordance with section 10, section 10 itself has an exception for action "committed to agency discretion," which might otherwise be carried over into section 603. It is not the purpose of this provision of section 603, however, otherwise to alter the scope of judicial review as presently provided in section 10(e) of the Administrative Procedure Act.

## **Title VI Assessment**

All state agencies that receive federal money to develop and implement plans are required to follow the Title VI regulations of the Civil rights Act of 1964. The Act ensures that no person, on the grounds of race, color, or national origin, be excluded in the participation in, be denied the benefits of, or be subjected to discrimination under any program receiving federal financial assistance.

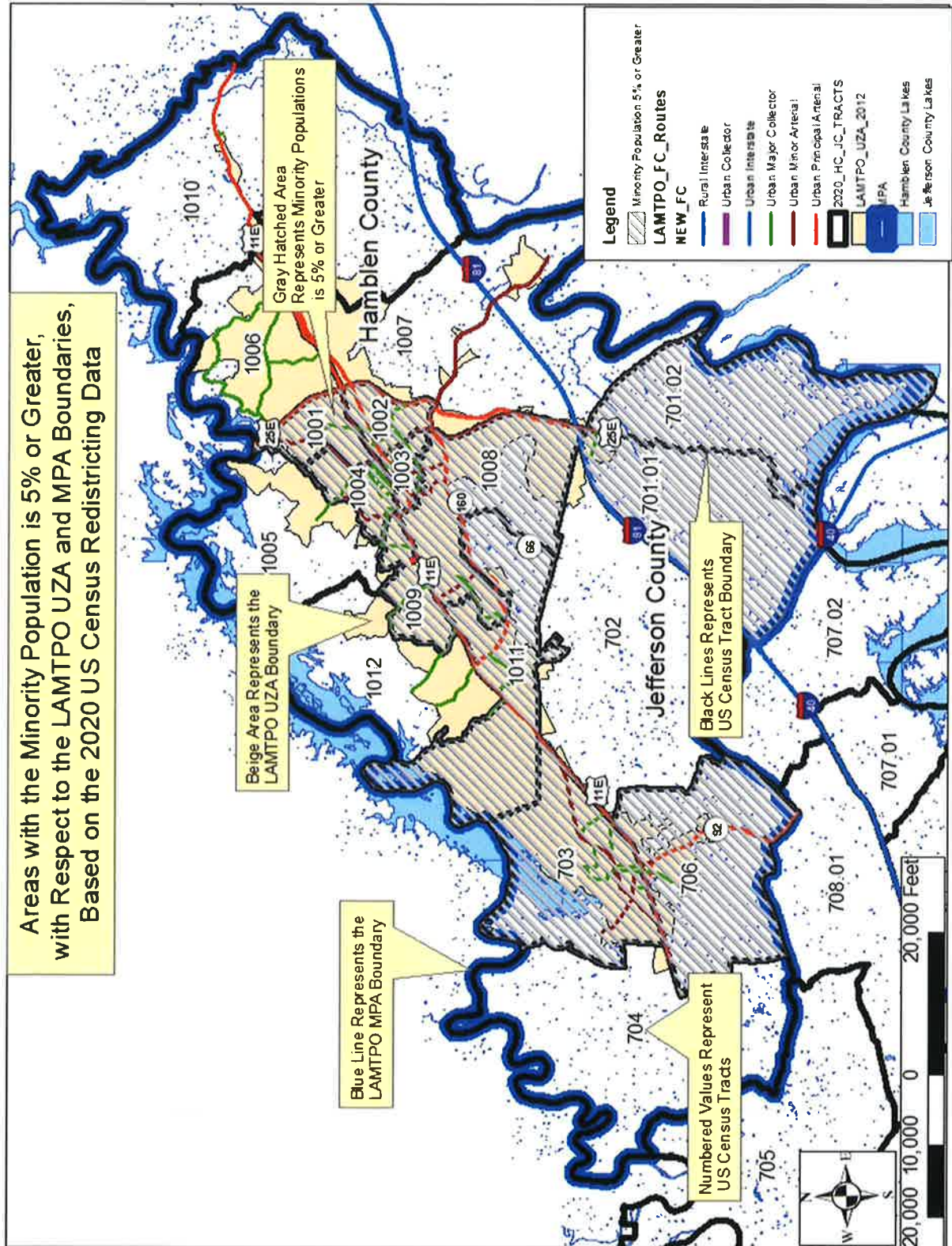
It is important to recognize the presence of the rising Hispanic population, and all minorities, in the LAMTPO study area. LAMTPO will comply with Executive Order 13166, which requires “improved access to services for persons Limited English Proficiency (LEP).” Federal departments and agencies are required to extend financial assistance to develop programs and provide oral and written services in languages other than English. The maps on the next two pages illustrate where there are concentrations of minorities (non-Caucasian), within the Hamblen and Jefferson Counties. LAMTPO uses an interpreter to translate documents from English to Spanish, and other languages when requested. LAMTPO also uses the US Census language flashcards to determine the language a person may be speaking, and uses either Avaza Language Services Corp. (615)534-3400, or Verbatim services (877)457-6589, to have a translator in case an interpreter is not present. LAMTPO advertises (in English and Spanish) in 3 newspapers to inform the general public in the area of what transportation related issues are occurring in the LAMTPO study area.

## **B. Americans with Disabilities Act**

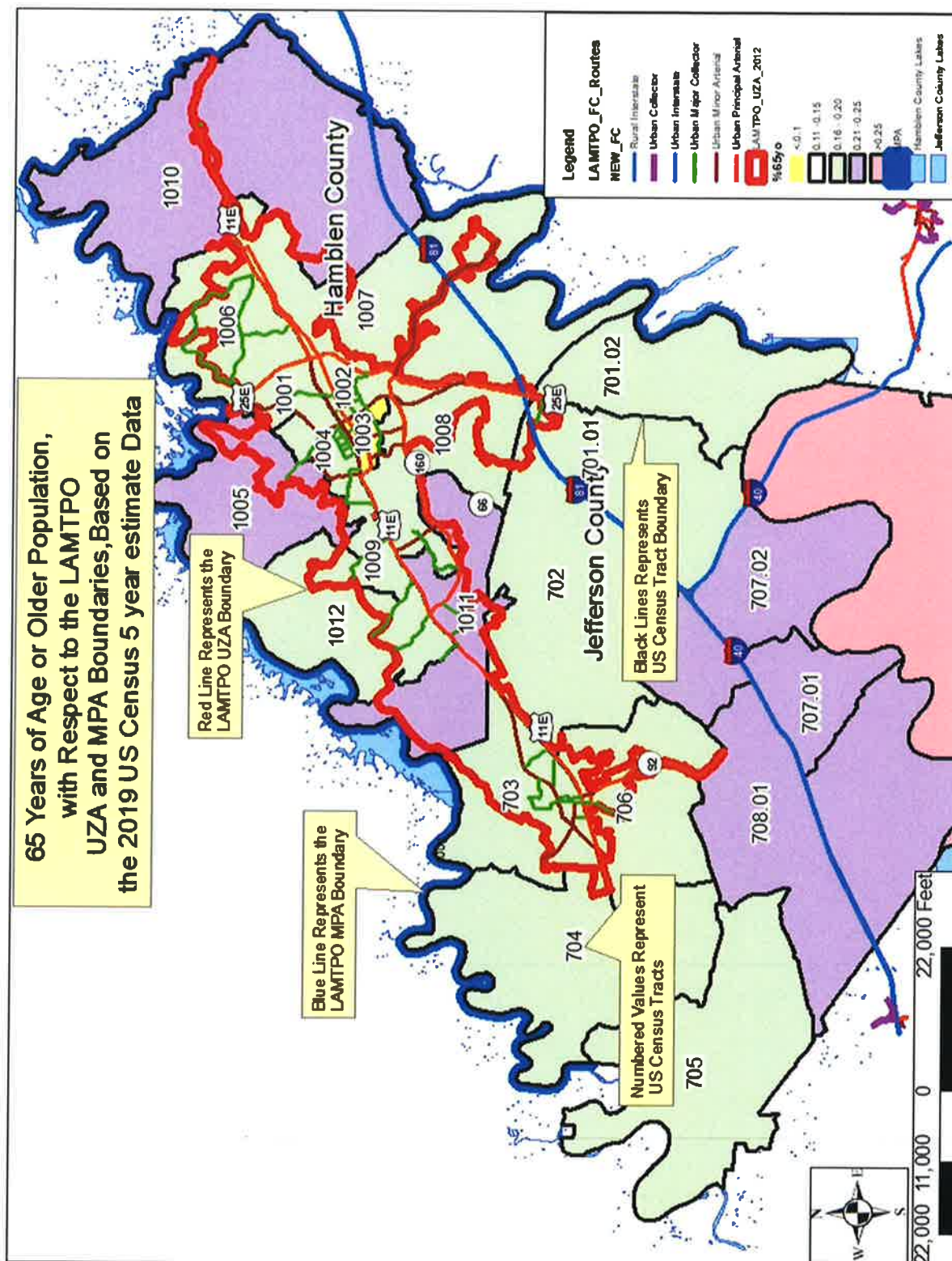
Title II of the ADA requires State and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not only to physical access at government facilities, programs, and events -- but also to policy changes that governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of State and local governments. In addition, governmental entities must ensure effective communication -- including the provision of necessary auxiliary aids and services -- so that individuals with disabilities can participate in civic life.











### C. LAMTPO Title VI Assessment

All state agencies that receive federal money to develop and implement plans are required to follow the Title VI of the Civil Rights Act of 1964 regulations. The Act ensures that no person, on the grounds of race, color, or national origin, be excluded in the participation in, be denied the benefits of, or be subjected to discrimination under any program receiving federal financial assistance.

It is important to recognize the presence of the rising Hispanic population, and all minorities, in the LAMTPO study area. LAMTPO will comply with Executive Order 13166, which requires “improved access to services for persons Limited English Proficiency (LEP).” Federal departments and agencies are required to extend financial assistance to develop programs and provide oral and written services in languages other than English. The map on pages III-100 illustrates where there are concentrations of minorities (non-Caucasian), within the Hamblen and Jefferson Counties. LAMTPO uses an interpreter to translate documents from English to Spanish, and other languages when requested. LAMTPO also uses the US Census language flashcards to determine the language a person may be speaking, and uses the **Avaza Language Services Corp. (615)534-3400, or Verbatim services (877)457-6589**, the telephone translator in case an interpreter is not present. LAMTPO advertises in three (3) newspapers, sends information to Hola Lakeway, as well as the East Tennessee Hispanic Chamber of Commerce, to inform the general public in the area of what transportation related issues are occurring in the LAMTPO study area.

***The various proposed road projects that are within the Title VI areas are as follows:***

***Within Hamblen County:***

***TDOT Sponsored US Hwy 11E project (2 to 4 or 5 lane expansion)***

***E Morris Blvd resurfacing***

***E Andrew Johnson Hwy resurfacing***

***Central Church Rd expansion (2 to 3 lanes)***

***Within Jefferson County only:***

***Old AJ Hwy/ SR 92 (widen from 2-lanes to 4-lanes) (Illustrative road project)***

***SR92 extension (Overlook Rd/ Mountcastle Av/ Old AJ Hwy) new roadway***

***Russell Avenue Resurfacing***

***Branner Avenue Resurfacing***

***Municipal Drive Resurfacing***

***Fate Rankin Rd Resurfacing***

***Old AJ Hwy Resurfacing***

***Agricultural Park Blvd resurfacing***

***It should be noted that the resurfacing projects will be done in existing right-of-ways, thus there should not be any direct impact on personal property.***

**Table 6. 2020 US Census Population Information, including race/ ethnic breakdown, from the 2020 US Census Redistricting Data.**

Geographic area	Total population	Race								Hispanic or Latino (of any race)	% Hispanic
		One race							Two or More Races		
		Total One Race	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race			
<b>Hamblen County 2020</b>	64,999	52,565	49,197	2,106	130	712	268	152	2,451	9,483	14.59%
<b>Hamblen County 2010</b>	62,544	61,299	54,163	2,527	209	466	71	3,863	1,245	6,711	10.70%
<b>Hamblen County 2000</b>	58,128	57,553	52,732	2,396	130	335	33	1,927	575	3,299	5.67%
<b>Jefferson County 2020</b>	54,683	50,355	48,975	787	159	257	20	157	1,936	2,392	4.37%
<b>Jefferson County 2010</b>	51,407	50,713	48,571	1,048	170	213	13	698	694	1,619	3.15%
<b>Jefferson County 2000</b>	44,294	43,951	42,370	1,027	138	118	18	280	343	588	1.32%

Geographic area	Race									Hispanic or Latino (of any race)	% HISPANIC
	Total population	Total One Race	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or more races		
<b>Baneberry Tennessee 2020</b>	523	502	496	1	0	1	0	4	6	15	2.87%
<b>Dandridge Tennessee 2020</b>	3,344	3,124	2,958	106	15	26	3	16	89	131	3.92%
<b>Jefferson City, Tennessee 2020</b>	8,419	7,424	6,955	304	28	86	2	49	303	692	8.22%
<b>White Pine, Tennessee 2020</b>	2,471	2,067	1,998	31	4	21	8	5	92	312	12.63%
<b>New Market, Tennessee 2020</b>	1,349	1,215	1,165	31	5	3	1	10	58	76	5.63%
<b>Morristown, Tennessee 2020</b>	30,431	21,514	19,607	1,605	65	453	254	70	1,136	7,781	25.57%



It should be noted that of the road projects that are scheduled to be developed within the next 25 years, most are improvements to the existing road network, such as resurfacing, intersection improvements, traffic signals, traffic signal coordination etc. The new road construction projects that are listed in the 25 year plan, not including the illustrative projects, the proposed roads would be developed along vacant land, which the right-of-ways had been donated for a road. Thus there would not be any detrimental effect on anyone, and it will improve access throughout the LAMTPO study area, while reducing congestion in some areas, such as W. Andrew Johnson Highway. By doing extensive field research, and knowing where the different ethnic groups live, the minority population do not live near where the proposed roads will be going, thus there would not be any displacement of families. However, the proposed roads will be close enough for the various ethnic groups to have access and better mobility throughout the LAMTPO area.

Currently, LAMTPO has a contract with ETHRA to provide public transportation services. As part of the contract, ETHRA must meet all applicable Title VI, as well as any other federal requirements, in order to run the services in the LAMTPO study area. It is anticipated that public transportation service will continue in the LAMTPO study, whether it will be ETHRA or LAMTPO running its own transit service, all Title VI and other federal requirements will be in place. An example will be having brochures or pamphlets written in English and Spanish to tell of the various public transportation service, cost to ride mass transit, etc.

**Appendix A. US Census Language Identification Flashcards**

2004  
Census  
Test

United States  
Census  
2010

LANGUAGE IDENTIFICATION FLASHCARD

- |                          |  |                        |
|--------------------------|--|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                                      | 1. Arabic              |
| <input type="checkbox"/> | Խոսողո՞ւմ ե՞սք 'նշո՞ւմ' կատարե՞ք այս քանակություն, եթե խոսո՞ւմ' կամ' կարդո՞ւմ' եք հայերեն: | 2. Armenian            |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।                                     | 3. Bengali             |
| <input type="checkbox"/> | លូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។                                      | 4. Cambodian           |
| <input type="checkbox"/> | Motka i kahhon ya yangin untungnu' manaitai pat untungnu' kunentos Chamorro.               | 5. Chamorro            |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。   | 6. Simplified Chinese  |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。   | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.                            | 8. Croatian            |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                                     | 9. Czech               |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                                | 10. Dutch              |
| <input type="checkbox"/> | Mark this box if you read or speak English.  | 11. English            |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.                               | 12. Farsi              |



- ☐ Cocher ici si vous lisez ou parlez le français. 13. French
- ☐ Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. 14. German
- ☐ Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. 15. Greek
- ☐ Make kazye sa a si ou li oswa ou pale kreyòl ayisyen. 16. Haitian Creole
- ☐ अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। 17. Hindi
- ☐ Kos lub voj no yog koj paub twm thiab hais lus Hmoob. 18. Hmong
- ☐ Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet. 19. Hungarian
- ☐ Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. 20. Ilocano
- ☐ Marchi questa casella se legge o parla italiano. 21. Italian
- ☐ 日本語を読んだり、話せる場合はここに印を付けてください。 22. Japanese
- ☐ 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. 23. Korean
- ☐ ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກົດພາສາລາວ. 24. Laotian
- ☐ Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. 25. Polish

- ☐ Assinale este quadrado se você lê ou fala português. 26. Portuguese
- ☐ Însemnați această căsuță dacă citiți sau vorbiți românește. 27. Romanian
- ☐ Поставьте этот квадратик, если вы читаете или говорите по-русски. 28. Russian
- ☐ Обележите овај квадратик уколико читате или говорите српски језик. 29. Serbian
- ☐ Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. 30. Slovak
- ☐ Marque esta casilla si lee o habla español. 31. Spanish
- ☐ Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. 32. Tagalog
- ☐ ให้การเครื่องหมายลงในช่องสำหรับภาษาพูดภาษาไทย. 33. Thai
- ☐ Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. 34. Tongan
- ☐ Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. 35. Ukrainian
- ☐ اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ 36. Urdu
- ☐ Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. 37. Vietnamese
- ☐ באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. 38. Yiddish

### **(EJ) Environmental Justice**

Title VI of the Civil rights Act of 1964 protects persons from discrimination based on their race, color, or national origin in programs and activities that receive Federal financial assistance. LAMTPO is funded at the federal level, so all of our transportation planning processes must comply with this law.

Environmental Justice stems from Title VI, focusing on including low-income and minority populations in federally funded programs. Environmental justice has three general principles:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

By providing the opportunity for everyone to participate in the transportation planning process, we are ensuring that the needs of all people can be met and that their desires for how the whole community should function and develop will be considered. To accomplish this, LAMTPO staff will use Census data to determine where concentrations of the underserved or underrepresented reside. Using this data, staff will:

1. Hold public meetings that are convenient to these geographic concentrations in terms of walk-ability and available transit options, which tend to be used more by low-income individuals than other forms of transportation.
  2. Make all draft documents available for public review at local libraries
  3. Residents or organizations that express an interest by attending public meetings or notifying us by other means will be included in the direct mailing list to receive information about future events and plan development
  4. Continue to research creative methods of reaching these populations with information, documents, and invitations other than the techniques listed within this document;
  5. Seek out community leaders or representatives of these groups to participate in our planning processes as appropriate; and
- Meet and make presentation



### **Environmental Mitigation.**

LAMTPO is following TDOT's lead for the environmental consultation process. When developing the Social Service Coordination Plan and the Public Participation Plan, LAMTPO had sent the various documents to numerous local, state and federal agencies to review and ask for comments, and no comments were received.

LAMTPO staff is in the process of developing GIS maps that shows where future projects are to occur that are in relationship to flood boundaries and/or topographic concerns (mountainsides, sinkholes, historical preservation, etc.). Additional modeling will be done using TRANSCAD to determine traffic congestion, and what the future road projects may do to help alleviate the traffic congestion. Additional corridor studies will be done to help determine what multimodal and intermodal improvements are needed, and to determine the effects on the surrounding environment.

SAFETEA-LU required LAMTPO to consult with federal, state and tribal land management, wildlife, and regulatory agencies to develop a general discussion on possible environmental mitigation activities that should be incorporated into transportation projects identified in this plan. Since the transportation planning activities of LAMTPO are regional in scope, this environmental mitigation discussion does not focus on each individual project within the LRTP but rather offers a summary of environmental sensitive areas to be aware of, the analyses conducted by LAMTPO staff to identify potential conflicts of planned projects and mitigation strategies that could be considered in an effort to minimize any negative affect that a project may have on an environmentally sensitive area.

There are numerous environmentally sensitive areas found throughout the LAMTPO study area. Some areas are yet to be identified and will only become known once a project level analysis is completed, such as caves, sinkholes, and wetlands. More detailed information will be needed during the NEPA process of each project to make sure that the natural, historical, environmental, or endangered wildlife habitat will not be negatively impacted.

In developing projects lists for the LRTP, LAMTPO conducts top level analysis to determine the potential need for future environmental mitigation. Specifically, LAMTPO looks at proposed project locations throughout the region to determine their proximity to the following natural or socio-cultural resources datasets. That analysis provides early guidance to project sponsors to develop mitigation strategies.

- Cemetery surveys
- Regional water resources
- Endangered species habitat areas
- TDEC Terrestrial Habitat areas
- TDEC aquatic Habitat areas
- State Division of Archaeology properties
- TDEC designated state natural areas
- TDEC Endangered and rare species
- Historic properties, and
- Historic National Register Districts

**Environmental Mitigation Activities**

LAMTPO is committed to protecting and preserving environmentally sensitive areas. LAMTPO shall avoid environmentally sensitive areas as much as possible. In special cases which it cannot avoid environmentally sensitive areas, then the governing entities of LAMTPO shall minimize the amount of negative impact a project may have, and finally to mitigate any affected areas. In doing so, LAMTPO recognizes that not every project will require the same type and/or level of mitigation. Some projects such as new roadways and/or roadway widening involve major construction with considerable earth disturbance. Others like intersection improvements, street lighting, and resurfacing projects involve minor construction and minimal, if any, earth disturbance. The mitigation efforts used for a project should be dependent upon how severe the impact on environmentally sensitive areas is expected to be. The following three step process should be used to determine the type of mitigation strategy to apply for any given project:

- i. Identify environmentally sensitive areas throughout the project study area
- ii. Determine how and to what extent the project will impact these environmentally sensitive areas; and
- iii. Develop appropriate mitigation strategies to lessen the impact these project(s) have on the environmentally sensitive areas.

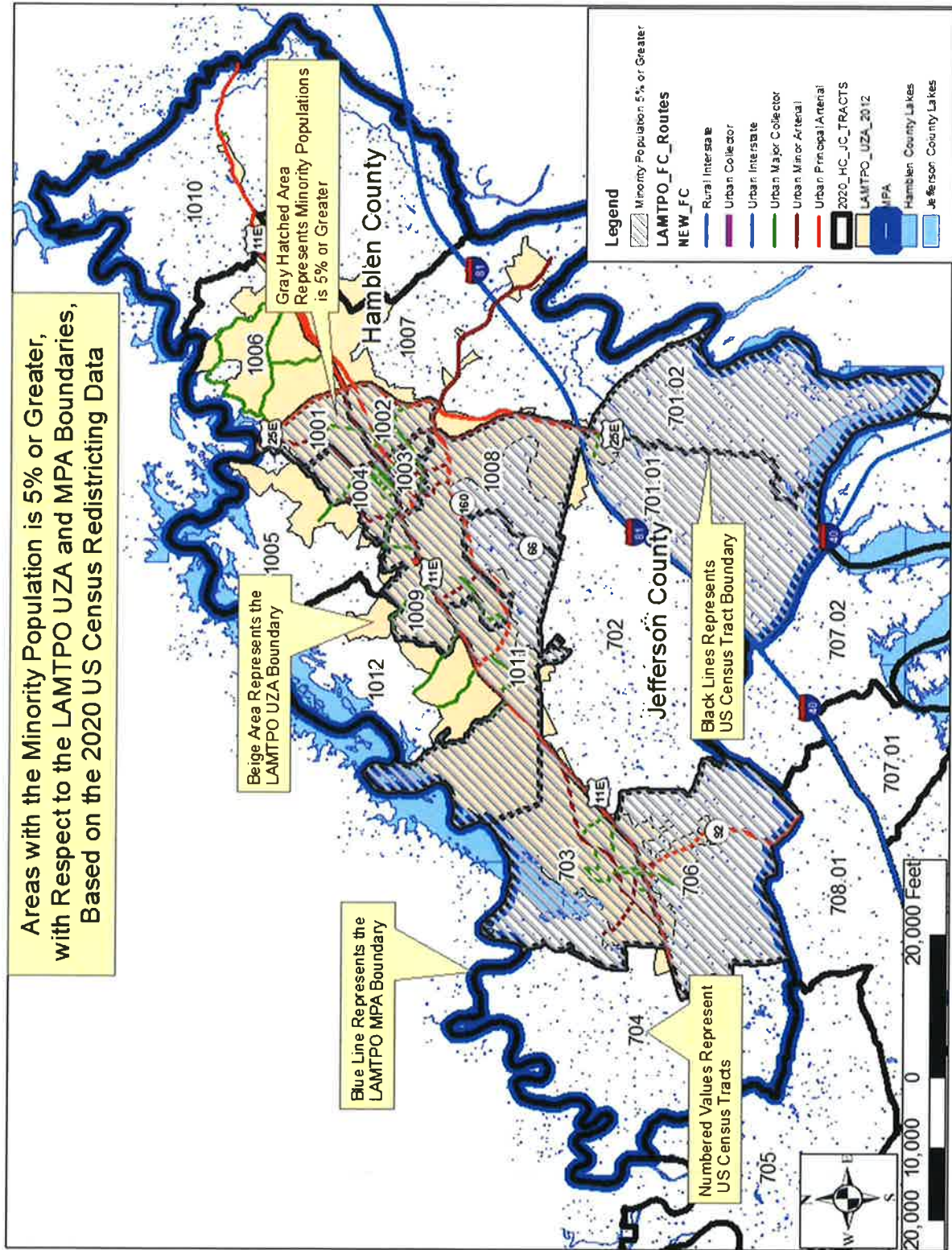
To the extent possible, transportation projects should minimize off-site disturbance in sensitive areas and develop strategies to preserve air and water quality, limit tree removal, minimize grading and other earth disturbance, provide erosion and sediment control, and limit noise and vibration. Where feasible, alternative designs or alignments should be developed that would lessen the project's impact on environmentally sensitive areas. The three (3) step mitigation planning process should solicit public input and offer alternative designs or alignments and mitigation strategies for comment by LAMTPO and local governments.

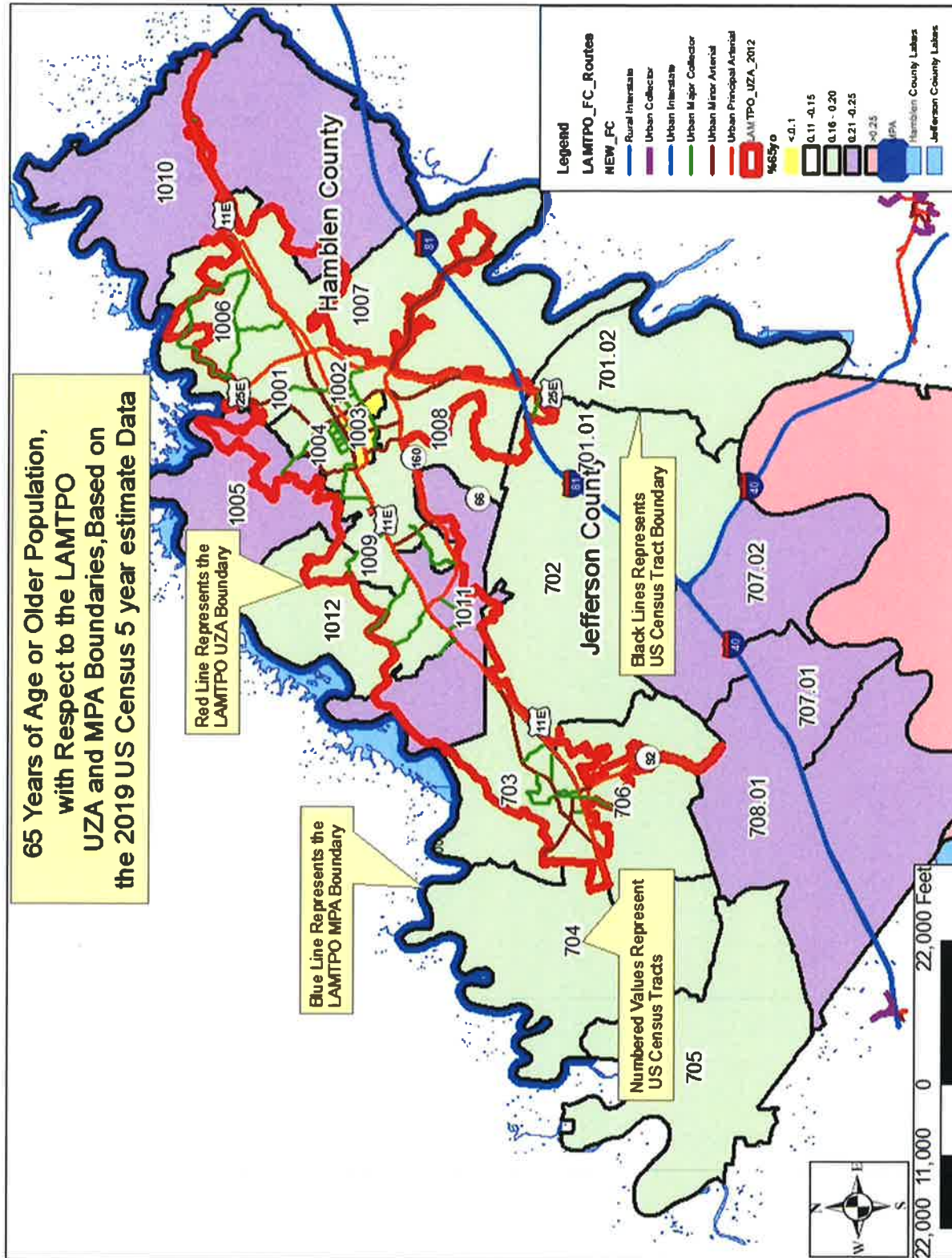
For major construction projects, such as new roadways, or for projects that may have a region wide environmental impact, a context sensitive solutions process should be considered in which considerable public participation and alternative design solutions are used to lessen the impact of the project.

A context sensitive solutions process, for any project, should be considered in which considerable public participation and alternative design solutions are used to lessen the impact of a project. The table below details mitigation activities that could be considered to deal with the primary areas of concern.

<b>Environmental Concern</b>	<b>Potential Mitigation Activities</b>
Wetlands or Water Resources	Mitigation sequencing requirements involving avoidance, minimization, compensation (could include preservation, creation, restoration, in lieu of fees, riparian buffers); design exceptions and variances; environmental compliance monitoring
Forested and other Natural Resources	Avoidance, minimization; Replacement property for open space easements to be of equal fair market value and of equivalent usefulness; design exceptions and variances; environmental compliance monitoring
Agricultural Areas	Avoidance, minimization; design exceptions and variances; environmental compliance monitoring
Endangered and Threatened Species	Avoidance, minimization time of year restrictions, construction sequencing; design exceptions and variances; species research; species fact sheets; Memoranda of Agreements for species management; environmental compliance monitoring
Ambient Air Quality	Transportation control measures, transportation emission reduction measures
Neighborhoods, Communities, Homes and Businesses	Impact avoidance or minimization; context sensitive solutions for communities (appropriate functional and/or esthetic design features).
Cultural Resources	Avoidance or minimization; landscaping for historic properties; preservation in place or excavation for archeological sites; Memoranda of Agreement with the Department of Historic Resources; design exceptions and variances; environmental compliance monitoring
Parks and Recreational Areas	Avoidance, minimization, mitigation; design exceptions and variances; environmental compliance monitoring







In the table below is a summary of the FFY2020-2023 TIP projects that may affect Title VI areas.

TIP ID	Project	Low to Moderate Income Populations Affected	High Minority Populations Affected	LEP Areas Affected	65 years old or older Populations Affected	High Hispanic Populations Affected
1003	E Morris Blvd resurfacing	Yes	Yes	No	Yes	No
1008	E Andrew Johnson Hwy resurfacing	Yes	Yes	Yes	Yes	Yes
1010	Central Church Rd Improvements	Yes	Yes	Yes	Yes	Yes
2010	Agricultural Park Blvd resurfacing	Yes	No	No	Yes	Yes
3016	Old AJ Hwy realignment/ Overlook Rd extension	Yes	Yes	No	Yes	Yes
3017	Russell Av resurfacing	Yes	Yes	No	Yes	Yes
3018	Branner Av resurfacing	Yes	Yes	No	Yes	Yes
3020	Municipal Dr resurfacing	Yes	Yes	No	Yes	Yes
3021	Fate Rankin Rd resurfacing	No	Yes	No	Yes	Yes
3022	Old AJ hwy resurfacing from SR92N to city limits	Yes	Yes	No	Yes	Yes
TDOT	US Hwy 11E Expansion	Yes	Yes	No	Yes	Yes

The maps on the followings pages represent the various land use, cultural, historical aspects of Hamblen and Jefferson Counties, Tennessee. The maps were created using ESRI ArcGIS 10 ArcInfo, using a TN State Plane projection. All of the information for the maps, except the contour maps and the FEMA map, were from on the Tennessee State Base Map program for Hamblen and Jefferson counties. The contour map information was provided by the USGS, and these quadrangle maps are available from the Tennessee Data Spatial Server,

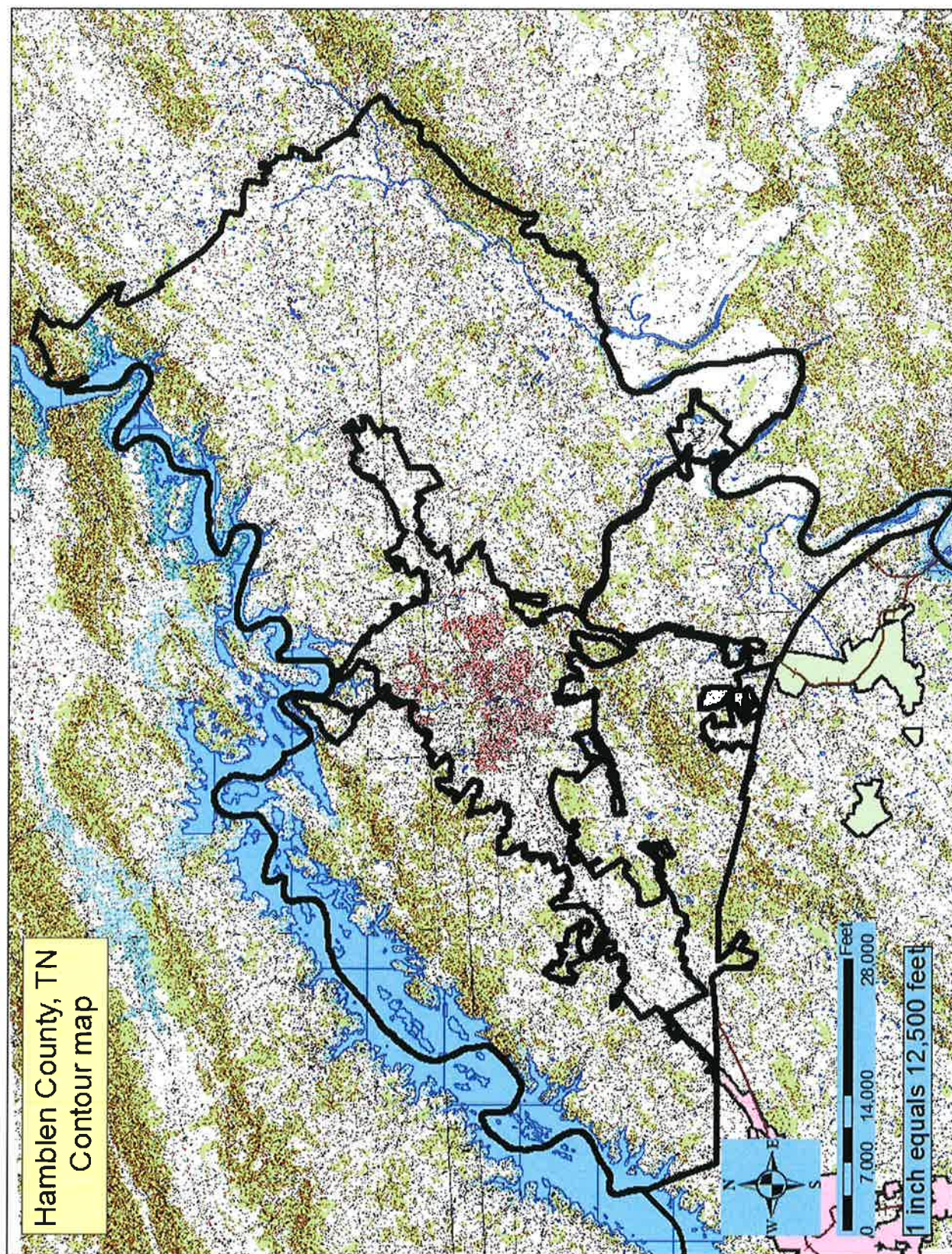


<http://www.tngis.org>. The 2010 Census map information was obtained from the U. S. Census Bureau, <http://www.census.gov>.

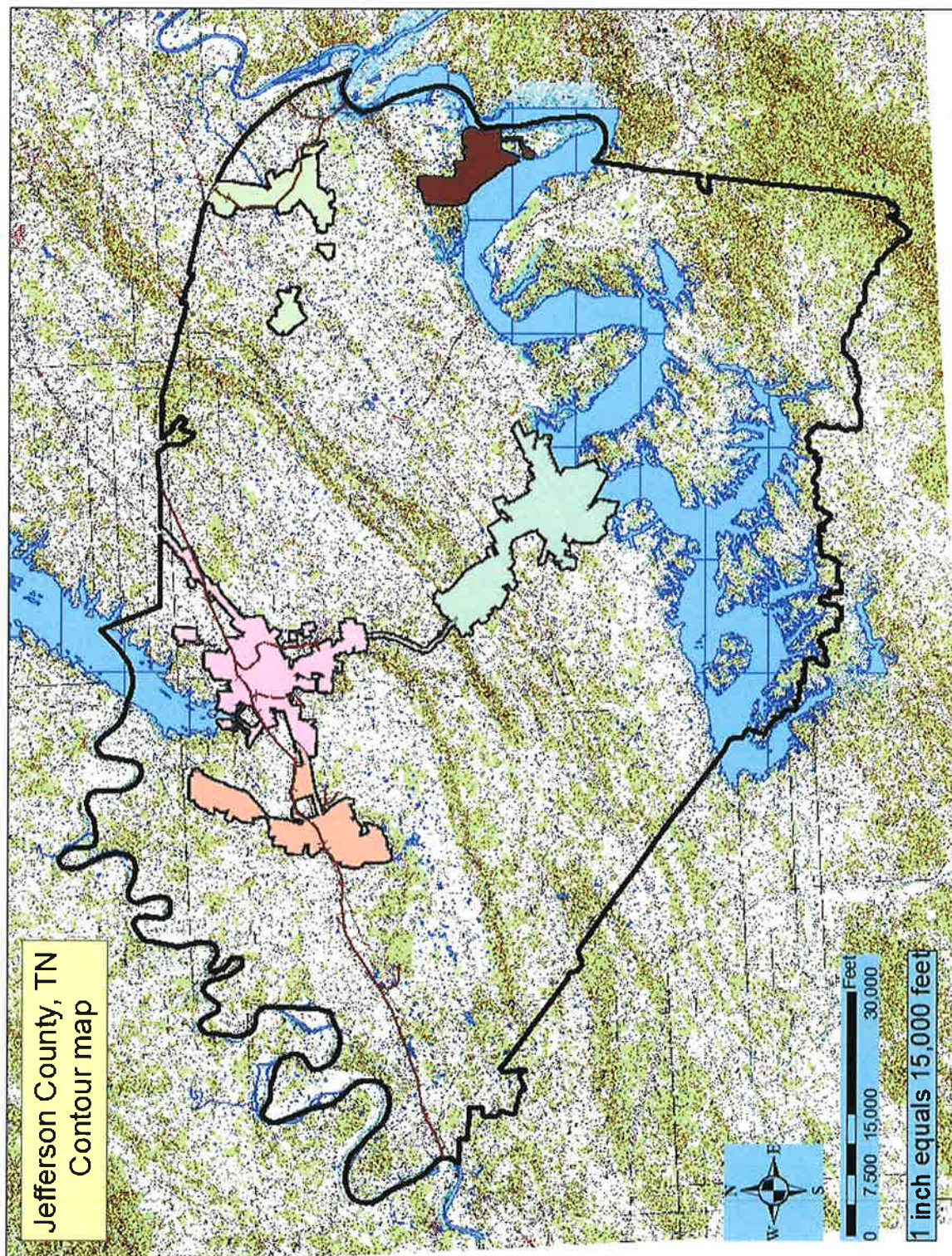
The FEMA Map information was obtained from the FEMA Map service center, <http://msc.fema.gov>. FEMA maps for Jefferson County Tennessee have not been completed yet. Each County in Tennessee will have digital FEMA maps, but they will be done in the same order as when the Tennessee State Base Mapping program originally flew and did their county parcel maps. Jefferson County was one of the last counties to be flown, thus they will be one of the last counties to get the FEMA maps digitized. It will be at least one more year, (if not longer) before the Jefferson County FEMA maps will be ready.

All projects within the LRTP were analyzed to see if there would be any negative impacts on the environment, ethnic, historical, or culturally sensitive areas. From a small-scale map perspective, there will not be any negative impacts. However, additional in depth studying for each project will need to be done to determine if there will be any potential impacts on the environment, ethnic, historical, or culturally sensitive areas.

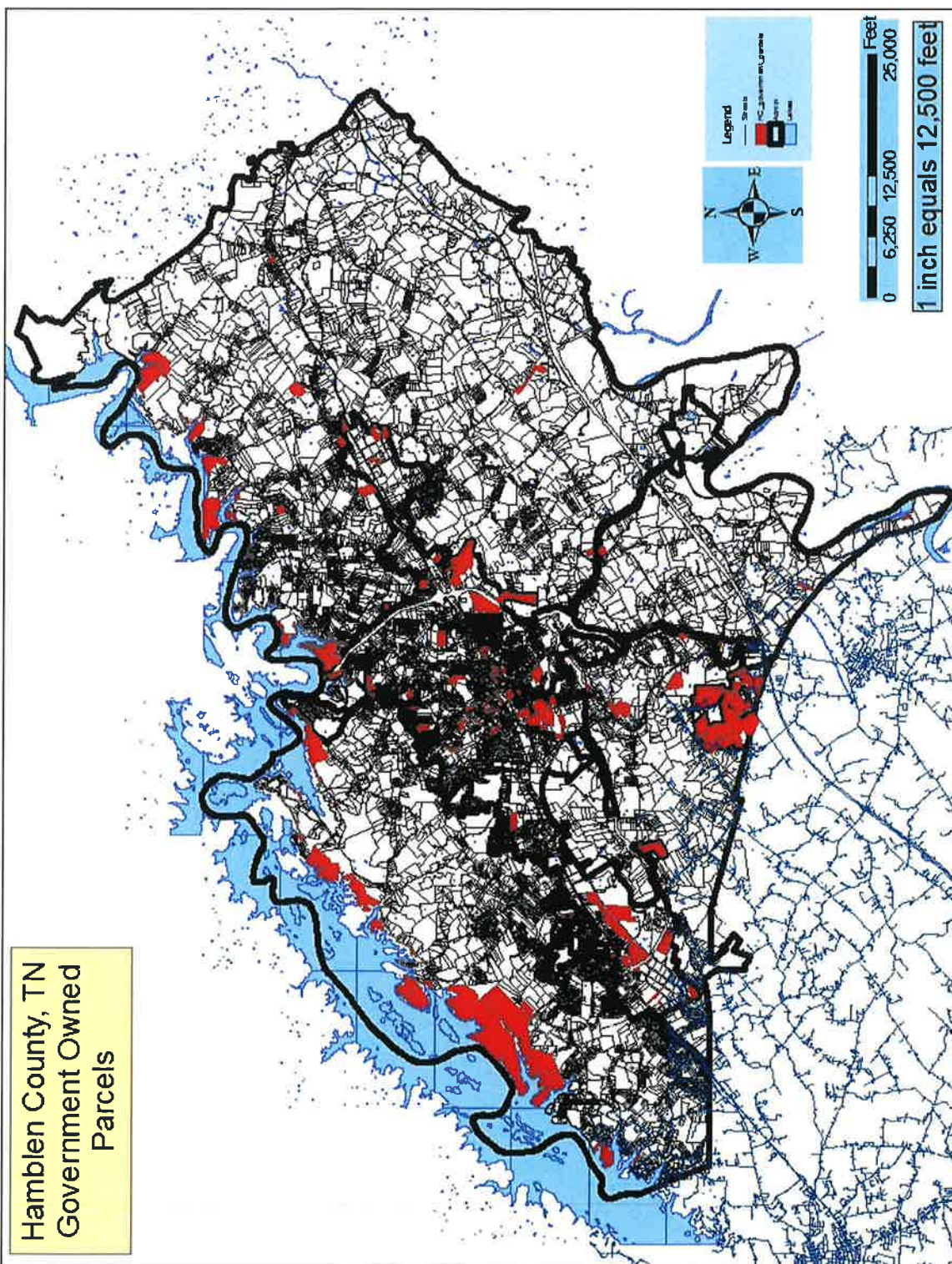




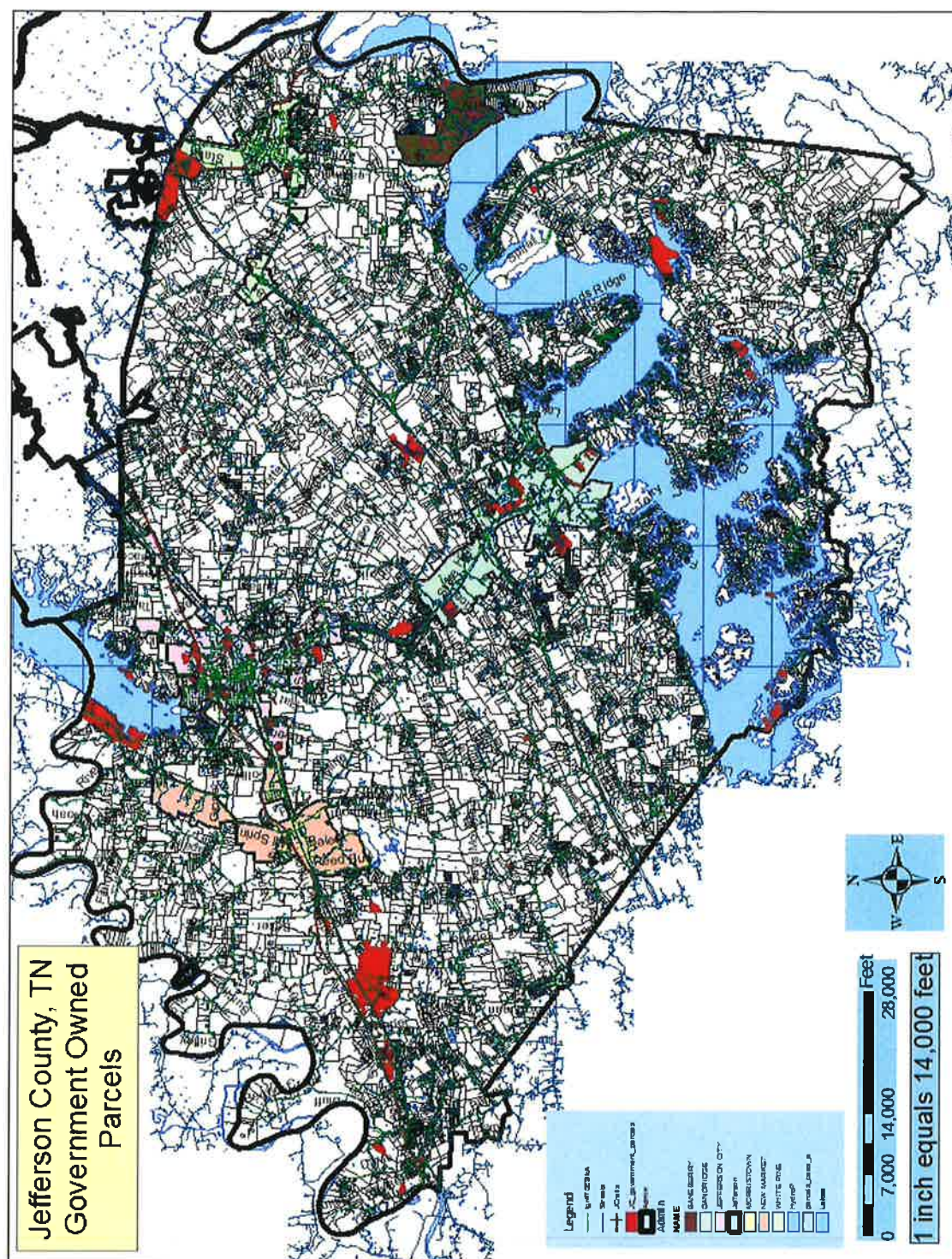






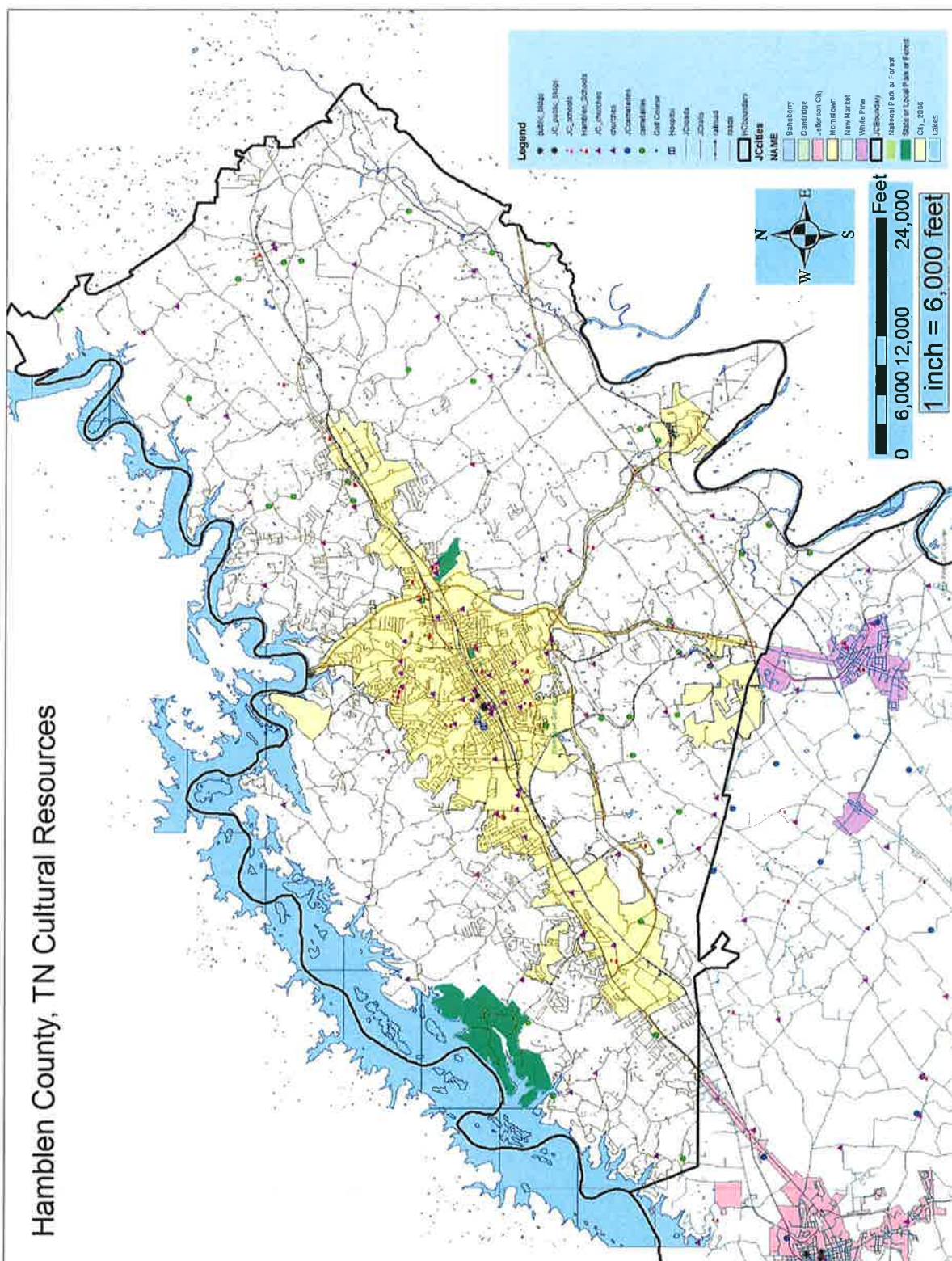


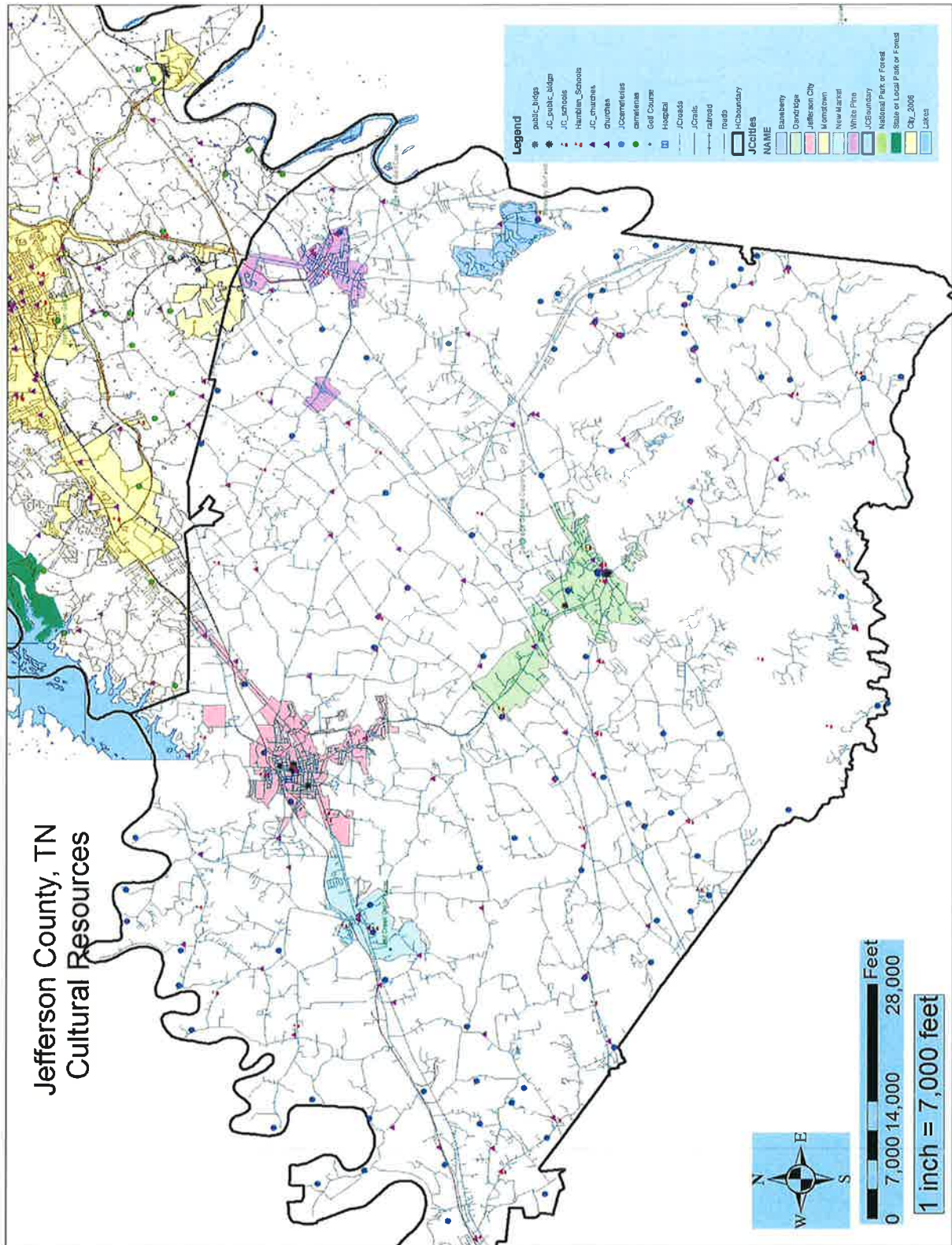






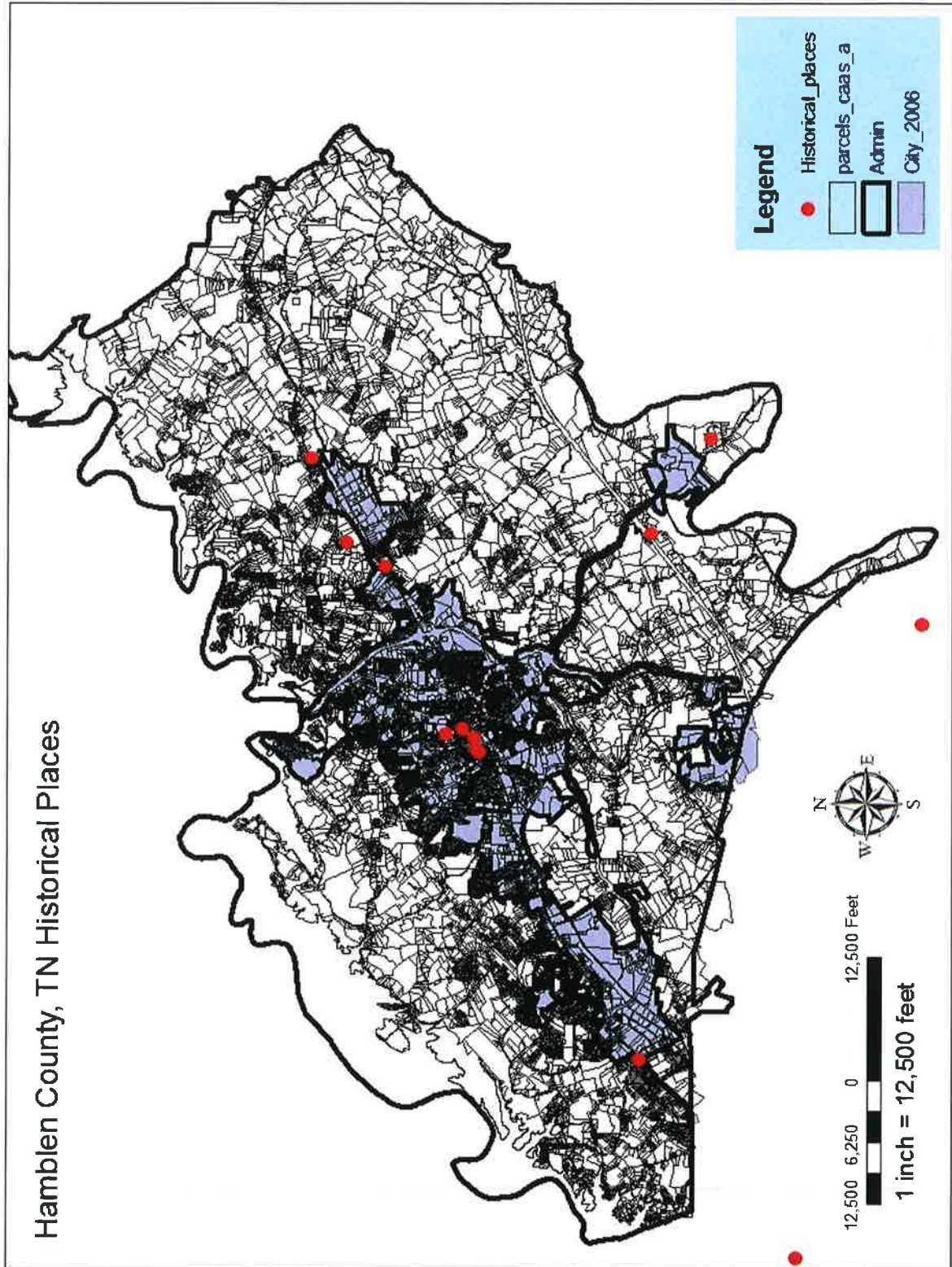
## Hamblen County, TN Cultural Resources



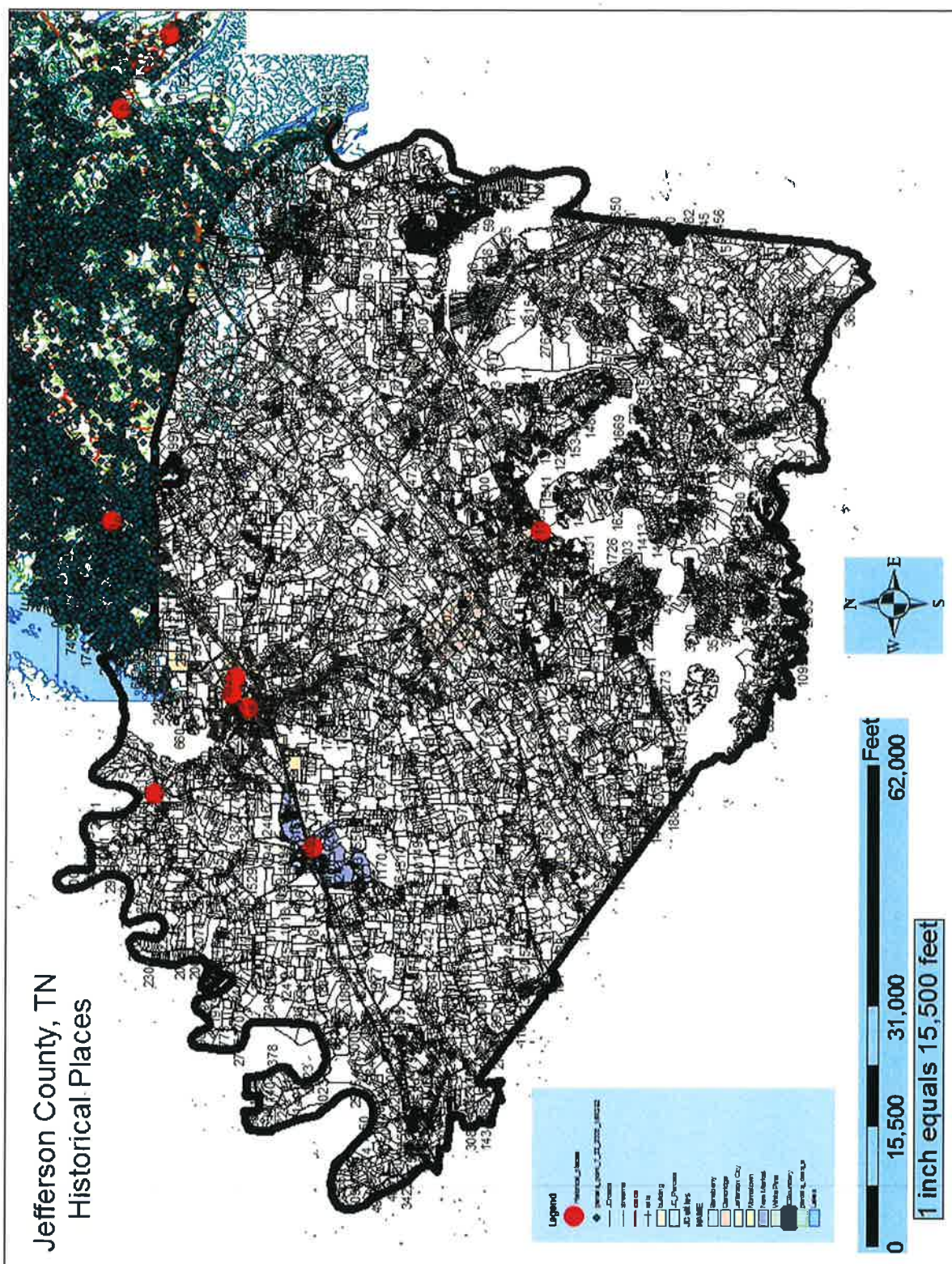




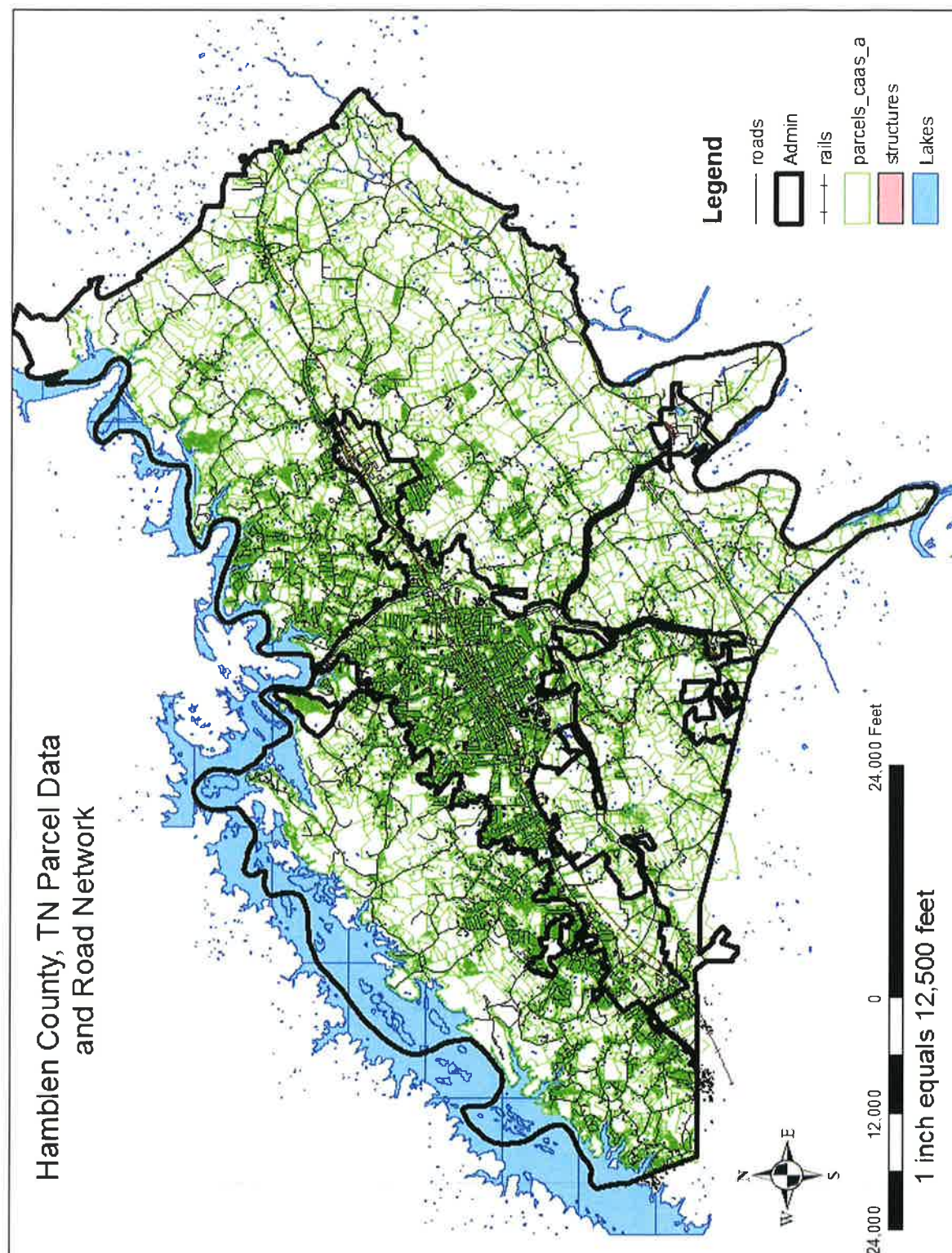
# Hamblen County, TN Historical Places





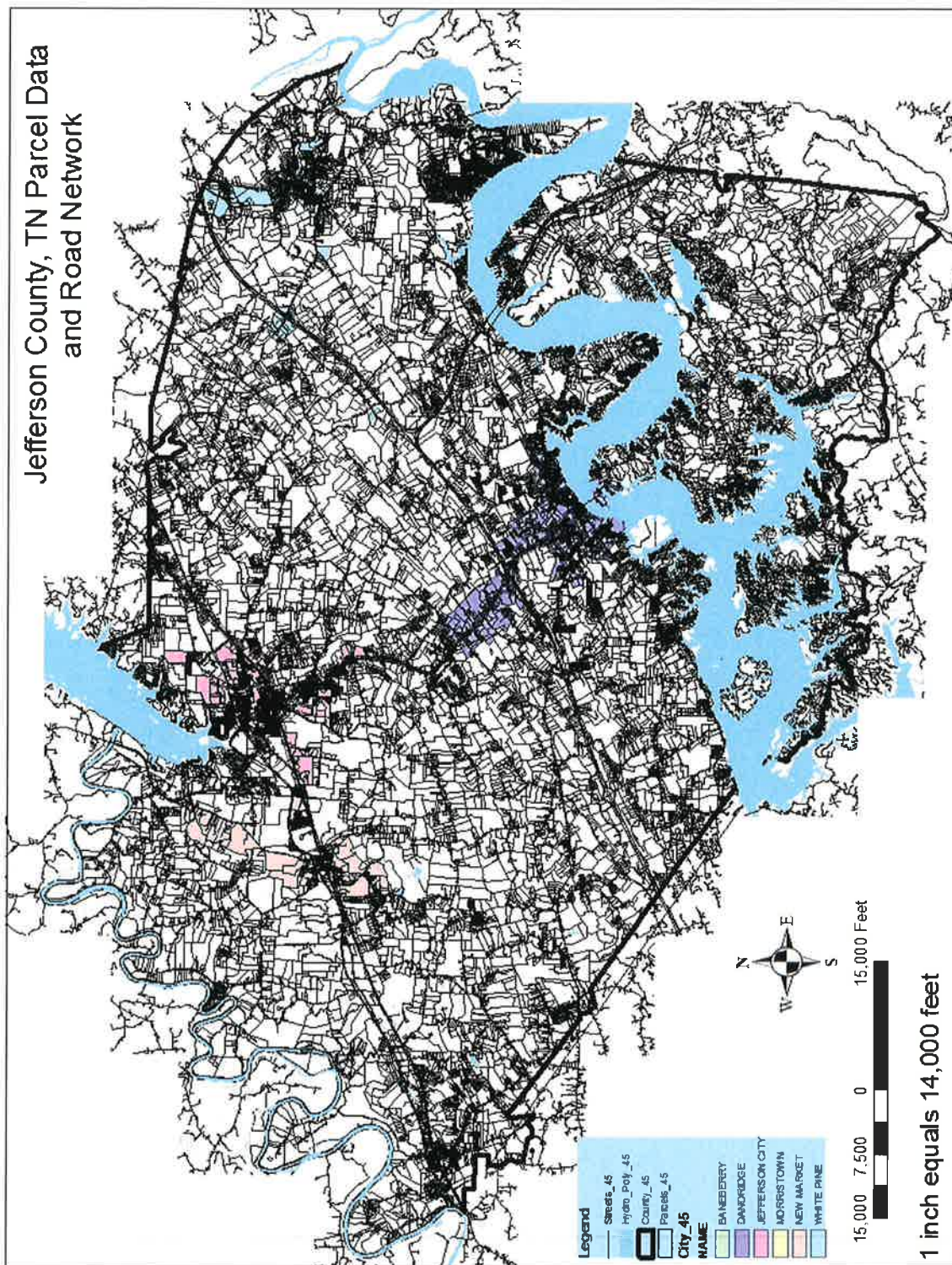


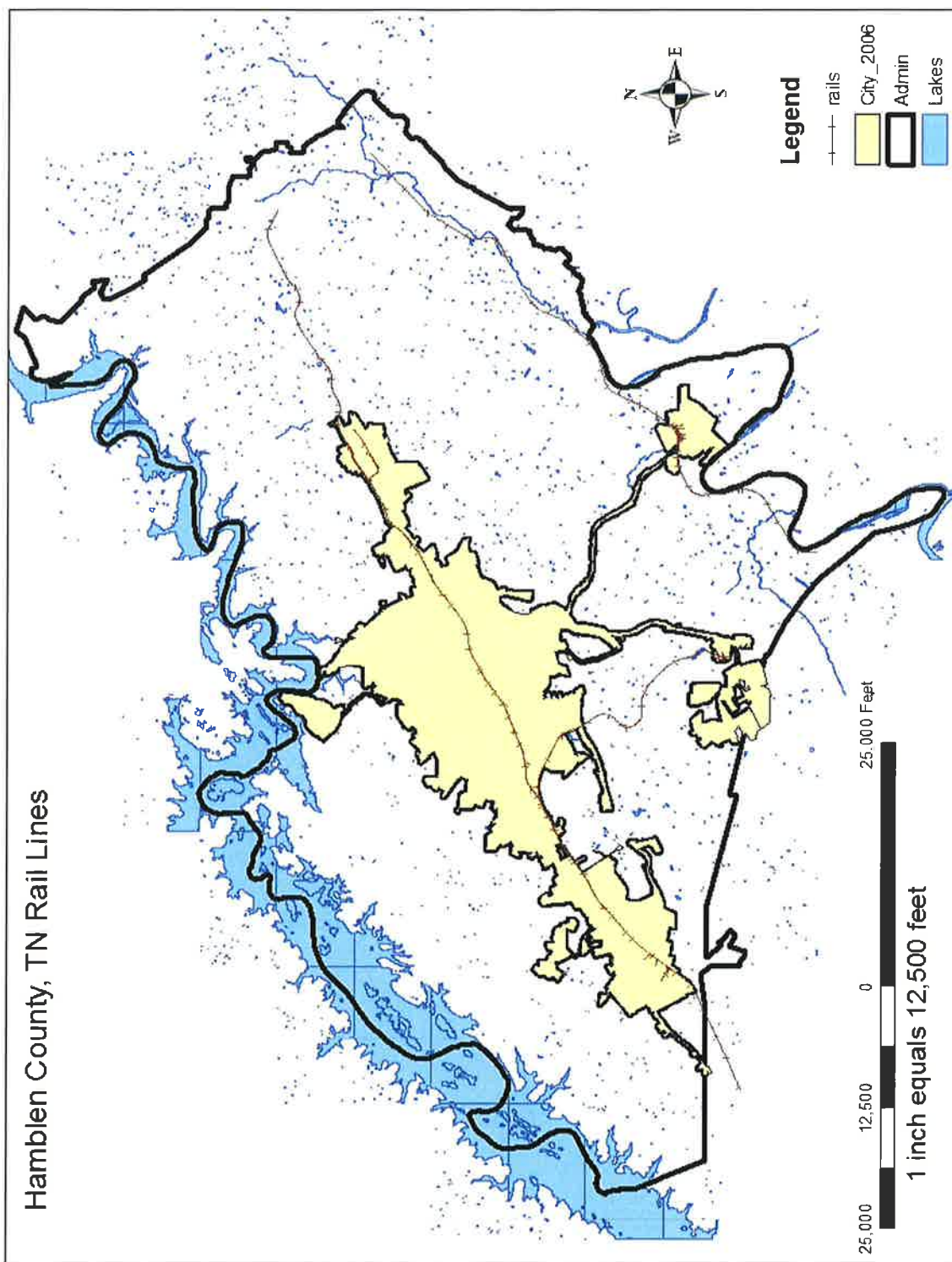




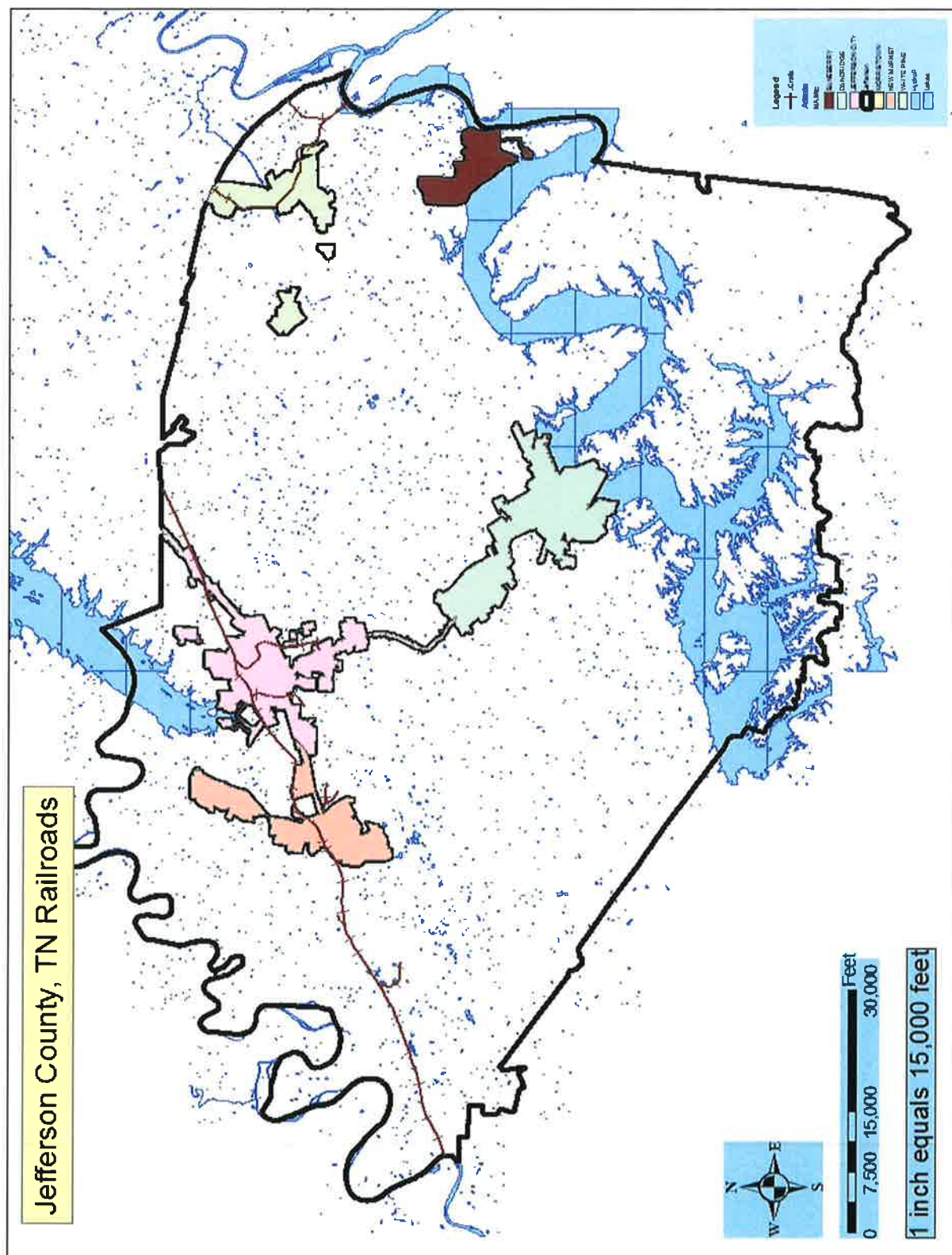


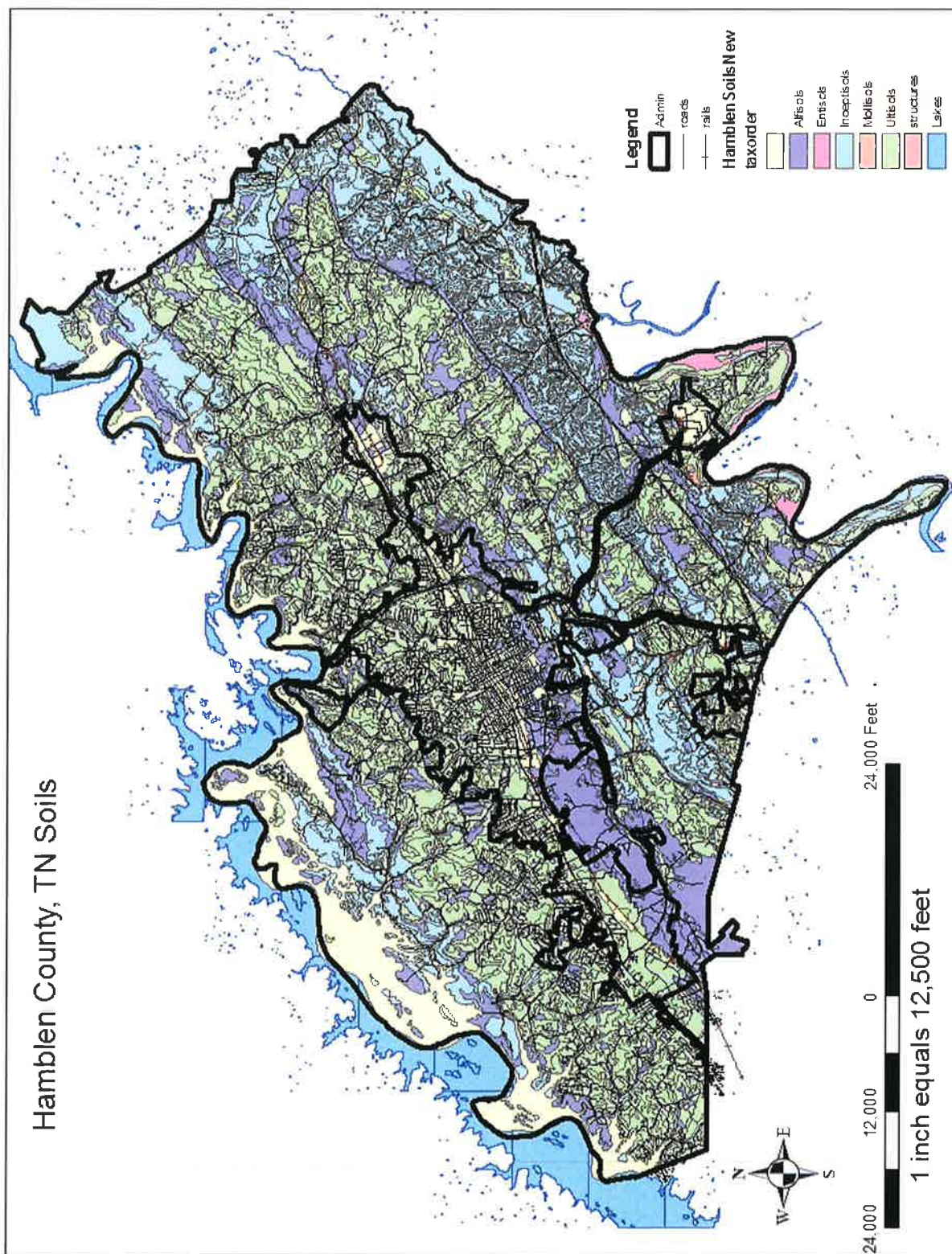
# Jefferson County, TN Parcel Data and Road Network







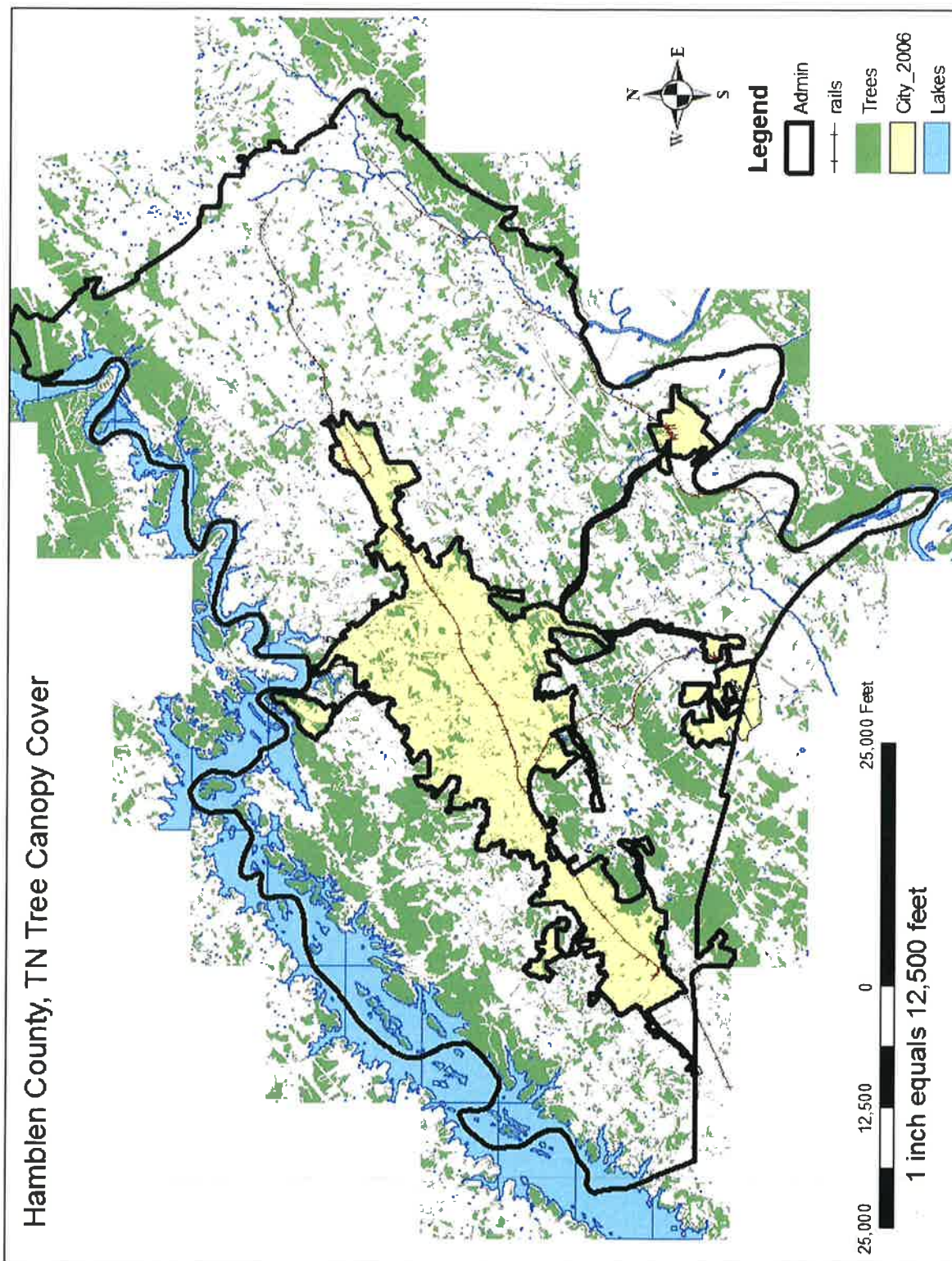








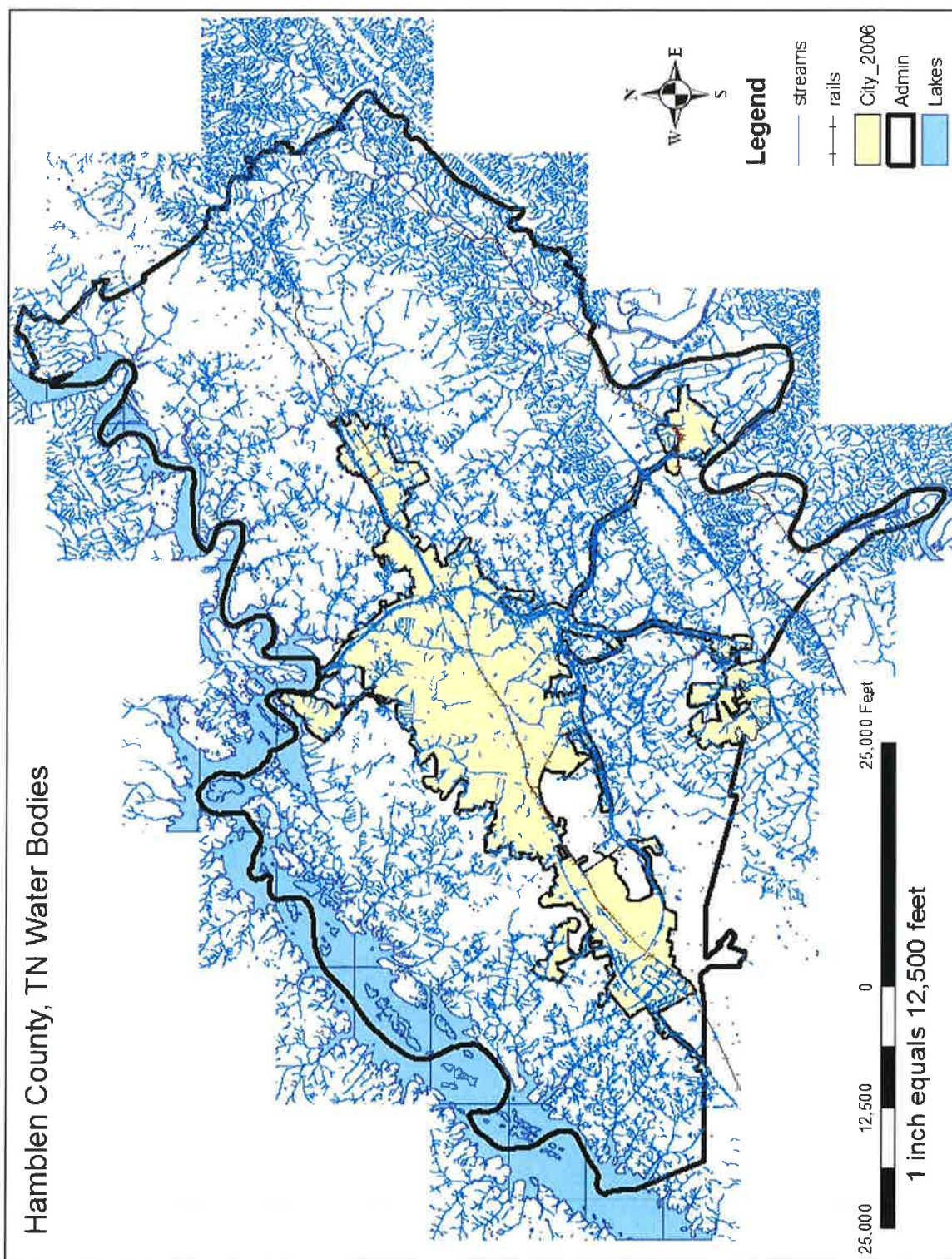




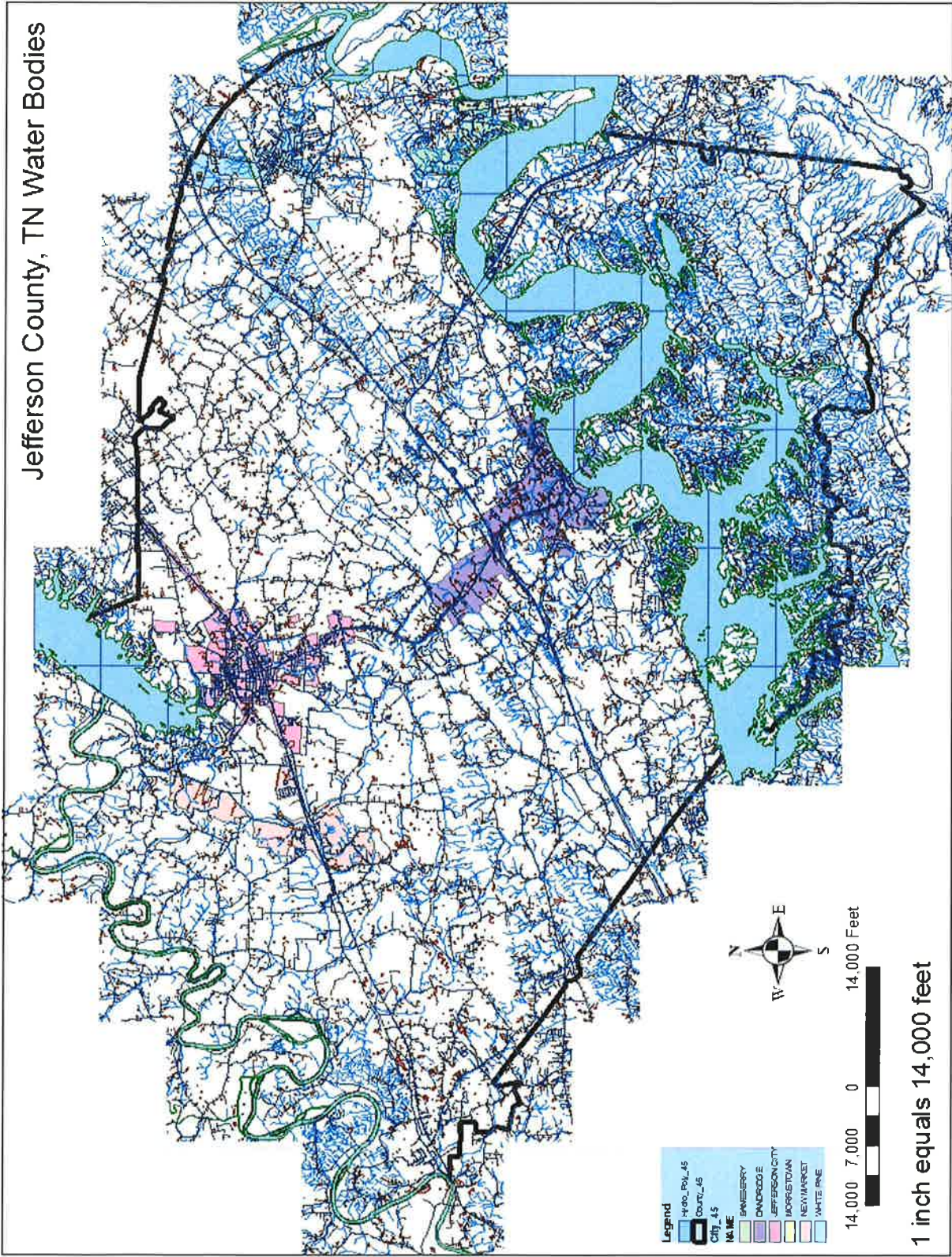






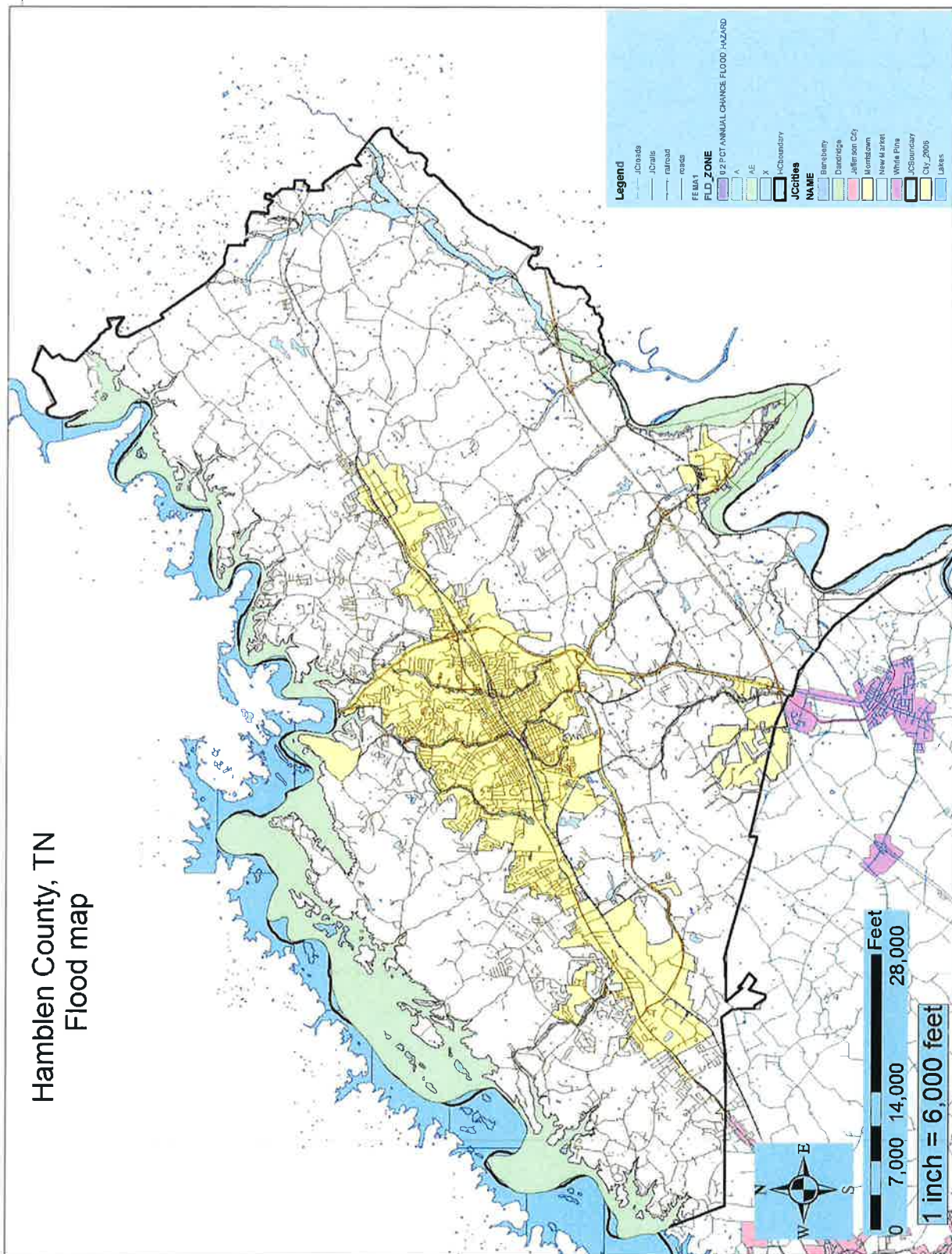








# Hamblen County, TN Flood map



## **LAND USE**

Commercial development occurs primarily along the arterial corridors, such as Hwy 11E through Jefferson City and Morristown, Hwy 343 (Cumberland Rd/ Buffalo Trail) in Morristown, SR92 and Old Andrew Johnson Hwy in Jefferson City, Hwy 25E in Morristown and White Pine, and Hwys 113 and 341 in White Pine.

The maps on the III-141 and III-142 represent the existing land use and the future land use within the LAMTPO study area, respectively. The maps were created using a geographic information mapping system (GIS), ESRI's ArcView software. The existing land use map was determined by:

1. Existing zoning maps from the various entities: Morristown, Jefferson City, White Pine, Hamblen County, Jefferson County.
2. From information provided by the State of Tennessee Comptroller's Real Estate Assessment Data, website,
3. By Staff doing extensive field research, including driving/ mapping the entire study area, looking at parcel data, reviewing site plans, and reviewing and analyzing local plans that were done by the various entities: Morristown, Jefferson City, White Pine, Hamblen County, Jefferson County:;

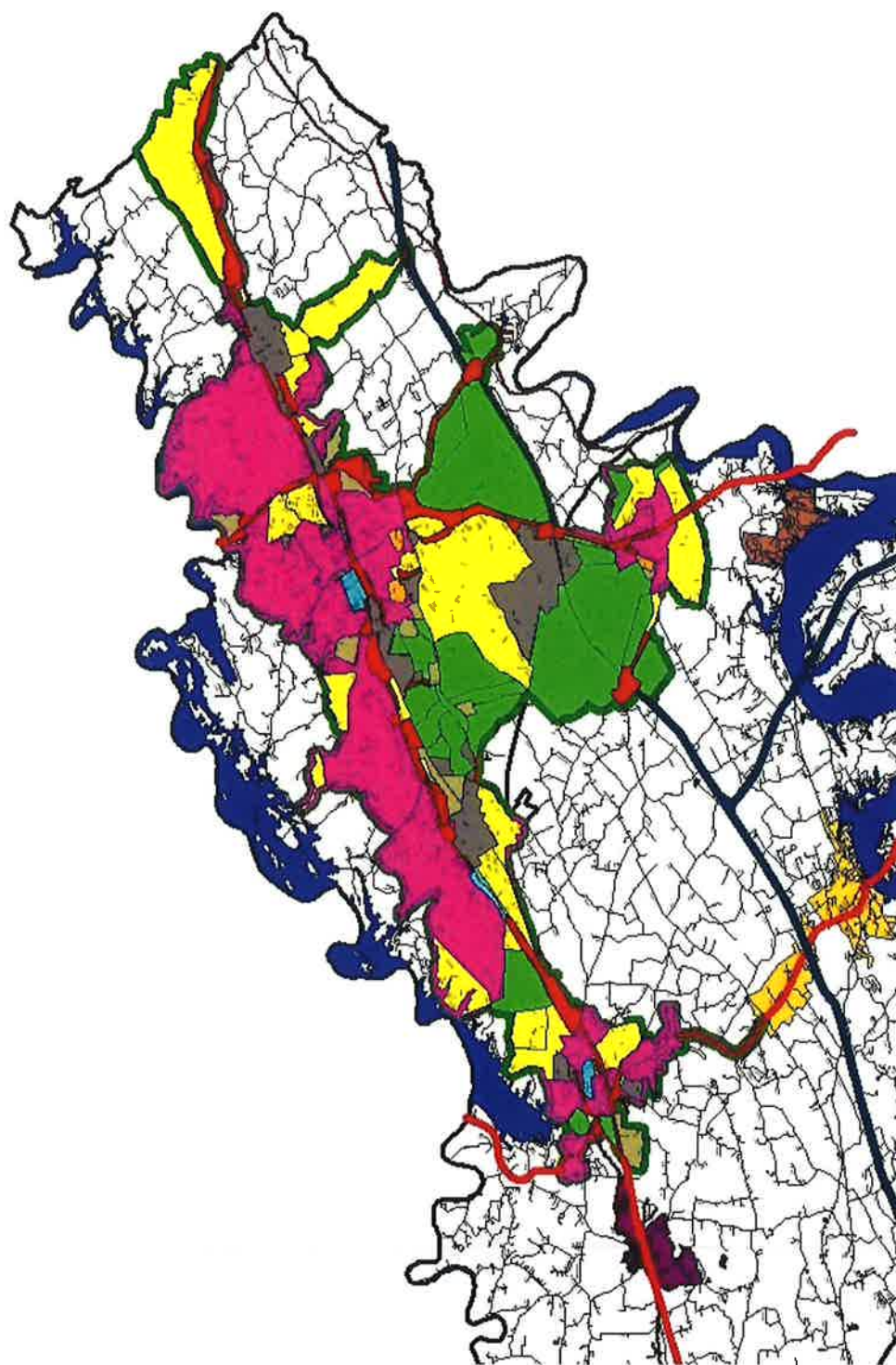
The Future land use map was created by the following:

1. Basing the information on existing land use/ zoning patterns
2. From staff field research, including driving/ mapping the entire study area, looking at parcel data, reviewing site plans, and reviewing and analyzing local plans that were done by the various entities: Morristown, Jefferson City, White Pine, Hamblen County, Jefferson County:;
3. Having the LAMTPO subcommittee review and make any necessary changes, if required.

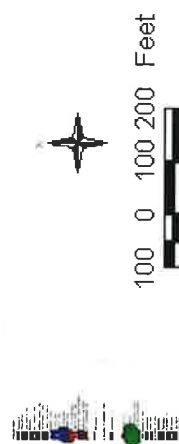
The future land map shown is what the subcommittee agreed what may be the future land use within the LAMTPO study area.

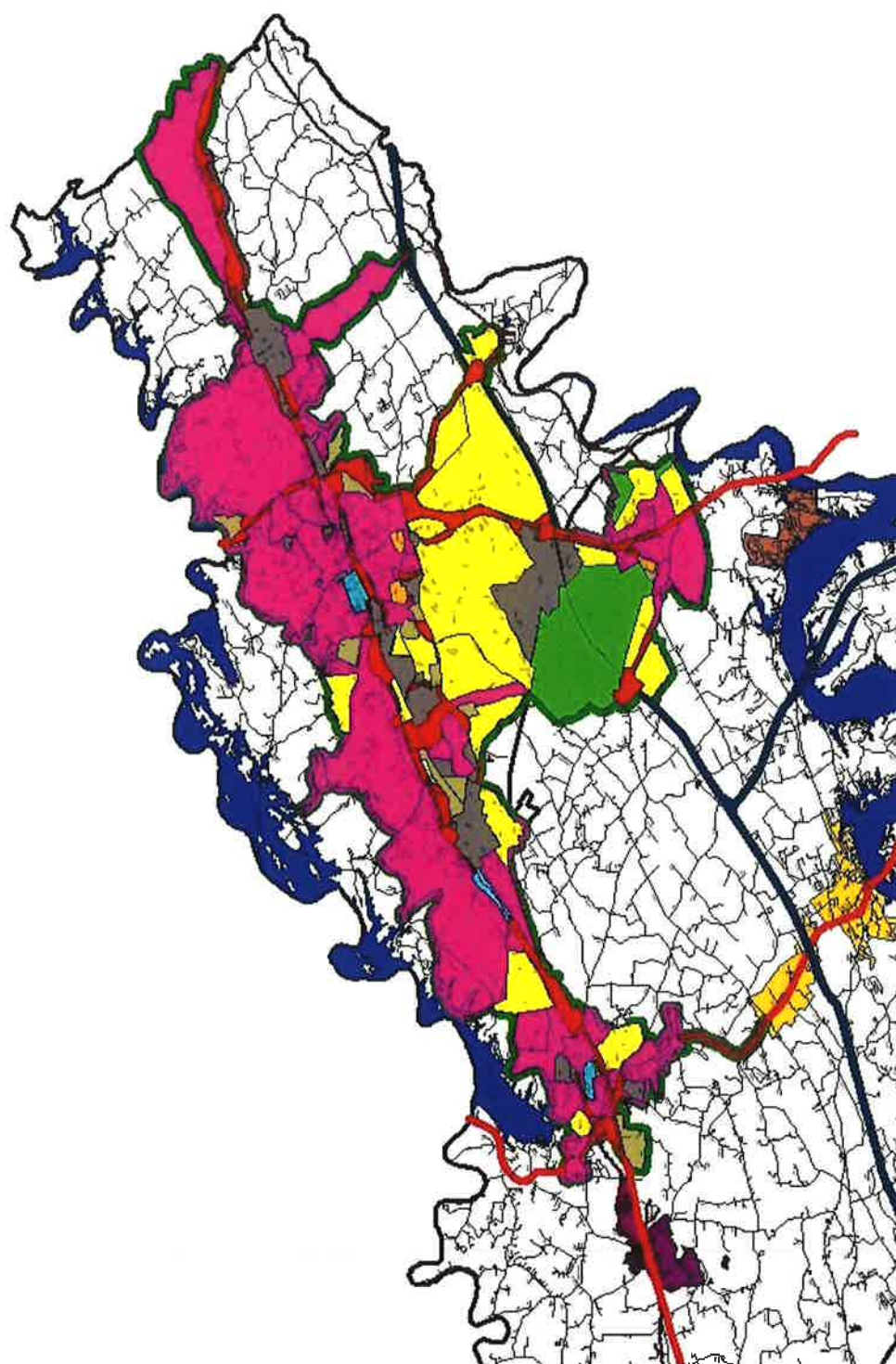
As anticipated, the travel demand model illustrates that the existing corridors that are heavily traveled (11E, 25E, I-81, and SR343), that they will continue to be heavily traveled in the future as well, whether there are any improvements or not. These routes are also the main thoroughfares for commercial and industrial businesses. The area with the most congestion will be W Andrew Johnson Highway/ Broadway St (11E/ SR34). By building a reliever/ access road that parallels this in Morristown, the existing roadway can be maintained, and congestion will be kept to a minimal. By implementing traffic signal coordination in Jefferson City as well as in Morristown, traffic will become more free-flowing on the main thoroughfare.



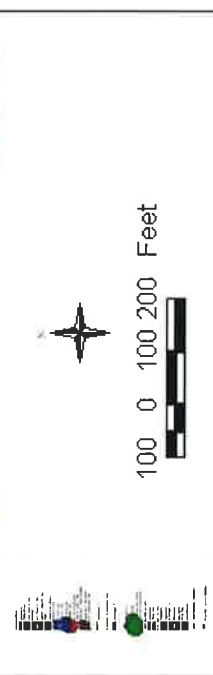


LAMTPO  
Existing Land Use





LAMTPO  
Future Land Use



## **EMPLOYMENT**

There are various types of jobs within the LAMTPO study area, however industrial-type employment is very high. There are three industrial parks within Morristown, with several other industrial businesses throughout the city. Some the largest industrial employers within Morristown are MAHLE, and OTICS. Other large employers are the Super-Walmart, College Square Mall, Hamblen County School System.

The City of Morristown has a high percentage of land used for industrial purposes, accounting for approximately 18%. According to the Chamber of Commerce, the largest employer within Morristown is MAHLE. Some manufacturers are located adjacent to the Norfolk-Southern Railroad and Morris Boulevard. Most of the industrial uses are within the City's three industrial parks, which are the East Tennessee Progress Center (ETPC), the Morristown Airport Industrial District (MAID), and the East Tennessee Valley Industrial District (ETVID). Most of the MAID and the ETVID are filled with existing manufacturers, however the ETPC is a relatively new industrial park located adjacent to Hwy 25E and Interstate 81.

Commercial land uses comprise approximately 10% of the land within Morristown. Most of the commercial uses are adjacent to the major arterial streets, such as Cumberland Street, Andrew Johnson Highway, and Davy Crockett Parkway (Hwy 25E). College Square Mall and the Super Wal-Mart (College Square Shopping Center) are the largest retail businesses within Morristown.

Public and Semi-Public land uses account for 16% of the land within Morristown. The Hamblen County Schools, Walters State Community College, Frank Lorino Park, Morristown Municipal Airport/ Moore-Murrell Field, and the Morristown Golf and Country Club consume the most land within the Public/ Semi-Public land use category. The right-of-ways of the major arterials, such as E. and W. Andrew Johnson Highway, Davy Crockett Parkway (Highway 25E) and Highway 160 are contributors to the Public and Semi-Public land uses.

There are two industrial parks within Jefferson City. Carson-Newman College, the Super Wal-Mart, and Jefferson Memorial Hospital have large employment numbers and are large trip generators as well.

The TRU Home plant is the largest employer in White Pine, with Old Dominion Truck Terminal is just outside the city limits adjacent to Hwy 341 (Roy Messer Hwy) near I-81 Exit 4.



## **ECONOMIC ANALYSIS**

Economics within Morristown and Hamblen County has changed from primarily agriculture in its beginnings to a manufacturing/industrialized county since 1950 to present.

The 1998, 2010, 2015 and 2017 per capita income for Hamblen County and seven surrounding counties are shown in the table below.

**Table 8. 1998, 2010, 2015, 2017, and 2018 Per Capita Income for Eight East Tennessee Counties, from the East Tennessee Development District(1998), 2010 US Census, and 2015, 2017, 2018, and 2019 American Community Survey (ACS) 5-year data (US Census Table B19301).**

<b>County</b>	<b>Per Capita Income (1998)</b>	<b>Per Capita Income (2010 US Census)</b>	<b>Per Capita Income (2015 ACS Data)</b>	<b>Per Capita Income (2017 Data)</b>	<b>Per Capita Income (2018 ACS data)</b>	<b>Per Capita Income (2019 ACS data)</b>
Claiborne	\$17,010.00	\$17,128.00	\$18,817.00	\$20,184.00	\$20,753	\$21,566.00
Cocke	\$16,975.00	\$16,957.00	\$18,691.00	\$20,189.00	\$21,332	\$21,867.00
Grainger	\$16,328.00	\$16,783.00	\$18,974.00	\$20,966.00	\$22,151	\$23,595.00
Greene	\$20,846.00	\$18,782.00	\$20,398.00	\$21,960.00	\$23,668	\$25,190.00
Hamblen	\$22,913.00	\$21,162.00	\$20,246.00	\$21,962.00	\$22,252	\$23,517.00
Hawkins	\$18,703.00	\$19,600.00	\$20,338.00	\$22,141.00	\$23,801	\$24,695.00
Hancock	\$12,813.00	\$13,717.00	\$15,169.00	\$19,396.00	\$20,578	\$23,728.00
Jefferson	\$17,868.00	\$19,680.00	\$22,383.00	\$23,724.00	\$24,855	\$25,159.00

# **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.

<b>NAME (Executive Board)</b>	<b>TITLE</b>	<b>CITY</b>	<b>STATE</b>	<b>m/f</b>	<b>race</b>
Gary Chesney	Mayor	Morristown	TN	male	caucasian
Bill Brittain	Executive Mayor	Morristown	TN	male	caucasian
Mark Potts	Executive Mayor	Jefferson County	TN	male	caucasian
Fred Taylor	Mayor	White Pine	TN	male	caucasian
Mitch Cain	Mayor	Jefferson City	TN	male	caucasian
Mike Patterson	ETHRA Transit Director	Knoxville	TN	male	caucasian
Norfolk-Southern	Branch Manager	Morristown	TN	male	caucasian
<b>TAC PERSONNEL</b>					
Tony Cox	City Administrator	Morristown	TN	male	caucasian
Nathaniel Allsup	Public Works Director	White Pine	TN	male	caucasian
John B. Johnson	City Manager	Jefferson City	TN	male	caucasian
Charles Tipton	Hwy Chief Administrator	Dandridge	TN	male	caucasian
James Craine	Chamber Transportation Chair	Morristown	TN	male	caucasian
Bill Brittain	Executive Mayor	Morristown	TN	male	caucasian
Mike Patterson	ETHRA Transit Director	Knoxville	TN	male	caucasian
N-S RR	Branch Manager	Morristown	TN	male	caucasian
Don Brown	ETDD RPO Director	Alcoa	TN	male	caucasian
<b>Staff</b>					
Rich DesGroseilliers	MTPO Coordinator	Morristown	TN	male	caucasian
Steve Neilson	Planning Director	Morristown	TN	male	caucasian
Porter Massengill	Public Works Director	Jefferson City	TN	male	caucasian
Matthew Cushing	Transportation Planner	Nashville	TN	male	caucasian
Michelle Christian	Transportation Planner	Nashville	TN	female	caucasian
Sean Santella	FHWA-Community Planner	Nashville	TN	male	caucasian
Barry Poole	Hwy Chief Administrator	Morristown	TN	male	caucasian
Andres Ramirez	FTA planner	Atlanta	Ga	male	hispanic
Charles Tipton	Hwy Chief Administrator	Dandridge	TN	male	caucasian

The Executive Board is made up of elected officials, and the TAC is made up of personnel assigned by the Executive Board members. If a subcommittee is needed, outreach efforts will be made to select minority people to be a part of the transportation process.



## **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. [See pages III-38 to III-47](#)
- 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. [See pages III-103 to III-110](#)
- 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. [See LEP Plan, pages III-92 to III-156](#)
- d. Any other recipient-generated or obtained data, such as travel patterns, surveys, etc., that will assist subrecipients in complying with Title VI. [LAMTPO/ City of Morristown requires sub-recipients to follow the Davis Bacon Act, and to follow any/ or all federal, state, and/or local regulations. Staff provides US census maps to show where minority and/or LEP areas, or low income areas are to help show the subrecipients to help them be aware and/or comply with Title VI requirements.](#)

## 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:

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. It is part of the contract assurances that LAMTPO/ City of Morristown that the sub recipient will follow any or all federal/ state/ or local requirements. If they do not, staff will follow the complaint procedures as outline in this document. Also, **Below is information that we used for advertisements, notices, etc.**

The following should be used as part of any advertisement where federal dollars are being considered for a project, program, etc.

It is the policy of LAMTPO not to discriminate on the basis of race, color, national origin, age, sex, or disability in operation of its programs, services, and activities.

Also, this may be needed as well (contracting out work):

With regard to all aspects of this contract, contractor certifies and warrants it will comply with this policy.

If there are any questions or concerns, please feel free to contact

Rich DesGroseilliers, MTPO Coordinator

100 w. 1<sup>st</sup> N St.

PO Box 1499

Morristown, TN 37816-1499

423-581-6277

423-585-4679 (fax)

richd@mymorristown.com

- (1) 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. ETHRA (East Tennessee Human Resource Agency) is the only sub-recipient in the LAMTPO region. Staff collects info from ETHRA on a monthly basis (ridership, etc) in an electronic format.
- (2) 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.

LAMTPO/ City of Morristown will provide documentation, if needed, from the subrecipient who provide transportation services to verify that their level and quality of service is provided on an equitable basis.

- 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. ETHRA has been been designated as a direct recipient, and they are fully aware of reporting to FTA and that they must be in compliance with the federal and/or state regulations.

**Contract Monitoring Form****Owner's Ethnicity and Gender of  
Contractors and Sub-Contractors**

<b>Ethnicity</b>		<b>Gender</b>	<b>Male</b>	<b>Female</b>
Black/African American				
American Indian and Alaskan Native				
Asian				
Caucasian				
Hispanic				
Native Hawaiian/ other Pacific Islander				
Other (please specify)				

Name of Company \_\_\_\_\_

Owner's Name \_\_\_\_\_

Type of Business \_\_\_\_\_



**Sub-Recipient Title VI Assurance****(To Be Placed on Sub-Recipient's Letterhead)**

**Insert Sub-Recipient Name** assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and as amended, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Tennessee Department of Transportation (TDOT).

**Insert Sub-Recipient Name** further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs or activities are federally funded or not.

In the event **Insert Sub-Recipient Name** distributes Federal Assistance to a consultant, contractor or subcontractor and other participants, **Insert Sub-Recipient Name** will include Title VI language in all written agreements and will monitor the consultant, contractor or sub-contractor and other participants for compliance. The **Insert Sub-Recipient Name** Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 CFR 200 and 49 CFR 21.

As required by the contractual agreement, **Insert Sub-Recipient Name** will comply with the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs of the Tennessee Department of Transportation (TDOT).

---

**Administrative Head**

---

**Date**

---

**Title VI Coordinator**

---

**Date**

### Monitoring of Contractors/Consultants

**Name of Contractor:** \_\_\_\_\_ **Date Completed:** \_\_\_\_\_

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

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**This should be completed annually while the contract is active and submitted to the sub-recipient's Title VI Coordinator for review.**

17. Are Title VI posters visible to staff? If yes, where?
18. Are all Physical Areas (i.e. restrooms, dining rooms, waiting rooms, etc.) provided without regard to race, color, or national origin?
19. How is Title VI information disseminated to new/current employees?
20. Describe how certified Disadvantaged Business Enterprises(DBEs), other small, minority and women-owned businesses are solicited to participate on contracts
21. What process has been established to track and monitor ethnicity and gender of any contractors awarded contracts/sub-contracts?
22. Provide documentation to show that contracts contain non-discrimination assurance language?
23. Provide complaint procedures and attach complaint log form.
24. Provide Limited English Proficiency Communications Plan (ie, how do you communicate with persons that speak a language other than English.)

**The below Title VI Assurance is to Be Submitted on Company Letterhead:**

**Contractor/Consultant Name** assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and as amended, and the Civil Rights Restoration Act of 1987 (P.I. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Tennessee Department of Transportation (TDOT).

**DECLARATION OF RESPONDENT:** I declare that I have completed this form to the best of my knowledge and believe it to be true and correct.

\_\_\_\_\_  
**Name of Authorized Official**

\_\_\_\_\_  
**Date**



### **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.

ETHRA/ Lakeway Transit, in conjunction with LAMTPO, does fixed route and demand/ response public transportation service within the LAMTPO urbanized area. There are no current plans for a transit facility, however, LAMTPO and ETHRA/ Lakeway Transit will comply with all federal, state, and local regulations if the situation arises.

**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.

At the discretion of FTA, LAMTPO, ETHRA/ Lakeway Transit will provide information other than that required by this circular may be requested, in writing, from a recipient or subrecipient to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

## CHAPTER IV

### REQUIREMENTS AND GUIDELINES FOR FIXED ROUTE TRANSIT PROVIDERS

**INTRODUCTION.** The requirements described in this chapter apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities. Contractors are responsible for following the Title VI Program(s) of the transit provider(s) with whom they contract. Transit providers that are subrecipients will submit the information required in this chapter to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. Direct and primary recipients will submit the information required in this chapter to FTA every three years. See Appendix L for clarification of reporting responsibilities by recipient category.

All transit providers—whether direct recipients, primary recipients or subrecipients—that receive financial assistance from FTA are also responsible for following the general requirements in Chapter III of this circular. The requirements in this chapter are scaled based on the size of the fixed route transit provider.

Providers of public transportation that only operate demand response service are responsible only for the requirements in Chapter III. Demand response includes general public paratransit, Americans with Disabilities Act complementary paratransit, vanpools, and Section 5310 non-profits that serve only their own clientele (closed door service). Providers of public transportation that operate fixed route and demand response service, or only fixed route service, are responsible for the reporting requirements in this chapter, but these requirements only apply to fixed route service.

Table IV.1. Requirement for Transit Providers

<b>Requirement</b>	<b>Transit Providers that operate fixed route service</b>	<b>Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population</b>
<b>Set system-wide standards and policies</b>	Required	Required
<b>Collect and report data</b>	Not required	Required: <ul style="list-style-type: none"> <li>• Demographic and service profile maps and charts</li> <li>• Survey data regarding customer demographic and travel patterns</li> </ul>
<b>Evaluate service and fare equity changes</b>	Not required	Required
<b>Monitor transit service</b>	Not required	Required



a. If a transit provider: (1) Operates 50 or more fixed route vehicles in peak service and is located in an Urbanized Area (UZA) of 200,000 or more in population; or (2) Has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator, Then the transit provider's Title VI Program must contain all of the elements described in this chapter. *Not applicable in LAMTPO region.*

b. If a fixed route transit provider does not meet the threshold in paragraph a, then the transit provider is only required to set system-wide standards and policies, as further described below.

c. Threshold. FTA requires all transit providers to submit a Title VI Program to comply with DOT Title VI regulations; the threshold provides a distinction regarding the degree of evidence a fixed route transit provider must provide to demonstrate compliance with those regulations.

d. Determination. As of the effective date of this circular (4702.1B), those transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population, are required to meet all requirements of this chapter (i.e., setting service standards and policies, collecting and reporting data, monitoring transit service, and evaluating fare and service changes). *Not applicable in LAMTPO region.*

2. IMPLEMENTATION. Fixed route transit providers with Title VI Programs due between October 1, 2012 and March 31, 2013 must submit a Title VI Program that is compliant with this Circular by March 31, 2013. On or about October 1, 2012, FTA will publish a list of recipients that are in this group, and FTA will also reach out to each recipient to ensure awareness of the requirement.

a. All fixed route transit providers with Title VI Programs that do not expire between October 1, 2012, and March 31, 2013, are required to develop or update their systemwide standards and policies and submit them into TRAMS by March 31, 2013.

b. Title VI Programs due to expire on or after April 1, 2013, must comply with the reporting requirements of this Circular, 4702.1B.

c. Service Equity Analyses. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and have major service changes scheduled between October 1, 2012 and March 31, 2013, may follow the service equity analysis guidance provided in FTA Circular 4702.1A. A transit provider may conduct a service equity analysis consistent with the new Circular for major service changes occurring prior to April 1, 2013, but is not required to do so. All major service changes occurring on or after April 1, 2013 must be analyzed with the framework outlined in section 7 of this chapter. *Not applicable in LAMTPO region.*

d. Surveys. Transit providers with 50 or more vehicles in fixed route service that are located in large UZAs and that have not conducted passenger surveys in the last five years will have until December 31, 2013, to conduct these surveys. *Not applicable in LAMTPO region.*

3. **REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.** As stated in Chapter III of this Circular, in order to ensure compliance with the reporting requirements of 49 CFR Section 21.9(b), FTA requires that all direct and primary recipients document their compliance 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 transit providers (including subrecipients), the Title VI Program must be approved by the transit provider'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. Transit providers 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, on a schedule to be determined by the primary recipient, in order to assist the primary recipient in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.

a. **Contents of the Title VI Program.** Providers of fixed route public transportation shall include the following information in their Title VI Program.

(1) All fixed route transit providers shall submit:

(a) All general requirements set out in Section 4 of Chapter III of this Circular; and

(b) System-wide service standards and system-wide service policies, whether existing or new (i.e., adopted by the transit provider since the last submission) as described in this chapter.

(2) Transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall include the information in paragraph a(1) above, and will also include: *Not applicable within the LAMTPO MPA.*

(a) A demographic analysis of the transit provider's service area. This shall include demographic maps and charts completed since submission of the last Title VI Program that contains demographic information and service profiles; *See LEP Plan (III-67, and maps on pages IV-8 to IV-10)*

(b) Data regarding customer demographics and travel patterns, collected from passenger surveys; *See LEP Plan (III-67, and maps on pages IV-8 to IV-10)*

(c) Results of the monitoring program of service standards and policies and any action taken, including documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results; *This is on-going process.*

(d) A description of the public engagement process for setting the "major service change policy" and disparate impact policy; *This was done during the public meeting process in 2018*

*during the development of the fixed route service in Morristown, TN. A copy of the study can be found at [cffdbd\\_ccb73de3b22c4540b1c00b41faf01ce8.pdf](#) (lamtpo.com)*

(e) A copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the major service change policy and disparate impact policy. *Currently, no changes to services area or fees*

(f) Results of equity analyses for any major service changes and/or fare changes implemented since the last Title VI Program submission; and *Currently, no changes to services area or fees*

(g) A copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the equity analysis for any service or fare changes required by this circular. *A copy of the study can be found at [cffdbd\\_ccb73de3b22c4540b1c00b41faf01ce8.pdf](#) (lamtpo.com); Currently, no changes to services area or fees*

1. **REQUIREMENT TO SET SYSTEM-WIDE SERVICE STANDARDS AND POLICIES.** These requirements apply to all fixed route providers of public transportation service. Title 49 CFR Section 21.5 states the general prohibition of discrimination on the grounds of race, color, or national origin. Section 21.5(b)(2) specifies that a recipient shall not "utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin." Section 21.5(b)(7) requires recipients to "take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin." Finally, Appendix C to 49 CFR part 21 provides in Section (3)(iii) that "[n]o 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."

All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide. Fixed route modes of service include but are not limited to, local bus, express bus, commuter bus, bus rapid transit, light rail, subway, commuter rail, passenger ferry, etc. These standards and policies must address how service is distributed across the transit system, and must ensure that the manner of the distribution affords users access to these assets.

These system-wide service standards differ from any standards set by the APTA Standards Development Program and other standards development organizations



(SDOs), in that they will be set by individual transit providers and will apply agency-wide rather than industrywide.

Providers of fixed route public transportation shall also adopt system-wide service policies to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Service policies differ from service standards in that they are not necessarily based on a quantitative threshold. *A copy of the study can be found at [cfftbd\\_ccb73de3b22c4540b1c00b41faf01ce8.pdf](http://cfftbd_ccb73de3b22c4540b1c00b41faf01ce8.pdf) (lamtpo.com)*

a. **Effective Practices to Fulfill the Service Standard Requirement.** FTA requires all fixed route transit providers to develop quantitative standards for all fixed route modes of operation for the indicators listed below. Providers of public transportation may set additional standards as appropriate or applicable to the type of service they provide. See Appendix G for an example of how to report this information.

(1) **Vehicle load for each mode.** Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e., bus, express bus, bus rapid transit, light rail, heavy rail, commuter rail, passenger ferry, etc., as applicable), as the standard may differ by mode.

(2) **Vehicle headway for each mode.** Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle headway standard is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Transit providers may set different vehicle headway standards for different modes of transit service. A vehicle headway standard might establish a minimum frequency of service by area based on population density. For example, service at 15-minute peak headways and 30-minute off-peak headways might be the standard for routes serving the most densely populated portions of the service area, whereas 30-minute peak headways and 45-minute off-peak headways might be the standard in less densely populated areas. Headway standards are also typically related to vehicle load. For example, a service standard might state that vehicle headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.

(3) **On-time performance for each mode.** On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-

time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of performance for the system. For example, a transit provider might define on-time performance as 95 percent of all runs system-wide or on a particular route or line completed within the allowed “on-time” window.

(4) Service availability for each mode. Service availability is a general measure of the distribution of routes within a transit provider’s service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk of bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in less densely populated areas, and the percentage of the total population within a one-quarter mile walk of routes or lines might be higher in more densely populated areas than it would be in less densely populated areas. Commuter rail service or passenger ferry service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations or access to the terminal.

b. Effective Practices to Fulfill the Service Policy Requirement. FTA requires fixed route transit providers to develop a policy for each of the following service indicators. Transit providers may set policies for additional indicators as appropriate. See Appendix H for an example of how to report this information.

(1) Distribution of transit amenities for each mode. Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Transit providers may have different policies for the different modes of service that they provide. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This subparagraph is not intended to impact funding decisions for transit amenities. Rather, this subparagraph applies after a transit provider has decided to fund an amenity. *Currently have 3 bus shelters; reviewing where other shelters may be placed.*

This policy does not apply to transit providers that do not have decision-making authority over the siting of transit amenities. Transit providers are not responsible for setting a policy for transit amenities that are solely sited by a separate jurisdiction (e.g., a city, town, or county) unless the transit provider has the authority to set policies to determine the siting of these amenities. Transit providers are responsible for setting a policy for transit amenities that are installed under a contract between the transit provider and a private entity. In these cases, the transit provider shall communicate its service policy to the private entity.

Transit providers shall submit their siting policy where the definition of transit amenities includes but is not limited to:

- (a) Seating (i.e., benches, seats at stops/stations)
- (b) Bus and rail shelters and rail platform canopies
- (c) Provision of information:
  - i. Printed signs, system maps, route maps, and schedules.
  - ii. Digital equipment such as next vehicle arrival time signs along bus routes and at fixed guideway stations (i.e., electronic signage that depicts when a transit vehicle will next arrive at the station or stop).
- (d) Escalators
- (e) Elevators
- (f) Waste receptacles (including trash and recycling)

*Currently have 3 bus shelters; reviewing where other shelters may be placed.*

(2) Vehicle assignment for each mode. Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider's system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area. *Currently All vehicles are 12+2 cutaway ADA compliant vehicles. LAMTPO/ ETHRA/ Lakeway Transit will review ridership to determine if larger vehicles are needed.*

5. REQUIREMENT TO COLLECT AND REPORT DEMOGRAPHIC DATA. This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in Urbanized Areas (UZA) of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. Title 49 CFR Section 21.9(b) requires recipients to keep records and submit compliance reports (a Title VI Program) to FTA. Title VI Programs shall contain "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 part." In addition, 49 CFR 21.9(b) states that recipients "should have available for the Secretary

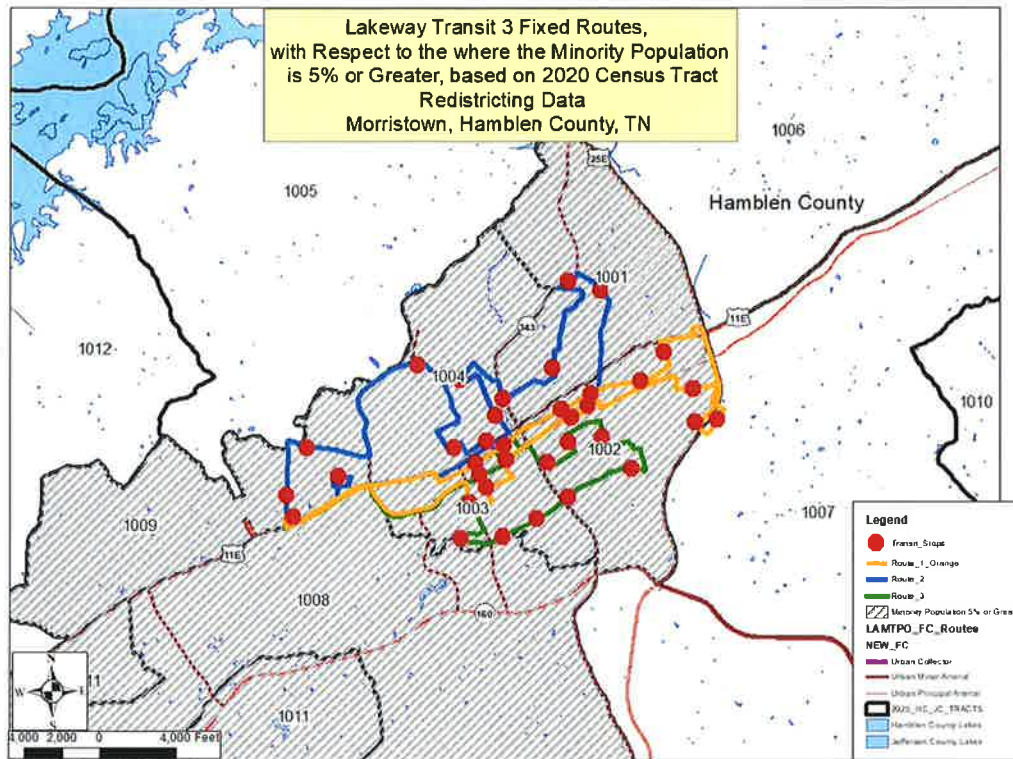


racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.” In order to ensure compliance with the regulation, FTA requires these transit providers to prepare data regarding demographic and service profile maps and charts as well as customer demographics and travel patterns. *Not applicable in LAMTPO region.*

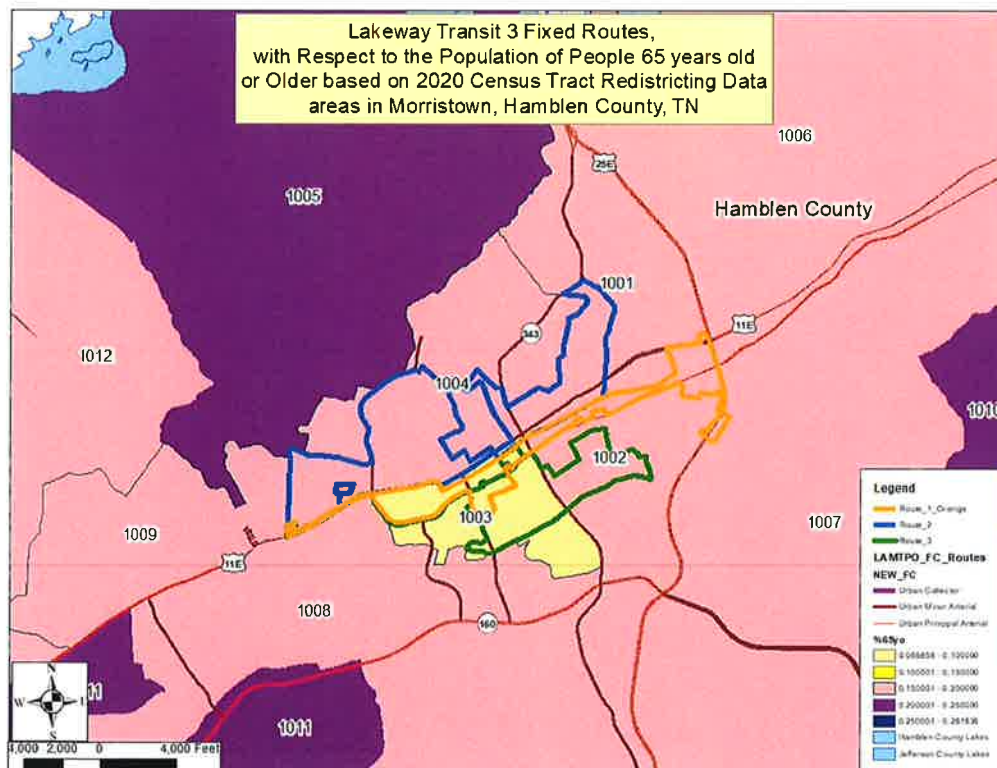
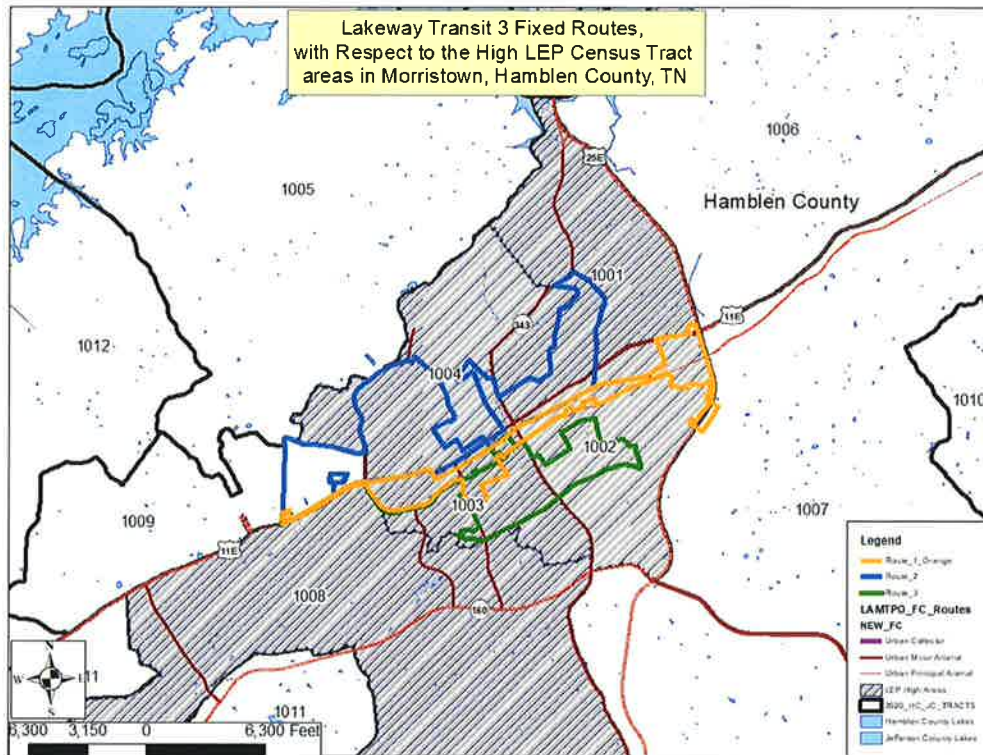
In order to comply with the reporting requirements in 49 CFR Section 21.9(b), transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population shall collect and analyze racial and ethnic data as described below in order to determine the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance from FTA. *Not applicable in LAMTPO region.*

a. **Demographic and Service Profile Maps and Charts.** Transit providers shall prepare demographic and service profile maps and charts after each decennial census and prior to proposed service reductions or eliminations. Transit providers may use decennial census data to develop maps and charts until the next decennial census or they may use American Community Survey (ACS) data between decennial censuses. These maps and charts will help the transit provider determine whether and to what extent transit service is available to minority populations within the transit provider’s service area. These maps may be prepared using Geographic Information System (GIS) technology, although transit providers without access to GIS technology may prepare the maps in alternative formats. FTA requires transit providers to prepare the following maps and charts:

(1) A base map of the transit provider’s service area that overlays Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities—including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings—as well as major activity centers or transit trip generators, and major streets and highways. Major activity centers and transit trip generators can include, but are not necessarily limited to, the central business district, outlying high employment areas, schools, and hospitals. This map shall overlay Census tract, block or block group data depicting minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways. Another map shall highlight those transit facilities that were recently replaced, improved or are scheduled (projects identified in planning documents) for an update in the next five years. *See maps on pages IV-9 and IV-10*



(2) A demographic map that plots the information listed in (1) above and also shades those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole. Transit providers may elect to produce maps that highlight separately the presence of specific minority populations if this information will assist the transit provider in determining compliance with Title VI and/or LEP. Transit providers shall also prepare a GIS or alternative map overlaying minority populations with fixed transit facilities, such as bus shelters, transit stations, and fixed guideways. *See maps on pages IV-9 and IV-10*





(3) For purposes of addressing environmental justice, and in order to evaluate the impacts of major service changes on low-income populations, demographic maps shall also depict those Census tracts, blocks, block groups, TAZs, or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole. *See maps on pages IV-9 and IV-10*

b. **Demographic Ridership and Travel Patterns.** Fixed route providers of public transportation that meet the threshold in the Introduction section of this chapter shall collect information on the race, color, national origin, English proficiency, language spoken at home, household income and travel patterns of their riders using customer surveys. Transit providers shall use this information to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders. Demographic information shall also be collected on fare usage by fare type amongst minority users and low-income users, in order to assist with fare equity. *LAMTPO/ ETHRA/ Lakeway Transit shall monitor ridership and travel patterns.*

*The demographic information shall be displayed in tabular format. An example of this analysis is depicted in Appendix I.*

The information required in this subparagraph may be integrated into passenger surveys employed by transit providers on a schedule determined by the transit provider but no less than every five years and may be collected at the time that such surveys are routinely performed, such as customer satisfaction surveys and origin and destination surveys used to update travel demand models. Transit providers should contact FTA for further guidance on survey sample sizes, data expansion procedures, and data collection methods suitable to the transit provider's specific situation.

Transit providers shall take steps to translate customer surveys into languages other than English as necessary, or to provide translation services in the course of conducting customer surveys consistent with the DOT LEP guidance and the recipient's language assistance plan.

**6. REQUIREMENT TO MONITOR TRANSIT SERVICE.** This requirement applies only to providers of public transportation that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. In order to ensure compliance with DOT's Title VI regulations, FTA requires these transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e., vehicle load, vehicle assignment, transit amenities, etc.) not less than every three years using the following method: *Not applicable in LAMTPO region.*

a. Transit providers shall use the minority transit route definition to implement this monitoring program. Transit providers shall select a sample of minority and nonminority routes from all modes of service provided, e.g., local bus, bus rapid transit, light rail, etc. The sample shall include routes that provide service to predominantly minority areas and non-minority areas. Transit providers should bear in mind that the greater the sample size, the more reliable the results.

As defined in Chapter I, a minority transit route is one in which at least one-third of the revenue miles are located in a Census block, Census block group, or traffic analysis zone where the percentage minority population exceeds the percentage minority population in the service area. Transit providers may supplement this with ridership data and adjust route designations accordingly. For example, a commuter bus that picks up passengers in generally non-minority areas and then travels through predominantly minority neighborhoods but does not pick up passengers who live closer to downtown might be more appropriately classified as a non-minority route, even if one-third of the route mileage is located in predominantly minority Census blocks or block groups. On the other hand, a light rail line may carry predominantly minority passengers to an area where employment centers and other activities are located, but the minority population in the surrounding Census blocks or block groups does not meet or exceed the area average. This route may be more appropriately classified as a minority transit route. Transit providers should ensure they have adequate ridership data before making these determinations, and include that data in their analyses.

b. Transit providers shall assess the performance of each minority and non-minority route in the sample for each of the transit provider's service standards and service policies.

c. Transit providers shall compare the transit service observed in the assessment to the transit provider's established service policies and standards.

d. For cases in which the observed service for any route exceeds or fails to meet the standard or policy, depending on the metric measured, the transit provider shall analyze why the discrepancies exist, and take steps to reduce the potential effects.

e. Transit providers shall evaluate their transit amenities policy to ensure amenities are being distributed throughout the transit system in an equitable manner.

f. Transit providers shall develop a policy or procedure to determine whether disparate impacts exist on the basis of race, color, or national origin, and apply that policy or procedure to the results of the monitoring activities;

g. Transit providers shall brief and obtain approval from the transit providers' policymaking officials, generally the board of directors or appropriate governing entity responsible for policy decisions regarding the results of the monitoring program;

h. Submit the results of the monitoring program as well as documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results to FTA every three years as part of the Title VI Program. See Appendix J for an example of how to report this information.

Transit providers shall undertake these periodic service monitoring activities to compare the level of service provided to predominantly minority areas with the level of service provided to predominantly non-minority areas to ensure the end result of policies and decision-making is equitable. A transit provider at its discretion may choose to conduct service monitoring more frequently than every three years.

If a transit provider determines, based on its monitoring activities, that prior decisions have resulted in a disparate impact on the basis of race, color, or national origin, the transit provider shall take corrective action to remedy the disparities to the greatest extent possible, and shall discuss in the Title VI Program these disparate impacts and actions taken to remedy the disparities.

**REQUIREMENT TO EVALUATE SERVICE AND FARE CHANGES.** This requirement applies only to transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population or that otherwise meet the threshold in the Introduction section of this chapter. These transit providers are required to prepare and submit service and fare equity analyses as described below. Transit providers not subject to this requirement are responsible for complying with the DOT Title VI regulations which prohibit disparate impact discrimination, and therefore should review their policies and practices to ensure their service and fare changes do not result in disparate impacts on the basis of race, color, or national origin. *Not applicable in LAMTPO region.*

To further ensure compliance with 49 CFR Section 21.5(b)(2), 49 CFR Section 21.5(b)(7), and Appendix C to 49 CFR part 21, all providers of public transportation to which this Section applies shall develop written procedures consistent with this Section to evaluate, prior to implementation, any and all service changes that exceed the transit provider's major service change threshold, as well as all fare changes, to determine whether those changes will have a discriminatory impact based on race, color, or national origin. The written procedures and results of service and/or fare equity analyses shall be included in the transit provider's Title VI Program.

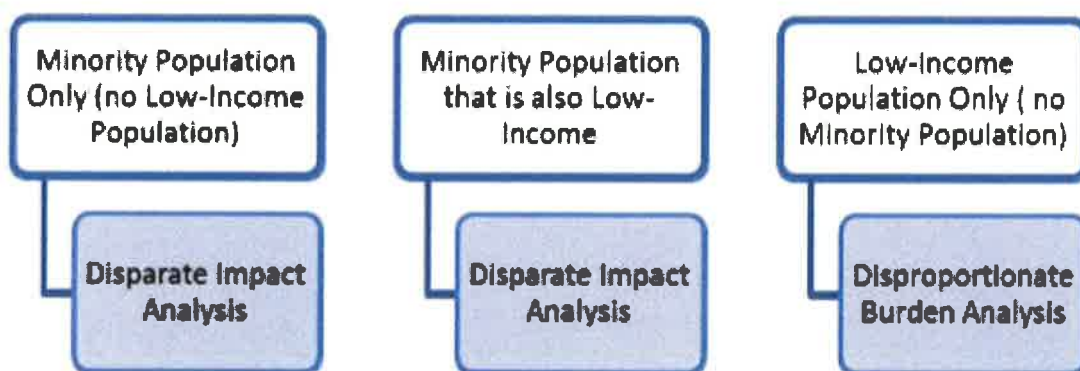
One purpose of conducting service and fare equity analyses prior to implementing service and/or fare changes is to determine whether the planned changes will have a disparate impact on the basis of race, color, or national origin.

The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The comparison population for a statistical measure of disparate impact is all persons who are either affected by the service or fare changes or who could possibly be affected by the service or fare change (e.g., potential passengers). When a transit provider uses ridership as the comparison population, the transit provider will compare the ridership of the affected route(s) with the ridership of the system. For example, if the ridership of affected route(s) is 60 percent minority and the system ridership is 40 percent minority, then changes to the route(s) may have a disparate impact. When a transit provider uses the population of the service area as the comparison population, it will compare the population in Census blocks or block groups served by the affected route(s) with the



population in the service area. For example, if affected route(s) serves Census blocks that are 40 percent minority and the service area is 45 percent minority, there would likely not be a disparate impact. **Examples of this analysis are provided in Appendix K.**

Low-income populations are not a protected class under Title VI. However, recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes. As depicted below, when a minority population is present, the correct analysis is a disparate impact analysis:



Transit providers shall use tables similar to those provided in **Appendix K** to depict the results of the service and/or fare equity analysis. Transit providers should refer to the checklist and examples in the Appendix for additional technical assistance with service and fare equity analyses.

Upon completion of a service or fare equity analysis, the transit provider shall brief its board of directors, top executive, or appropriate governing entity or official(s) responsible for policy decisions regarding the service and/or fare change(s) and the equity impacts of the service and/or fare change(s). The transit provider shall submit documentation such as a board resolution, copy of meeting minutes, or similar documentation with the Title VI Program as evidence of the board or governing entity or official's consideration, awareness, and approval of the analysis.

a. **Service Equity Analysis:** FTA encourages transit providers to contact their FTA Regional Civil Rights Officer for technical assistance when they have determined that a service equity analysis is necessary. Upon request, FTA can provide technical assistance related to methodology and analysis prior to a transit provider's board of directors taking action.

Transit providers shall evaluate the impacts of their proposed service changes on minority and low-income populations separately, using the following methods:

(1) **Service Equity Analysis for Minority Populations:**

(a) Major Service Change Policy. In order to begin the analysis, the transit provider must first identify what constitutes a “major service change” for its system, as only “major service changes” are subject to a service equity analysis. The transit provider must conduct a service equity analysis for those service changes that meet or exceed the transit provider’s “major service change policy.”

A major service change policy is typically presented as a numerical standard, such as a change that affects “x” percent of a route, “x” number of route miles or hours, or some other route-specific or system-wide change, or the number or concentration of people affected. The major service change policy will include adding service and reducing service. The threshold for analysis shall not be set so high so as to never require an analysis; rather, agencies shall select a threshold most likely to yield a meaningful result in light of the transit provider’s system characteristics.

A transit provider may exempt a temporary addition of service (e.g., demonstration projects), including those that would otherwise qualify as a major service change, from its definition of major service change. If a temporary service addition or change lasts longer than twelve months, then FTA considers the service addition or change permanent and the transit provider must conduct a service equity analysis if the service otherwise qualifies as a major service change.

(b) Adverse Effects. The transit provider shall define and analyze adverse effects related to major changes in transit service. The adverse effect is measured by the change between the existing and proposed service levels that would be deemed significant. Changes in service that have an adverse effect and that may result in a disparate impact include reductions in service (e.g., elimination of route, shortlining a route, rerouting an existing route, increase in headways). Elimination of a route will generally have a greater adverse impact than a change in headways. Additions to service may also result in disparate impacts, especially if they come at the expense of reductions in service on other routes. Transit providers shall consider the degree of adverse effects, and analyze those effects, when planning their service changes.

(c) Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impacts. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission.

For illustrative purposes only, here is an example: a transit provider adopts a disparate impact policy that provides any time there is a difference in adverse impacts between minority and non-minority populations of plus or minus ten percent, this is statistically significant, and such differences in adverse impacts are disparate. For example, if minorities make up 30 percent of the overall population, but would bear 45 percent of the impacts, and the non-minority group would bear 55 percent, there may be a disparate

impact insofar as the minority group bears 15 percent more than its expected share, from 45 percent of the burden to 30 percent of the population; while the non-minority group bears 15 percent less than its expected share of 55 percent of burden compared to 70 percent of population—even though the absolute majority of the burden rests with the non-minority group. Applying the ten percent disparate impact policy, the provider will find a disparate impact and must therefore consider modifying the proposed changes in order to avoid, minimize, or mitigate the disparate impacts of the proposed changes. [NOTE: Ten percent is not a suggested baseline or standard, and is used here solely as an example. As described above, each transit provider will adopt a disparate impact policy.]

(d) Public Participation. The transit provider shall engage the public in the decisionmaking process to develop the major service change policy and disparate impact policy.

(e) Data Analysis. The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, traffic analysis zone (TAZ) level, or using ridership data. The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. For example, passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.

(f) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on minority populations using the following framework:

(i) The typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service or fare change and the proportion of persons not in the protected class who are adversely affected. The population for a statistical measure of disparate impact is all persons that are either affected by the service or fare changes or that could possibly be affected by the service or fare change (e.g., potential passengers), thus the comparison population may vary depending on the type of change under evaluation. The transit provider shall include in the analysis the reason for the comparison population selected.

For example, when making headway changes, eliminating a route, or increasing service to an area currently served by the transit system, the appropriate comparison population would likely be ridership, and the transit provider would compare the ridership of the affected route(s) with the ridership of the system.

On the other hand, when proposing to provide new service to a neighborhood or corridor not served by the transit system, the appropriate comparison population



would likely be the population of the service area, and the transit provider would compare the population in Census blocks or block groups served by the proposed route(s) with the population in the service area.

Further, if a transit provider is proposing a major service change that involves both headway changes and new service to a neighborhood or corridor not served by the transit system, the transit provider would not have to use different comparison populations for the different types of changes. The transit provider would select either ridership or population of the service area and conduct an analysis using the same comparison population.

Transit providers are cautioned not to “mix and match” their comparison populations. Ridership of affected route(s) should be compared to ridership of the system, and Census blocks or block groups should be compared with the population of the service area.

In instances where a transit provider does not have adequate ridership data or is otherwise uncertain as to which population to use for comparison purposes, the transit provider should contact their FTA regional office for technical assistance.

(ii) Ridership Data. When the transit provider determines that the correct population base is ridership, the transit provider shall document the reasons for selecting this population base and analyze any available information generated from ridership surveys to determine the minority and non-minority population ridership of the affected route(s) and the minority and nonminority ridership of the entire system.

(iii)GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.

(iv)Determination of Disparate Impact. Each service change analysis must compare existing service to proposed changes, and calculate the absolute change as well as the percent change. The transit provider shall use its adverse effects definition and disparate impact threshold to determine whether the proposed major service change will result in adverse effects that are disproportionately borne by minority populations, by comparing the proportion of minorities adversely affected to the proportion of non-minorities adversely affected. The transit provider shall consider the degree of the adverse effects when doing this analysis. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.

(v) Analysis of Modifications. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize, or mitigate potential disparate impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.

(vi) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change only if:

the transit provider has a substantial legitimate justification for the proposed service change, and

the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

It is important to understand that in order to make this showing, the transit provider 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.

(vii) Examining Alternatives. If the transit provider determines that a proposed service change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification - that is, that the justification is not supported by demonstrable evidence - the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the service changes and make adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including the less discriminatory alternatives that may be available.

(2) **Service Equity Analysis for Low-Income Populations.** As noted above, low-income populations are not a protected class under Title VI. However, recognizing the inherent overlap of environmental justice principles in this area, and because it is important to evaluate the impacts of service and fare changes on passengers who are transit-dependent, FTA requires transit providers to evaluate proposed service and fare changes to determine whether low-income populations will bear a disproportionate burden of the changes.

(a) **Major Service Change Policy.** As described under the Service Equity Analysis for Minority Populations, the transit provider must first identify what constitutes a “major service change” for its system, as only “major service changes” are subject to a service equity analysis. The transit provider’s major service change policy will apply to both analyses.

(b) **Adverse Effects.** As described under the Service Equity Analysis for Minority Populations, the transit provider shall define and analyze adverse effects related to major changes in transit service. The transit provider’s adverse effects policy will apply to both analyses.

(c) **Disproportionate Burden Policy.** The transit provider shall develop a policy for measuring disproportionate burdens on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode.

(d) **Public Participation.** The transit provider shall engage the public in the decision-making process to develop the disproportionate burden policy.

(e) **Selection of Comparison Population.** Transit providers may use ridership data or population of the service area for the comparison population. If a transit provider uses ridership as the comparison population for the Title VI (minority populations) service equity analysis, the transit provider should use ridership as the comparison population for the low-income equity analysis. Similarly, if the transit provider uses the service area as the comparison population for the Title VI (minority populations) analysis, the provider should use the service area as the comparison population for the low-income analysis.

(f) **Data Analysis.** The transit provider shall describe the dataset(s) the transit provider will use in the service equity analysis, i.e., whether the provider is using American Community Survey (ACS), Census blocks, block groups, or traffic analysis zone (TAZ) level, or using ridership data.



The transit provider shall also describe what techniques and/or technologies were used to collect the data. When relying on population data instead of ridership data, the choice of dataset should be the smallest geographic area that reasonably has access to the bus or rail stop or station. [NOTE: Census tract level may be used if that is the smallest geographic area available for income data]. For example, passengers will generally walk up to one-quarter mile to a bus stop or one-half mile to a light or heavy rail station, or drive up to three miles to a commuter rail station. The demographics of the neighborhoods within those distances should be the datasets used. Transit providers may use the data from an entire Census block or block group when a portion of the area is within the walking or driving distance described above.

(g) Assessing Service Impacts. Transit providers shall evaluate the impacts of proposed service changes on low-income populations using the following method:

(i) Ridership Data. When the transit provider determines that the correct comparison population is ridership, the transit provider shall document the reasons for selecting this comparison population and analyze any available information generated from ridership surveys to determine the low-income and non-low-income population ridership of the affected route(s) and the low-income and non-low-income ridership of the entire system.

(ii) GIS or Alternative Maps. When the transit provider determines that the correct population base is Census blocks or block groups, the transit provider shall document the reasons for selecting this population base and shall prepare maps of the routes that would be reduced, increased, eliminated, added, or restructured/rerouted, overlaid on a demographic map of the service area, in order to study the affected population. Transit providers may also find it helpful to prepare these maps when doing an analysis based on ridership.

(iii) Determination of Disproportionate Burden. Each service change analysis must compare existing service to proposed service, and calculate the absolute change as well as the percent change. The transit provider shall use its disproportionate burden threshold to determine whether the proposed change will result in adverse effects that are disproportionately borne by low-income populations, by comparing the proportion of low-income persons adversely affected to the proportion of non-low-income persons adversely affected. Any service change analysis shall be expressed as a percent change in tabular format. See Appendix K for an example of how to report this data.

(iv) Avoid, Minimize, Mitigate. At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a

disproportionate burden of the proposed major service change, the transit provider should 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.

(v) FTA considers the disproportionate burden analysis for low-income populations described above to be important for planning and environmental justice analysis purposes; however, since low-income populations are not a protected class under Title VI, failure to complete this analysis will not result in a finding of noncompliance under Title VI.

#### b. Fare Equity Analysis

(1) Fare Changes. The fare equity analysis requirement applies to all fare changes regardless of the amount of increase or decrease. As with the service equity analysis, FTA requires transit providers to evaluate the effects of fare changes on low-income populations in addition to Title VI-protected populations.

##### (a) Exceptions.

(i) “Spare the air days” or other instances when a local municipality or transit agency has declared that all passengers ride free.

(ii) Temporary fare reductions that are mitigating measures for other actions. For example, construction activities may close a segment of a rail system for a period of time and require passengers to alter their travel patterns. A reduced fare for these impacted passengers is a mitigating measure and does not require a fare equity analysis.

(iii) Promotional fare reductions. If a promotional or temporary fare reduction lasts longer than six months, then FTA considers the fare reduction permanent and the transit provider must conduct a fare equity analysis.

(2) Data Analysis. For proposed changes that would increase or decrease fares on the entire system, or on certain transit modes, or by fare payment type or fare media, the transit provider shall analyze any available information generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or payment media that would be subject to the fare change. Notably, Census data will not be effective data for fare analyses, since it is impossible to know, based on Census data, what fare media people are using. The transit provider shall describe the dataset(s) the transit provider will use in the fare change analysis. This section shall also describe what techniques and/or technologies were used to collect the data. The transit provider shall—

(i) Determine the number and percent of users of each fare media being changed;

(ii) Review fares before the change and after the change;

(iii) Compare the differences for each particular fare media between minority users and overall users; and

(iv) Compare the differences for each particular fare media between low-income users and overall users.

*Please see Appendix K for a sample analysis.*

(3) Assessing Impacts. Transit providers shall evaluate the impacts of their proposed fare changes (either increases or decreases) on minority and low-income populations separately, using the following framework:

(a) Minority Disparate Impact Policy. The transit provider shall develop a policy for measuring disparate impact to determine whether minority riders are bearing a disproportionate impact of the change between the existing cost and the proposed cost. The impact may be defined as a statistical percentage. The disparate impact threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next Title VI Program submission.

(b) Public Participation Process. The transit provider shall engage the public in the decision-making process to develop the disparate impact threshold.

(c) Modification of Proposal. If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize or mitigate those impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.

(d) Finding a Disparate Impact on the Basis of Race, Color, or National Origin. If a transit provider chooses not to alter the proposed fare changes despite the disparate impact on minority ridership, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed fare change, the transit provider may implement the fare change only if:

the transit provider has a substantial legitimate justification for the proposed fare change, and

the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals.

It is important to understand that in order to make this showing, the transit provider 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.



(e) Examining Alternatives. If the transit provider determines that a proposed fare change will have a disparate impact, the transit provider shall analyze the alternatives (identified in the second bullet above) to determine whether alternatives exist that would serve the same legitimate objectives but with less of a disparate effect on the basis of race, color, or national origin. The existence of such an alternative method of accomplishing the transit provider's substantial and legitimate interests demonstrates that the disparate effects can be avoided by adoption of the alternative methods without harming such interests. In addition, if evidence undermines the legitimacy of the transit provider's asserted justification—that is, that the justification is not supported by demonstrable evidence—the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects. At that point, the transit provider must revisit the fare changes and make adjustments that will eliminate unnecessary disparate effects on populations defined by race, color, or national origin. Where disparate impacts are identified, the transit provider shall provide a meaningful opportunity for public comment on any proposed mitigation measures, including any less discriminatory alternatives that may be available.

(f) Low-Income Disproportionate Burden Policy. The transit provider shall develop a policy for measuring the burden of fare changes on low-income riders to determine when low-income riders are bearing a disproportionate burden of the change between the existing fare and the proposed fare. The impact may be defined as a statistical percentage. The disproportionate burden threshold must be applied uniformly, regardless of fare media, and cannot be altered until the next program submission.

(i) The transit provider shall engage the public in the decision-making process to develop the disproportionate burden threshold.

(ii) At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize or mitigate impacts where practicable. The transit provider should describe alternatives available to low-income populations affected by the fare changes.

c. Service and Fare Equity Analysis for New Starts and Other New Fixed Guideway Systems. Transit providers that have implemented or will implement a New Start, Small Start, or other new fixed guideway capital project shall conduct a service and fare equity analysis. The service and fare equity analysis will be conducted six months prior to the beginning of revenue operations, whether or not the proposed changes to existing service rise to the level of “major service change” as defined by the transit provider. All proposed changes to parallel or connecting service will be examined. If the entity that builds the project is different from the transit provider that will operate the project, the transit provider operating the project shall conduct the analysis. The service equity analysis shall include a comparative analysis of service levels pre-and post-the New Starts/Small Starts/new fixed guideway capital project. The analysis shall be depicted in tabular format and shall determine whether the service changes proposed (including both reductions and increases) due to the capital project will result in a disparate impact on minority populations. The transit provider shall also conduct a fare equity analysis for any and all fares that will change as a result of the capital project.



**CHAPTER V****REQUIREMENTS FOR STATES**

This section is not applicable to LAMTPO/ City of Morristown as it is a small MPO, and not a State agency.



## **CHAPTER VI**

### **REQUIREMENTS FOR METROPOLITAN TRANSPORTATION PLANNING ORGANIZATIONS (MPOs)**

**1 INTRODUCTION.** This chapter describes the procedures that metropolitan planning organizations (MPOs) shall follow in order to comply with the DOT's Title VI regulations. MPOs are also responsible for following the general requirements in Chapter III of this circular.

An MPO may serve many different roles depending on its "recipient" status, i.e., designated recipient, direct recipient, primary recipient, or subrecipient. This chapter describes the many roles an MPO may fill, and provides guidance on Title VI compliance for each of those roles.

**2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.** Title 49 CFR Section 21.9(b) requires recipients to submit reports to FTA in order for FTA to ascertain whether the recipient is in compliance with the DOT Title VI regulations, and recipients must have available "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance." As stated in Chapter III of this Circular, FTA requires that all direct and primary recipients document their compliance 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. FTA will review and concur or request the recipient provide additional information. Subrecipients, including MPOs that receive Federal planning money from the State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, on a schedule to be determined by the State, in order to assist the State in its compliance efforts. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the State. See Appendix L for clarification of reporting responsibilities by recipient category.

MPOs shall include the following information in their Title VI Programs.

- a. In its regional transportation planning capacity, the MPO shall submit to the State as the primary recipient, and also to FTA:
  - (1) All general requirements) set out in section 4 of Chapter III of this Circular; (see chapter III-16 to III-151)
  - (2) A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate; (see LEP plan pages III-67 to III-143)
  - (3) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process; (see LEP plan pages III-67 to III-143)

- (4) Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient; (see LEP plan pages III-67 to III-143)
  - (5) An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact. Lakeway Transit fixed route service is within the highest Minority and LEP Census Tract areas of Morristown, Hamblen County, Tennessee. Demand Response Service is available throughout the LAMTPO MPA.
- b. In its capacity as a direct recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter; and
  - (2) If the MPO is a provider of fixed route public transportation service, the information required under section 2 of chapter IV (Requirements and Guidelines for Fixed Route Transit Providers). The reporting requirements that the MPO must follow for the provision of public transportation service will be based on whether the MPO serves a large UZA with 200,000 or more in population and whether the number of fixed route vehicles in peak service is 50 or more. Not applicable, Lakeway Transit has 8 vehicles. ETHRA operates Lakeway Transit, and is the direct recipient for FTA funds.
- c. In its capacity as a primary recipient, the MPO shall submit to FTA:
- (1) The information required under section 2a of this chapter;
  - (2) A description of the procedures the MPO uses to pass through FTA financial assistance to subrecipients in a nondiscriminatory manner; and III-144
  - (3) A description of the procedures the MPO uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations. III-144

See Appendix L for clarification of reporting responsibilities by recipient category.

**3. PLANNING.** All MPOs are responsible for conducting planning activities that comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming, for a specified metropolitan planning area. Since States “pass through” planning funds to the MPO, MPOs are subrecipients of the State and must submit Title VI compliance reports for planning activities to the State in order to assist the State in demonstrating compliance with Title VI. The State is thus responsible

for monitoring the Title VI compliance of the MPO for those activities for which the MPO is a subrecipient. If the MPO passes planning funds through to one or more subrecipients, the MPO is responsible for ensuring those subrecipients comply with Title VI.

All MPOs are required to self-certify compliance with all applicable Federal requirements. Planning certification reviews conducted jointly by FTA and FHWA of the metropolitan transportation planning processes of transportation management areas include a review of Title VI compliance. As part of the planning certification review, FTA/FHWA review MPO-developed documentation to determine whether MPOs have:

- a. Analyzed regional demographic data to identify minority populations within the region. See LEP plan pages III-67 to III-143
- b. Where necessary, provided member agencies with regional data to assist them in identifying minority populations in their service area. See LEP plan pages III-67 to III-143; maps on pages IV-9 and IV-10
- c. Ensured that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process. See LEP plan pages III-67 to III-143
- d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPO passes funds through to subrecipients. See page III-144 to III-149

**4. DESIGNATED RECIPIENT.** MPOs sometimes serve the role of designated recipient. FTA apportions funds each year to the MPO as designated recipient, and the MPO, in turn, suballocates funds (without receiving the actual funds from FTA) to various entities and/or retains funds to carry out its own projects or activities, or to pass through to subrecipients. If the MPO as designated recipient simply suballocates the funds to other entities, and those entities apply to FTA directly for the funds, the MPO and each entity to which it suballocates funds enter into a “supplemental agreement.” Under a supplemental agreement, the direct recipient is responsible for demonstrating compliance with Federal law, including Title VI, and the MPO is not in any manner subject to or responsible for the direct recipient’s compliance with the DOT Title VI regulations.

However, the MPO as designated recipient is responsible for suballocating FTA funds without regard to race, color, or national origin. Suballocations must be based on project implementation priorities in the MTP, which includes a robust public participation process. Each MPO must have a locally developed process that establishes criteria for making determinations of funding priorities in a nondiscriminatory manner.

LAMTPO Executive Board has ETHRA as the Designated Recipient for FTA funds. Currently, there are NO plans to have a transit facility. If by some chance there is interest for a transit facility, then an RFQ (request for Qualifications) will be advertised, and a selection committee, determined by the Executive Board, will rank the consultants and present their recommendation to the Executive Board.



**Below is information that we used for advertisements, notices, etc.**

The following should be used as part of any advertisement where federal dollars are being considered for a project, program, etc.

It is the policy of LAMTPO not to discriminate on the basis of race, color, national origin, age, sex, or disability in operation of its programs, services, and activities.

Also, this may be needed as well (contracting out work):

With regard to all aspects of this contract, contractor certifies and warrants it will comply with this policy.

If there are any questions or concerns, please feel free to contact

Rich DesGroseilliers, MTPO Coordinator

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**5. DIRECT RECIPIENT.** An MPO that receives funding directly from FTA for its own activities is a direct recipient, and therefore must develop a Title VI Program and report Title VI compliance to FTA for those activities for which it is a direct recipient. As a direct recipient, an MPO may also pass through funds to subrecipients. When an MPO receives funds directly from FTA and then passes funds through to subrecipients, the MPO becomes a primary recipient under the DOT Title VI regulations and is responsible for monitoring the compliance of its subrecipients with Title VI, unless that subrecipient is also an FTA direct recipient. **ETHRA is the direct recipient for the LAMTPO, and they are fully aware of following the federal and/or state regulations and reporting requirements.**

**6. REQUIREMENTS FOR PROGRAM ADMINISTRATION.** In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass through FTA funds under any FTA programs (e.g., 49 U.S.C. 5310, Enhanced Mobility for Seniors and Individuals with Disabilities), to subrecipients without regard to race, color, or national origin, and assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

MPOs shall prepare and maintain, but not report unless requested by FTA, the following information:

- c. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding. **Not applicable, no other agency has requested funding.**

A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants. **Currently, there are NO plans to have a transit facility. If by some chance there is interest for a transit facility, then an RFQ (request for Qualifications) will be advertised, and a selection committee, determined by the Executive Board, will rank the consultants and present their recommendation to the Executive Board.**

**Below is information that we used for advertisements, notices, etc.**

The following should be used as part of any advertisement where federal dollars are being considered for a project, program, etc.

**It is the policy of LAMTPO not to discriminate on the basis of race, color, national origin, age, sex, or disability in operation of its programs, services, and activities.**

**Also, this may be needed as well (contracting out work):**

**With regard to all aspects of this contract, contractor certifies and warrants it will comply with this policy.**

**If there are any questions or concerns, please feel free to contact  
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- a. A description of the MPO's criteria for selecting entities to participate in an FTA grant program. ETHRA/ Lakeway Transit does fixed route and demand response service, which ETHRA handles within the LAMTPO region. Other public transportation companies in the area do not wish to have federal funds at this time.

LAMTPO, in conjunction with TDOT and ETHRA, had 2 studies completed to determine the feasibility of a fixed route system. The first of which was an express route from Morristown to Knoxville. From the public meetings from this study, it was not highly recommended to do this, but to have a fixed route system in Morristown itself. The second study was for a fixed route system for just Morristown. The Lakeway Transit fixed route service began operation on February 16, 2021.



## **CHAPTER VII**

### **EFFECTING COMPLIANCE WITH DOT TITLE VI REGULATIONS**

**1. INTRODUCTION.** This chapter outlines procedures when FTA determines that a recipient is noncompliant with the DOT Title VI regulations. Title 49 CFR Section 21.13(a) states the following:

If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to: (1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the [Civil Rights] Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

**2. PROCEDURES FOR SECURING VOLUNTARY COMPLIANCE.** FTA may determine a recipient is noncompliant with DOT's Title VI regulations following a compliance review or after FTA completes an investigation in response to a Title VI complaint. Prior to taking measures to effect compliance, FTA will attempt to resolve noncompliance informally and by using the following procedures.

- a. **Notification to the Recipient.** When FTA has determined that a recipient is noncompliant with DOT's Title VI regulations, it will transmit a letter of finding to the recipient that describes FTA's determination and requests that the recipient voluntarily take corrective action(s) that FTA deems necessary and appropriate.
- b. **Recipient Response.** Within 30 days of receipt of FTA's letter of finding, the recipient must submit a remedial action plan, including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations. The recipient's plan shall:
  - (1) List all corrective action(s) accepted by the recipient.
  - (2) Describe how the corrective actions will be implemented, and provide a timeline for achieving compliance.
  - (3) Include a written assurance that the recipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan.

- (4) A copy of the board resolution, meeting minutes, or similar documentation with evidence that the board of directors or appropriate governing entity or official(s) has approved the remedial action plan.

c. Request for Reconsideration. A recipient may request that FTA reconsider its finding. A request for reconsideration shall provide a justification for the request to reconsider, including any evidence or information supporting such a request, and include a written assurance that on the basis of the requested reconsideration, the agency is or otherwise will come into compliance with DOT's Title VI regulations. This request shall be submitted within 30 days of FTA's notification to the recipient.

d. FTA Review of the Recipient Response. Within 30 days after receiving the recipient's response, FTA will review the submitted remedial action plan and any request for reconsideration and decide what remedial action(s) are necessary and appropriate to bring the recipient into compliance. If necessary, before making a decision, FTA may conduct a site visit to substantiate information or statements contained in the recipient's response. FTA will issue a decision, including its findings and recommendations, as part of a final remedial action plan. The final remedial action plan will be sent to the recipient for review and consent. Consent means the recipient agrees to initiate action(s) specified in the plan.

e. Conditions for Declining the Remedial Action Plan. The recipient has 15 days from the date of notification by FTA to agree or disagree with the final remedial action plan. If a recipient disagrees with this plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. Under those circumstances, the recipient will be considered in noncompliance, and FTA will schedule a meeting with the recipient within 30 days to resolve the disagreements.

**3. PROCEEDINGS.** When FTA and the recipient cannot agree on a final remedial action plan and the recipient continues to be in noncompliance with DOT Title VI regulations, in accordance with 49 CFR Section 21.13, FTA may suspend, terminate, or refuse to grant or continue Federal financial assistance to the recipient. This will generally occur when all means of informal resolution have failed to get the recipient to comply with the law. FTA may refer a matter to DOJ with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

- a. Termination of or refusal to grant or to continue Federal financial assistance. In accordance with 49 CFR Section 21.13(c), FTA will not suspend, terminate, or refuse to grant or continue Federal financial assistance until:

- (1) FTA has notified the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;
- (2) FTA has found, after opportunity for a hearing, that the applicant or recipient has failed to comply with Title VI regulations;
- (3) The action has been approved by the Secretary of Transportation; and

- (4) 30 days have passed after FTA has filed with the Transportation and Infrastructure Committee of the House of Representatives; and the Banking, Housing and Urban Affairs Committee of the Senate, a full written report of the circumstances and the grounds for such action.
- b. Other means authorized by law. In accordance with 49 CFR Section 21.13(d), FTA will not refer the matter to DOJ or take any other action to effect compliance until:
- (1) FTA has determined that compliance cannot be secured by voluntary means;
  - (2) FTA has notified the recipient of its failure to comply and the action FTA intends to take; and
  - (3) At least 10 days have passed from the mailing of such notice to the recipient. During this 10-day period, FTA will make additional efforts to persuade the recipient to comply with the regulation and to take such corrective action as may be appropriate.
- c. Hearings. Whenever FTA has determined that it is appropriate to terminate or refuse to grant or continue Federal financial assistance, prior to such action FTA will provide the applicant or recipient with an opportunity for a hearing, in accordance with 49 CFR Section 21.15. FTA will provide reasonable notice of the hearing by registered or certified mail, return receipt requested, to the applicant or recipient. The notice will advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action. The notice will either:
- (1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the FTA Administrator that the matter be scheduled for hearing; or
  - (2) Advise the applicant or recipient that the matter in question has been scheduled for a hearing at a stated place and time. The time and place will be reasonable and subject to change for cause.
- The complainant, if any, shall be advised of the time and place of the hearing.
- d. Waiver of Hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under Section 602 of the Civil Rights Act of 1964 and 49 CFR Section 21.13(c), and consent to FTA making a decision on the basis of the available information.
- e. Time and Location of Hearing. Hearings will be held at the FTA Headquarters office in Washington, DC, at a time fixed by the FTA Administrator unless the convenience of the applicant or recipient or of FTA requires that another place be selected.



- f. Hearing officer. Hearings will be held before the Secretary of Transportation or before a hearing examiner appointed in accordance with Section 3105 of title 5, United States Code.
- g. Right to counsel. In all proceedings carried out under the authority of 49 CFR Section 21.15, the applicant or recipient and FTA shall have the right to be represented by counsel.
- h. Procedures, evidence, and record. Pursuant to 49 CFR 21.15(d), the hearing, decision, and any administrative review thereof shall be conducted in conformity with Sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper relating to the conduct of the hearing, giving of notices to the applicant or recipient, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. FTA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

**4. JUDICIAL REVIEW.** When FTA issues a final order after a hearing on the record, such final action is subject to judicial review.

IF LAMTPO/ ETHRA/ Lakeway Transit is under noncompliance, LAMTPO/ ETHRA/ Lakeway Transit staff will take all necessary actions in order to come into compliance. Once finding out what is needed to come into compliance, LAMTPO/ ETHRA/ Lakeway Transit staff will submit to either FTA, FHWA, and/or TDOT the appropriate documents, no later than 2 weeks (usually within 1 week) from the date of non-compliance findings.

## **CHAPTER VIII**

### **COMPLIANCE REVIEWS**

**1. INTRODUCTION.** This chapter describes the review process FTA will follow when determining whether a recipient is compliant or noncompliant with DOT Title VI regulations, subsequent to the award of Federal financial assistance, and describes the information and actions expected from recipients that are subject to these reviews.

**2. COMPLIANCE PROCEDURES.** Title 49 CFR Section 21.11(a) requires FTA to conduct compliance reviews of its recipients. These reviews are separate from and may be in addition to a Triennial Review, State Management Review, or Planning Certification Review and will be conducted either as a desk audit or an on-site visit. The review may cover all or a portion of the recipient's compliance with Title VI. Such reviews are conducted at the discretion of FTA, and the scope of a review is defined on a case-by-case basis.

**3. CRITERIA.** The following list of factors will contribute to the selection of recipients for compliance reviews:

- a. Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging the recipient is noncompliant with DOT Title VI regulations; There are none
  - a. Alleged noncompliance brought to the attention of FTA by other Federal, State, or local agencies; There are none
  - b. A recipient submitting an incomplete or insufficient Title VI Program; and There are none
  - c. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI. N.A.

**4. SCOPE.** In general, compliance reviews will assess the following information:

- a. The recipient's documented efforts to meet the requirements under Chapter III and the program-specific sections of this Circular.
- b. Other information that is necessary and appropriate to make a determination that the recipient is in compliance with Title VI.

**5. DETERMINATIONS.** After reviewing the recipient's or subrecipient's efforts to meet the general reporting and program-specific reporting sections of the Circular, FTA will issue a compliance report that includes findings of no deficiency, deficiency, or noncompliance.

- a. Findings of no deficiency are determinations that no deficiency was found in review of the recipient's Title VI Program or after the results of an investigation or compliance review. Agencies are not expected to take any corrective action in response to findings of no deficiency except with regard to advisory comments. Advisory comments are recommendations that the recipient undertake activities in a manner more consistent with the guidance provided in the pertaining section of the Circular. FTA expects recipients to notify FTA as to whether the recipient will take action in response to the advisory comments.
- b. Findings of deficiency are determinations that the recipient has not complied with one or more of the pertinent provisions of this circular. Recipients are expected to take corrective actions in response to findings of deficiency and the compliance review will provide specific instructions to the recipient on how the corrective action shall be taken.
- c. Findings of noncompliance are determinations that the recipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity; upon such determination, FTA will consider the recipient to be noncompliant with Title VI. If noncompliance cannot be corrected informally, the recipient may be subject to remedial action or proceedings under Chapter VII of this Circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.

**6. RESULTS OF COMPLIANCE REVIEW ACTIVITIES.** FTA will summarize the results of the review in a draft compliance report, which will include findings of no deficiency, findings of deficiency, and advisory comments, as appropriate. If findings of deficiency remain in the final compliance report, the recipient will be required to take corrective action, develop a timeline for compliance, and report on its progress to FTA on, at minimum, a quarterly basis. Once FTA determines that the recipient has satisfactorily responded to the review's findings, it will inform the recipient that the review process has ended and release it from further progress reporting in response to the review. FTA may follow up on a compliance review with additional reviews as necessary.

**7. EFFECTING COMPLIANCE.** Consistent with the provisions of 49 CFR Sections 21.13, 21.15, and 21.17, and as explained in Chapter VII of this Circular, if a recipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate proceedings that could result in action taken by the U.S. DOT to suspend, terminate, refuse to grant or continue Federal financial assistance to a recipient, or may make a referral to the Department of Justice (DOJ) with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

**LAMTPO is in compliance with Title VI**



## **CHAPTER IX**

### **COMPLAINTS**

1. **INTRODUCTION.** This chapter describes how FTA will respond to complaints filed with FTA alleging that an FTA recipient has violated the DOT Title VI regulations. FTA will promptly investigate all complaints in accordance with 49 CFR Section 21.11. FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.
2. **RIGHT TO FILE A COMPLAINT.** Any person who believes himself, herself, or any specific class of persons to be subjected to discrimination on the basis of race, color, or national origin may by himself or by a representative file a written complaint with FTA. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.
3. **COMPLAINT ACCEPTANCE.** Once a complaint has been accepted by FTA for investigation, FTA will notify the recipient that it is the subject of a Title VI complaint and ask the recipient to respond in writing to the complainant's allegations. If the complainant agrees to release the complaint to the recipient, FTA will provide the agency with the complaint, which may have personal information redacted at the request of the complainant. If the complainant does not agree to release the complaint to the recipient, FTA may choose to close the complaint.
4. **INVESTIGATIONS.** FTA will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with DOT's Title VI regulations. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with DOT's Title VI regulations occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with DOT's Title VI regulations.
5. **LETTERS OF FINDING.** After FTA has concluded the investigation, FTA's Office of Civil Rights will transmit to the complainant and the recipient one of the following letters based on its findings:
  - a. A letter of finding indicating FTA did not find a violation of DOT's Title VI regulations. This letter will include an explanation of why FTA did not find a violation. If applicable, the letter may include a list of procedural violations or concerns, which will put the recipient on notice that certain practices are questionable and that without corrective steps, a future violation finding is possible.
  - b. A letter of finding indicating the recipient is in violation of DOT's Title VI regulations. The letter will include each violation referenced to the applicable regulation, a brief description of proposed remedies, notice of the time limit on coming into compliance, the

consequences of failure to achieve voluntary compliance, and an offer of assistance to the recipient in devising a remedial plan for compliance, if appropriate.

6. ADMINISTRATIVE CLOSURE. FTA will administratively close Title VI complaints before a resolution is reached where (1) the complainant decides to withdraw the case; (2) the complainant is not responsive to FTA's requests for information or to sign a consent release form; (3) FTA has conducted or plans to conduct a related compliance review of the agency against which the complaint is lodged; (4) litigation has been filed raising similar allegations involved in the complaint; (5) the complaint was not filed within 180 days of the alleged discrimination; (6) the complaint does not indicate a possible violation of 49 CFR part 21; (7) the complaint is so weak, insubstantial, or lacking in detail that FTA determines it is without merit, or so replete with incoherent or unreadable statements that it, as a whole, cannot be considered to be grounded in fact; (8) the complaint has been investigated by another agency and the resolution of the complaint meets DOT regulatory standards; (9) the complaint allegations are foreclosed by previous decisions of the Federal courts, the Secretary, DOT policy determinations, or the U.S. DOT's Office of Civil Rights; (10) FTA obtains credible information that the allegations raised by the complaint have been resolved; (11) the complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that have been found factually or legally insubstantial by FTA; (12) the same complaint allegations have been filed with another Federal, state, or local agency, and FTA anticipates that the recipient will provide the complainant with a comparable resolution process under comparable legal standards; or (13) the death of the complainant or injured party makes it impossible to investigate the allegations fully.

**Currently, there are no complaints, investigations, or lawsuits against LAMTPO**