

# **Title VI Compliance Program**

**2022-2025**

San Joaquin Regional Rail Commission  
949 E. Channel Street  
Stockton, California 95202  
(800) 411-RAIL  
**Civilrights@acerail.com**

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## **Introduction**

Title VI of the Civil Rights Act of 1964, Section 601 states:

“No persons in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The material contained in San Joaquin Regional Rail Commission Title VI Compliance Program provides information and analysis bearing upon compliance with the Title VI of the 1964 Civil Rights Acts regarding transit services and related benefit. San Joaquin Regional Rail Commission (Rail Commission) staff prepared the document in response to the Federal Transit Administration (FTA) Circular 4702.1b (10/01/12), entitled: Title VI Program Guidelines for Urban Mass Transportation Administration Recipients.

Since 1972, the FTA has required applicants for and recipients of federal assistance to provide assessments of compliance as part of the grant approval process. The FTA has the responsibility to ensure that federally supported transit service and related benefits are distributed in a manner consistent with Title VI. The employment practices of a grant applicant or recipient are also covered under Title VI.

It is the Rail Commission's responsibility to ensure that its transit service and access to its facilities is equitably distributed and provided without regard to race, color, or national origin. It is also the Rail Commission's goal to ensure equal opportunities to all persons without regard to race, color, or national origin to participate in all local, sub-regional and regional transit planning and decision-making processes under the Commission's control.

In addition, there are two Presidential Executive Orders that place further emphasis upon the Title VI protections of race and national origin.

- Executive Order #12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) directs federal agencies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations and to develop strategies for implementing environmental justice.
- Executive Order #13166 (“Improving Access to Services for Persons with Limited English Proficiency”) directs federal agencies to evaluate services they provide and implement a system which ensures that persons with Limited English Proficiency are able to meaningfully access the services without unduly burdening the fundamental mission of each federal agency. Additionally, each federal agency must ensure that recipients of federal financial assistance provide meaningful access to their Limited-English Proficiency applicants and beneficiaries.

## **Title VI of the Civil Rights Act of 1964 Public Notice**

Rail Commission's Notice of Civil Right is posted the lobby inside a display case located at 949 E. Channel Street, Stockton, CA station.

***"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."***

The San Joaquin Regional Rail Commission is committed to complying with the requirements of Title VI in all of its federally funded programs and activities.

For more information contact:

San Joaquin Regional Rail Commission  
949 East Channel Street, Stockton, CA 95202  
800-411-RAIL (phone) 209-944-6225 (fax)  
civilrights@acerail.com

### **Making a Title VI Complaint**

Any person who believes that they have been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with the San Joaquin Regional Rail Commission. Any such complaint must be in writing and filed with Rail Commission within 180 days following the date of the alleged discriminatory occurrence. For information on how to file a complaint, review the process below.

### **Title VI Complaint Process**

The San Joaquin Regional Rail Commission is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities, and to the delivery of equitable and accessible transportation services. Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with SJRRC within 180 days from the date of the alleged discrimination.

Filing a Complaint with the Rail Commission

Complaints may be filed with the Rail Commission in writing and may be addressed to:

*San Joaquin Regional Rail Commission*

Rail Commission Office of Civil Rights (Title VI Officer)

949 E. Channel St  
Stockton, CA 95202

Title VI Complaint Forms may be obtained on the ACE Website at [www.acerail.com](http://www.acerail.com) or by calling 1-800-411-RAIL.

The Rail Commission will provide appropriate assistance to complainants with limited English proficiency.

### **What Happens to My Title VI Complaint to the Rail Commission?**

Once a complaint is received, it will be assigned to an investigator. In instances where additional information is needed, the investigator will contact the complainant by phone or in writing. Complainant has 14 business days from the date of the letter to send requested information to the investigator assigned to the case. If the Title VI Officer is not contacted by the complainant or does not receive the additional information within the allotted time, RTD may administratively close the case.

Based upon receipt of all the information required, the Rail Commission will investigate a Title VI complaint within 30 days of receipt. The Rail Commission will use its best efforts to respond to a Title VI complaint within 90 calendar days of its receipt of such complaint. Receipt of additional relevant information and/or simultaneous filing of complaint with the Rail Commission and an external entity may expand the timing of the complaint resolution.

**Title VI complaint Form**  
**San Joaquin Regional Rail Commission (SJRRC)**  
**Office of Compliance**

SJRRC is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact the Title VI Coordinator by calling (209) 944-6241. The completed form must be returned to SJRRC Office of Compliance, Title VI Coordinator, 949 East Channel Street, Stockton, CA 95202.

Your Name:	Phone:
Street Address:	Alt Phone:
	City, State and Zip Code
Person(s) Discriminated against (if someone other than complainant): Name(s):	
Street Address, City, State and Zip Code:	

Which of the following best describes the reason for the alleged discrimination? (Check one)

- ☐ RACE
 Date of Incident: \_\_\_\_\_  
☐ COLOR  
☐ NATIONAL ORIGIN (LIMITED ENGLISH PROFICIENCY)
 Time of Incident: \_\_\_\_\_

Please describe the alleged discrimination incident. Provide the names and titles of all SJRRC employees responsible. Explain what happened, whom you believe was responsible, and other specific relevant information. Please use the next page of this form if additional space is required.

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(Complete next page of form)

**Title VI Complaint Form**  
**San Joaquin Regional Rail Commission (SJRRRC)**  
**Office of Civil Rights**

Please describe the alleged discrimination incident (continued)

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Have you filed a complaint with any other federal, state or local agencies? (Check one)

☐ YES   ☐ NO

If so, list agency / agencies and contact information below

<u>Agency:</u> _____	<u>Contact Name:</u> _____
Street Address, City, State & Zip Code:	Phone: _____

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<u>Agency:</u> _____	<u>Contact Name:</u> _____
Street Address, City, State, & Zip Code:	Phone: _____

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I affirm that I have read the above charge and it is true to the best of my knowledge.

Complainant's Signature _____	Date _____
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Print or Type Name of Complainant

Date Received: _____
Received By: _____

## **List of Transit-related Title VI Investigation, Complaints, and Lawsuits**

Title VI Officer flags any complaints made to Rail Commission's Civil Rights Department that may be related to Title VI, regardless of whether or not the complaint mentioned Title VI. At the time of preparation of this program, Rail Commission's reviewed complaints filed during the previous three-year period (2019-2022) and identified no complaints. No Title VI lawsuits were filed during the same period.

## **Public Participation Plan**

The Rail Commission's Public Participation Plan (PPP) Process is coordinated with the San Joaquin Council of Governments (SJCOC), Valley Transportation Authority (VTA), and Metropolitan Transportation Commission (MTC) through a Memorandum of Understanding and completed as part of the Regional Transportation Plan update process.

The Public Participation Plan links are included in Appendix A. The purpose of the Public Participation Plan is to inform and involve citizens of various programs, projects, and work activities. This includes, but is not limited to, lower income households, minorities, persons with disabilities, representatives from community and service organizations, tribal councils, and other public agencies. This element also assists in identifying and addressing environmental justice and social equity issues. Citizen participation objectives include involvement of interested citizens, stakeholders, and representatives of community organizations in agency work through timely workshops on topical issues, fully noticed public hearings, and ongoing broad citizen/organization involvement in the planning and decision processes.

## **Language Assistance Plan**

All recipients are required to provide a Language Assistance Plan, which specifies policies and procedures for providing language assistance to Limited English Proficiency (LEP) populations in accordance with U.S. Department of Transportation LEP Guidance. Rail Commission's Language Assistance Plan has been included as Appendix B.

## **Representation and Decision-Making Bodies**

The Rail Commission is a joint powers authority (JPA) established by the County of San Joaquin, and the cities of Lodi, Stockton, Escalon, Ripon, Manteca, Lathrop, and Tracy. The Rail Commission is the designated owner, operator and policy-making body of the ACE Service.

The Rail Commission Board is made up of eight (8) members total, six (6) of which are Regular Voting Members and are elected officials within San Joaquin County and two (2)



Special Voting Members appointed by the Alameda County Transportation Commission (ACTC).

## **San Joaquin Regional Rail Commission Board of Directors**

### **REGULAR VOTING MEMBERS**

Christina Fugazi, Chair – City of Stockton  
Leo Zuber, Vice Chair – City of Ripon  
Benjamin Cantu, Commissioner – City of Manteca  
Nancy Young, Commissioner – City of Tracy  
Mikey Hothi, Commissioner – City of Lodi  
Miguel Villapudua, Commissioner - County of San Joaquin

### **SPECIAL VOTING MEMBERS**

Melissa Hernandez, Commissioner – City of Dublin  
Lily Mei, Commissioner – City of Fremont

### **EX-OFFICIO MEMBERS**

Caltrans District 10  
San Joaquin Council of Governments  
San Joaquin Regional Transit District  
Stanislaus Council of Governments

## **San Joaquin Regional Rail Commission Member Agencies**

City of Escalon  
City of Lathrop  
City of Lodi  
City of Manteca  
City of Ripon  
City of Stockton  
City of Tracy  
County of San Joaquin

## Primary Recipients

### DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

San Joaquin Regional Rail Commission (hereinafter referred to as the “Recipient”) hereby agrees that as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including Federal Transit Administration (FTA) and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to Sections 5309 and 5307:

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all of Section 5309 and 5307 and, in adapted form, in all proposals for negotiated agreements:

The Rail Commission , in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the Land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Sections 5309 and 5307; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under Sections 5309 and 5307.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Sections 5309 and 5307 and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Sections 5309 and 5307. The person (or persons) whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated: \_\_\_\_\_  
Name of Recipient

by

\_\_\_\_\_  
Signature of Authorized Official

## CIVIL RIGHTS ASSURANCE

San Joaquin Regional Rail Commission HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Rail Commission will compile, maintain, and submit in a timely manner, Title VI information required by UMTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The Rail Commission will make it known to the public that the person (or persons) alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Urban Mass Transportation Administration and/or the U.S. Department of Transportation.

The person (or persons) whose signature appears below is authorized to sign this assurance on behalf of the grant application or recipient.

\_\_\_\_\_  
Name and title of authorized officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of authorized officer

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## TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, ‘DOT’) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the SJRRC or the FTA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Rail Commission or the FTA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Rail Commission or the FTA as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of the contractor's non-compliance with nondiscrimination provisions of this contract, the Rail Commission shall impose contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:
  - a. withholding of payments to the contractor under the contract until the contractor complies; and/or
  - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the SJRRC or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Rail Commission to enter into such litigation to protect the interests of the SJRRC, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## TITLE VI ASSURANCE

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the SJRRC will accept title to the lands and maintain the project constructed thereon, in accordance with FTA, the Regulations for the Administration of Section 5309-New Starts and the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Rail Commission SJRRC all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Rail Commission and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Rail Commission SJRRC its successors and assigns.

The Rail Commission , in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed (,) (and)\* (2) that the Rail Commission shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and



the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## TITLE VI ASSURANCE

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Rail Commission pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.) \*

That in the event of breach of any of the above nondiscrimination covenants, the Rail Commission shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (licenses, lease, permit, etc.) had never been made or issued.

(Include in deeds) \*

That in the event of breach of any of the above nondiscrimination covenants, the Rail Commission shall have the right to re-enter said lands and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of SJRRC and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Rail Commission pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, etc., as appropriate) for himself/herself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation

in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.) \*

That in the event of breach of any of the above nondiscrimination covenants, the Rail Commission shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds) \*

That in the event of breach of any of the above nondiscrimination covenants, the Rail Commission shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Rail Commission and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## **Title VI Fixed Facility Impact Analysis**

Title VI requires, “for construction projects, a fixed facility impact analysis to assess the effects on minority communities. If this information has been prepared, a result of an environmental impact statement, the applicant recipient, or sub-recipient should reference the relevant information by document, page numbers, and date of submission to FTA.”

In October 2008, the Commission prepared and submitted to FTA a Categorical Exclusion/Notice of Exemption for the San Joaquin Regional Rail Commission Equipment Maintenance Facility for the Altamont Corridor Express Rail Service. The Categorical Exclusion was granted by FTA in December 2008.

The Categorical Exclusion/Notice of Exemption included an analysis of the following:

- a. A discussion of the potential impact on communities and business during and after construction.
- b. A discussion of all potential negative environmental impacts, such as noise, air, or water pollution.
- c. A description of other significant changes or impacts on the community, such as increased traffic, reductions in the amount of available parking, etc.

The report concluded that under the provisions of the National Environmental Policy Act (NEPA) regulations as set out in 23 CFR 771.117(d)(11), construction of maintenance facilities in industrial areas, qualifies for a Categorical Exclusion subject to FTA concurrence. In addition, the report concluded that pursuant to the provisions of the California Environmental Quality Act (CEQA) the facility was exempt and that it was not necessary to prepare a Negative Declaration or Environmental Impact Report (EIR) as the project was consistent with the existing industrial zoning in the project area and there is not significant impact on the surrounding community.

In July 2018, the Commission published the ACE Extension Lathrop to Ceres/Merced Final Environmental Impact Report (FEIR). The FEIR did not identify any construction projects that would have effects on minority communities. However, future projects that may require a submittal to FTA for Categorical Exclusion/Notice of Exemption will have a fixed facility impact analysis and will be included in future updates of this document.

## **Board Approval**

The update of the Title VI Program will be made available for public view online at [www.sjrrc.com](http://www.sjrrc.com), at Rail Commission's administrative office, and will be presented to the Rail Commission Board of Directors for review and approval at the September 2, 2022, board meeting.

# SERVICE STANDARDS AND POLICIES

## Baseline ACE Service

### Trains

Baseline ACE Service provides four daily commute period round-trip trains between Stockton and San Jose, departing Stockton in the morning between 4:10 am and 7:32 am, and departing San Jose in the afternoon between 3:35 pm and 6:38 pm.

### Stations

The following stations are served by the ACE Service:

#### San Joaquin County

Stockton  
Lathrop/Manteca  
Tracy

#### Alameda County

Vasco Rd (Livermore)  
Livermore  
Pleasanton  
Fremont

#### Santa Clara County

Great America (Santa Clara)  
Santa Clara  
San Jose Diridon

### Shuttles

The baseline ACE Service provides for the following shuttle connections (Station to employment centers/sites, other transit connections):

(Note: Level of Shuttle Service is subject to change depending upon available grant funding and utilization.)

#### Alameda County

Pleasanton Station – Shuttles providing Service:

- 1) Through Hacienda Business Park to Dublin/Pleasanton  
BART – LAVTA Route 54
- 2) To the Stoneridge Mall Area and West Dublin/Pleasanton Bart – LAVTA  
Route 53

#### Contra Costa County

Pleasanton Station – Shuttle to Bishop Ranch Business Park

#### Santa Clara County

Great America – Numerous shuttles to various businesses in Silicon Valley

## **Vehicle Load**

The vehicle load factor is defined as the ratio of the number of seats on a vehicle to the number of passengers.

As of December 2018, the average vehicle load factor of the commute period trains was 60-95%.

## **Vehicle Assignment**

The Baseline ACE Service provides for four morning and four afternoon trains. Each train consist is made up of seven passenger cars (126 –136 seats) and one locomotive. All cars are ADA accessible and have an accessible unisex restroom. Included in each consist is a “bicycle” car. Passenger cars and locomotives are assigned and rotated throughout each consist based on fleet maintenance requirements.

## **Vehicle Headways**

Vehicle headway is a measurement of the time interval between two vehicles traveling in the same direction on the same route. The average headway for the Commute period Baseline ACE Service is one hour.

## **Distribution of Transit Amenities**

Transit amenities refer to items of comfort and convenience available to the general riding public. The transit amenities for each of the Baseline ACE Stations are listed below:

### Stockton

The Stockton station is located at 949 E. Channel Street between Weber Street and Channel Street in Stockton at the old Southern Pacific train depot. The station has been renovated to serve as the headquarters for the Rail Commission

The station is equipped with the following amenities:

- 200 parking stalls
- A mini-high platform for ADA access
- Bicycle lockers
- Overhead passenger shelter with seating space
- Security cameras on the platform and in the parking lot
- A public address system
- A call-out only emergency phone near the platform
- Instant messaging signs on the platform

- Lobby waiting area with seating space
- Real time train status screens
- Printed schedules and system maps

### Lathrop/Manteca

The Lathrop/Manteca station is located at 17800 Shideler Parkway (adjacent to Yosemite Ave.) between McKinley Ave. and Airport Way. The location of this station captures commuters from San Joaquin County as well as Stanislaus County, making this the largest origination point in the system.

The station is equipped with the following amenities:

- 544 parking stalls
- A mini-high platform for ADA access
- Bicycle lockers
- Overhead and enclosed passenger shelters with seating space
- Instant messaging signs on the platform
- An emergency phone connected to the ACE operations desk
- Security cameras on the platform and in the parking lot
- A public address system
- A call-out only emergency phone near the platform
- Printed schedules and system maps

### Tracy

The Tracy station is located at 4800 Tracy Blvd. near the intersection of Tracy Blvd. and Linne Road.

The station is equipped with the following amenities:

- 521 parking stalls
- A mini-high platform for ADA access
- Bicycle lockers
- Overhead passenger shelters with seating space
- Instant messaging signs on the platform
- An emergency phone connected to the ACE operations desk
- Security cameras on the platform and in the parking lot
- A public address system
- A call-out only emergency phone near the platform
- Printed schedules and system maps

### Vasco Road

The Vasco Road station is located at 575 Vasco Road on the 60' wide ½ mile long former Vasco Road right-of-way as well as a 150-parking lot on the eastside of Vasco Rd. The parking lots are owned by the City of Livermore and maintained by the city.

The station is equipped with the following amenities:

- 205 parking stalls
- A mini-high platform for ADA access
- Bicycle lockers
- Instant messaging signs on the platform
- Overhead passenger shelters with seating space
- A public address system

### Downtown Livermore

The downtown Livermore station is located at 2418 Railroad Ave. next to the LAVTA Transit center at Livermore Ave. and Railroad Ave. in Downtown Livermore.

The City of Livermore has constructed a 3-story parking structure and has allocated 175 parking stalls for transit users (ACE and WHEELS). The City of Livermore is the responsible agency for maintaining the parking structure and the Rail Commission is responsible for maintaining the Station Platform.

The station is equipped with the following amenities:

- 175 parking stalls for transit use
- A mini-high platform for ADA access
- Bicycle lockers
- Overhead passenger shelter with seating space
- Instant messaging signs on the platform
- A public address system
- Printed schedules and system maps

### Pleasanton

The Pleasanton station is located at 4950 Pleasanton Ave. at the Alameda County Fairgrounds. The lot is owned by the Alameda County Fair Association and maintained by the County of Alameda.

The station is equipped with the following amenities:

- 444 parking stalls
- A mini-high platform for ADA access



- Bicycle lockers
- Overhead passenger shelters with seating space
- Instant messaging signs on the platform
- A public address system
- An emergency phone located inside of the ticket kiosk
- Printed schedules and system maps

#### Fremont – Centerville Station

The Centerville station located at 37260 Fremont Blvd. and is owned and maintained by the City of Fremont. The station serves both ACE and the Capitol Corridor intercity trains.

The station is equipped with the following amenities:

- 175 parking stalls (ACE-Amtrak)
- A portable wheelchair lift for ADA access
- Bicycle lockers
- Overhead passenger shelters with seating space
- Instant messaging signs on the platform
- A coffee shop and lobby waiting area with seating space, owned by the City of Fremont and operated by an independent contractor
- Printed schedules and system maps

#### Santa Clara – Great America

The Great America station is located at 2121 Stars and Stripes Drive and is owned and maintained by Amtrak and is served by both ACE and the Capitols. Improvements to this station on behalf of ACE are the responsibility of the Santa Clara Valley Transportation Authority (SCVTA).

The station is equipped with the following amenities:

- 289 parking stalls
- A mini-high platform for ADA access
- Bicycle lockers
- Overhead passenger shelters with seating space
- Printed schedules and system maps

#### Downtown Santa Clara – Caltrain

The Santa Clara station is located at 1005 Railroad Ave. at Franklin Street. This is an unattended station owned and maintained by Caltrain.

The station is equipped with the following amenities:

- A portable wheelchair lift for ADA access
- Overhead passenger shelters with seating space
- Bicycle lockers

#### San Jose – Diridon Station

The station is located at 65 Cahill Street across from the San Jose Arena in downtown San Jose, and is served by Caltrain, ACE, Amtrak, and Capital Corridor trains. This is a fully functional station with a passenger waiting room and coffee shop. This station is owned by Caltrain (Peninsula Corridor Joint Powers Board) and maintained by Amtrak.

The station is equipped with the following amenities:

- A portable wheel-chair lift for ADA access
- Bicycle lockers
- Waiting room with seating space and snack shop
- Printed schedules and system maps

### **Transit Access**

Transit access is the measure of distance a person must travel to gain access to transit service.

In a passenger survey conducted by the Rail Commission the average distance a person traveled to access the transit service was approximately 5-10 miles.

### **Other Standards**

#### On-Time Performance

Providing a reliable and dependable service for ACE passengers is highly dependent upon performance. ACE measures the trains' on-time performance on a daily basis. A train is considered on time if it is not more than six minutes late to a station as shown in the printed timetable.

#### Level of Equipment Maintenance

In the Operations and Maintenance of Equipment agreement with Herzog Transit Services Inc., the operating contractor, is required to maintain a required number of consists as determined by operational needs and agreed upon by the SJRRC

and operating contractor. There is a financial penalty if the vehicles are not available.

### Passenger Survey Results

ACE conducts periodic passenger surveys to evaluate customer service and satisfaction. The next passenger survey is planned for Winter 2022.

### Farebox Recovery

The farebox recovery is a ratio between the amount of fares collected and operating costs. The current farebox ratio is 6.0%.

## **OTHER AREAS OF TITLE VI CONSIDERATION**

### **Major Service Change, Disparate Impact, and Disproportionate Burden Policies**

The requirement for this policy comes from Federal Transit Administration (FTA) Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" which became effective October 1, 2012. The Circular requires any FTA recipient that operates 50 or more fixed route vehicles in peak service and serving a population of 200,000 persons or greater to evaluate any fare change and any major service change at the planning and programming stages to determine whether those changes have a discriminatory impact.

### **Major Service Change Policy**

The purpose of this policy is to establish a threshold that defines a major service change and to define an adverse effect caused by a major service change.

A major service change is defined as any change in service on any individual route that would add or eliminate more than twenty percent (20%) of the route revenue miles or twenty percent (20%) of the route revenue hours. All major service changes will be subject to an equity analysis which includes an analysis of adverse effects.

An adverse effect is defined as a geographical or time-based reduction in service which includes but is not limited to span of service changes, frequency changes, route segment elimination, re-routing, or route elimination.

## **Disparate Impact Policy**

The purpose of this policy is to establish a threshold that identifies when adverse effects of a major service change or any fare change are borne disproportionately by minority populations.

A disparate impact occurs when the minority population adversely affected by a fare or service change is ten percent (10%) more than the average minority population of SJRRC'S service area.

Disparate impacts on routes with either span of service changes and/or frequency changes will be determined by analyzing all routes with such changes together. Disparate impacts on routes with segment elimination or route elimination will be determined on a route-by-route basis.

If the Rail Commission finds a potential disparate impact, the agency will take steps to avoid, minimize or mitigate impacts and then reanalyze the modified service plan to determine whether the impacts were removed. If SJRRC chooses not to alter the proposed changes, the agency may implement the service or fare change if there is substantial legitimate justification for the change AND the agency can show that there are no alternatives that would have less of an impact on the minority population and would still accomplish the agency's legitimate program goals.

## **Disproportionate Burden Policy**

The purpose of this policy is to establish a threshold that identifies when the adverse effects of a major service change or any fare change are borne disproportionately by low-income populations.

A disproportionate burden occurs when the low-income population adversely affected by a fare or service change is five percent (5%) more than the average low-income population of SJRRC's service area.

Disproportionate burden on routes with either span of service changes and/or frequency changes will be determined by analyzing all routes with such changes together.

Disproportionate burden on routes with segment elimination or route elimination will be determined on a route-by-route basis.

If the Rail Commission finds a potential disproportionate burden, the agency will take steps to avoid, minimize or mitigate impacts and then reanalyze the modified service plan to determine whether the impacts were removed. If SJRRC chooses not to alter the proposed changes, the agency may implement the service or fare change if there is substantial legitimate justification for the change AND the agency can show that there are

no alternatives that would have less of an impact on low-income population and would still accomplish the agency's legitimate program goals.

## **Changes in Service Features**

### Service Expansion Policy

To assist system planning efforts, the following guidelines were adopted for ACE service expansion:

- Ensure continuation of initial ACE service through identification of long-term funding sources in each of the three counties for capital and operational expenses,
- Further development and expansion of the ACE Baseline Service should ensure that the commute market within the corridor is being adequately served by the ACE service,
- Provide for and ensure the long-term financial support for operating and capital requirements sufficient to sustain expanded service within the current three county service area, and
- Evaluate service expansions beyond the baseline service in accord with the following two conditions and criteria:
  - Any new service shall not detract financially or operationally from the baseline service. Service extensions beyond the baseline service shall be fully paid for (capital and operating) by the jurisdiction(s) proposing the extension, such that the current baseline service is held harmless, both financially and operationally.
  - Service extensions outside of the current three-county ACE service shall be subject to a “buy-in” by the agency or agencies proposing the additional service.

## **Public Comment Procedures for Fare Increases and Major Service Reductions**

Purpose:

This Public Comment Procedure is part of the San Joaquin Regional Rail Commission's commitment to providing quality commuter rail service and soliciting public comment from the Regions in which it serves.

Objective:

The objective of the procedure is to provide the public with the maximum opportunity to review and comment on proposed fare increases and major service reductions.

Definitions:

The following definitions apply to this procedure:

Fare Increase: Any increase in the cost of a ticket.

Major Service Change:

- a. An adjustment of service that equates to a reduction of or addition of 25 percent or more in total revenue train miles per day for the service day of the week (weekday, Saturday or Sunday) for which the change is made.
- b. A greater than 50 percent reduction or increase in the number of stops at a station per day for the service day of the week (weekday, Saturday or Sunday) for which the change is made.

Procedure:

- a. A proposal for increasing fares or implementing a major service reduction shall be brought before the Rail Commission Board for discussion and approval. If approved a public comment period shall remain open until the next regular Rail Commission meeting.
- b. Notice of the public comment period will be provided to the public in the following manner:
  - 1) Weekly announcements to ACE passengers on board the trains for the duration of the comment period,
  - 2) Postings on the ACE website for the duration of the comment period,
  - 3) Notices published in the main newspaper for each county in which the service operates for 10 days prior to the closing of the comment period.
- c. At the next regular Rail Commission meeting, the public comment period will be closed and a staff report summarizing the comments

received will be provided to the Board along with a staff recommendation on a course of action.

## **Annual Survey**

ACE Customer Satisfaction Surveys are conducted annually. These surveys include service and amenity satisfaction questions so that ACE may better serve the needs of the passengers.

The Rail Commission is lead agency in the joint Valley Rail program that includes improvements and expansions of both ACE and Amtrak San Joaquins that is focused on improvements between Sacramento and the San Joaquin Valley. Valley Rail implements two new daily roundtrips for the Amtrak San Joaquins service to better connect San Joaquin Valley travelers with the Sacramento Area and extends Altamont Corridor Express (ACE) service between Sacramento and Merced. In addition, Valley Rail will convert the entire fleet including the thruway bus network to renewable diesel fuel, providing greenhouse gas (GHG) benefits across the entire existing (449 track miles) and proposed expanded (119 track miles) San Joaquins and ACE services.

## **Information Dissemination**

The Rail Commission employs a number of methods to inform the public of service changes. Because transit service improvements and schedule changes have a great effect on the public's ability to conveniently use the system, special effort is taken to disseminate information regarding service changes in a timely manner. The Rail Commission utilizes the following methods of information dissemination:

- ACE website, with updated ACE information in English and Spanish
- Customer Service Center toll-free number
- Text messages for services delays
- Email alerts for service delays
- Real time train status messages on instant Message Signs at the Stations
- Station signs and postings
- Passenger Service Agents onboard disseminate information
- Onboard announcements
- Press releases
- Flyers and notices on trains
- Radio advertising
- Discussion of service changes with the Rail Commission Board during public meetings

## **Access for Limited English Proficiency**

The Rail Commission has developed a Limited English Proficiency (LEP) Plan to help identify reasonable steps for providing language assistance to LEP persons who wish to access services provided by the Rail Commission. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

The LEP Plan is included as Appendix B.

## **Multicultural Facilities**

The ACE Customer Service Department offers telephone information in English from 4:00 a.m. to 8:45 p.m. Monday through Friday. The ACE Website content may be translated into Spanish and the Rail Commission has staff who speak Spanish. available upon request.

## **Service and Fare Equity Analyses**

The Rail Commission does not have more than fifty (50) revenue vehicles in service during peak times.



## **Demographic and Service Profile Maps, Overlays and Charts**

This section of the report provides information on the minority population with regard to transit services offered by the Commission within the Altamont Corridor Express (ACE) service area. Appendix D shows the ACE service area, which runs through San Joaquin, Alameda, and Santa Clara counties. To expand the connectivity of the ACE service, the Commission has partnered and worked with the San Joaquin Regional Transit District in San Joaquin County, the Livermore Amador Valley Transit Authority, the Alameda Congestion Management Agency and AC Transit in Alameda County, the Central Contra Costa Transit Authority in Contra Costa County, and with the Santa Clara Valley Transportation Authority in Santa Clara County.

The demographic and service profile maps, overlays and charts for San Joaquin County, Alameda County and Santa Clara County may be found in the following documents submitted to FTA:

- San Joaquin Regional Transit District – Title VI Program
- Livermore Amador Valley Transit Authority – Title VI Program
- AC Transit – Title VI Program
- Santa Clara Valley Transportation Authority – Title VI Program

## **Minority Percentages**


Minority percentages of total population for the service areas of San Joaquin County, Alameda and Contra Costa counties, Fremont, and the Livermore Amador Valley (Dublin, Pleasanton, Livermore) are as follows:

## QuickFacts

Alameda County, California; San Joaquin County, California

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

### Table


Race and Hispanic Origin ▼	Alameda County, California	San Joaquin County, California
Population Estimates, July 1 2021, (V2021)	△ 1,648,556	△ 789,410
 PEOPLE		
<b>Race and Hispanic Origin</b>		
White alone, percent	△ 47.8%	△ 64.5%
Black or African American alone, percent (a)	△ 10.7%	△ 8.3%
American Indian and Alaska Native alone, percent (a)	△ 1.1%	△ 2.1%
Asian alone, percent (a)	△ 33.8%	△ 18.5%
Native Hawaiian and Other Pacific Islander alone, percent (a)	△ 1.0%	△ 0.9%
Two or More Races, percent	△ 5.6%	△ 5.6%
Hispanic or Latino, percent (b)	△ 22.4%	△ 43.0%
White alone, not Hispanic or Latino, percent	△ 29.2%	△ 28.3%

## QuickFacts

Dublin city, California; Pleasanton city, California; Livermore city, California

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

### Table


Race and Hispanic Origin ▼	Dublin city, California	Pleasanton city, California	Livermore city, California
Population Estimates, July 1 2021, (V2021)	△ 71,674	△ 78,252	△ 86,803
 PEOPLE			
<b>Race and Hispanic Origin</b>			
White alone, percent	△ 35.2%	△ 50.9%	△ 70.7%
Black or African American alone, percent (a)	△ 3.7%	△ 1.6%	△ 1.7%
American Indian and Alaska Native alone, percent (a)	△ 0.5%	△ 0.5%	△ 0.3%
Asian alone, percent (a)	△ 51.6%	△ 37.4%	△ 13.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	△ 0.4%	△ 0.1%	△ 0.7%
Two or More Races, percent	△ 6.4%	△ 6.6%	△ 8.7%
Hispanic or Latino, percent (b)	△ 10.2%	△ 10.4%	△ 21.3%
White alone, not Hispanic or Latino, percent	△ 29.9%	△ 46.2%	△ 59.1%

## QuickFacts

Contra Costa County, California; Fremont city, California

QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

Table

Race and Hispanic Origin ▾	Contra Costa County, California	Fremont city, California
Population Estimates, July 1 2021, (V2021)	1,161,413	227,514
 PEOPLE		
<b>Race and Hispanic Origin</b>		
White alone, percent	63.7%	22.2%
Black or African American alone, percent (a)	9.5%	3.1%
American Indian and Alaska Native alone, percent (a)	1.1%	0.4%
Asian alone, percent (a)	19.3%	61.0%
Native Hawaiian and Other Pacific Islander alone, percent (a)	0.6%	0.6%
Two or More Races, percent	5.8%	5.2%
Hispanic or Latino, percent (b)	26.8%	12.8%
White alone, not Hispanic or Latino, percent	40.8%	18.9%

## APPENDIX A

Public Participation Plan for SJRRRC's service areas of San Joaquin County, Alameda County, and Santa Clara County.

## SAN JOAQUIN COUNCIL OF GOVERNMENTS

<http://www.sjcoq.org/ppp>

## VALLEY TRANSPORTATION AUTHORITY

[https://www.vta.org/sites/default/files/2022-02/%28Final%29%202020%20VTA%20Public%20Participation%20Plan%20%28PPP%29 Accessible.pdf](https://www.vta.org/sites/default/files/2022-02/%28Final%29%202020%20VTA%20Public%20Participation%20Plan%20%28PPP%29%20Accessible.pdf)

## METROPOLITAN TRANSPORTATION COMMISSION

<https://mtc.ca.gov/about-mtc/public-participation/public-participation-plan>

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## **APPENDIX B**

# **Language Assistance Plan**

Improving Access to Services for Persons with  
Limited English Proficiency

San Joaquin Regional Rail Commission  
949 East Channel Street  
Stockton, CA 95202

800-411-RAIL (7245)  
[www.acerail.com](http://www.acerail.com)

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2. Language assistance measures
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4. Providing Notice to LEP persons
5. Monitoring and updating the LEP Plan

Dissemination of the LEP Plan

## **Introduction**

This *Limited English Proficiency Plan* has been prepared to address the San Joaquin Regional Rail Commission's ("Rail Commission's") responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et se, and its implementing regulations, which state that no person shall be subjected to discrimination based on race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the Rail Commission, which receives federal assistance through the U.S. Department of Transportation (U.S. DOT).

## **Plan Summary**

The Rail Commission has developed this Limited English Proficiency (LEP) Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by the Rail Commission. As defined in Executive Order 13166, LEP persons are those who do not speak English as

their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the Rail Commission undertook the U.S. DOT four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Rail Commission program, activity or service.
2. The frequency with which LEP persons may come in contact with Rail Commission programs, activities or services.
3. The nature and importance of programs, activities or services provided by Rail Commission to the LEP population.
4. The resources available to Rail Commission and overall cost to provide LEP assistance.

A summary of the results of the Rail Commission four-factor analysis is in the following section.

## **Four-Factor Analysis**

*1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Rail Commission program, activity or service.*

The Census Bureau has a range of four classifications of how well people speak English. The classifications are “very well,” “well,” “not well” and “not at all.” For planning purposes, Rail Commission is considering people that speak English “not well” or “not at all” as Limited English Proficient persons.

Table 1 shows the languages spoken at home for all persons five years old and older, with number and percentage of persons broken out by County and language within the ACE service area.

Table 1: LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER

	Alameda County, California 2019: ACS 1-Year Estimates		Contra Costa County, CA 2019: ACS 1-Year Estimates		San Joaquin County, California 2017: ACS 1-Year Estimates	
Label	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total:	1,576,966	±411	1,089,315	±331	692,749	±262
Speak only English	855,542	±15,409	686,057	±11,798	404,956	±10,595
Spanish:	251,039	±8,471	208,501	±7,956	179,618	±8,560
French (incl. Cajun):	10,862	±2,554	5,628	±1,850	228	±215
Haitian:	0	±216	243	±418	54	±90
Italian:	3,423	±1,131	1,232	±556	354	±298
Portuguese:	4,371	±1,349	3,038	±1,236	1,086	±657
German:	4,724	±1,322	1,906	±892	641	±283
Yiddish, Pennsylvania Dutch or other West Germanic languages:	1,058	±500	1,047	±685	418	±383
Greek:	1,403	±1,101	1,046	±1,054	362	±346
Russian:	7,098	±2,078	9,362	±3,202	1,005	±609
Polish:	1,302	±1,123	1,086	±591	85	±141
Serbo-Croatian:	500	±430	846	±727	163	±225
Ukrainian or other Slavic languages:	977	±480	526	±417	429	±637
Armenian:	516	±473	1,135	±826	0	±210
Persian (incl. Farsi, Dari):	16,158	±3,825	13,020	±3,177	4,109	±1,990
Gujarati:	6,600	±1,752	1,863	±1,081	709	±888
Hindi:	38,649	±6,302	9,403	±3,175	2,886	±1,250
Urdu:	7,387	±2,805	3,650	±2,178	3,200	±1,521
Punjabi:	13,416	±3,657	3,419	±2,295	13,606	±5,878
Bengali:	3,451	±1,323	767	±592	0	±210
Nepali, Marathi, or other Indic languages:	6,133	±1,697	6,428	±2,434	4,555	±3,747
Other Indo-European languages:	3,453	±1,460	3,026	±1,526	2,003	±1,200
Telugu:	19,524	±3,477	4,064	±1,889	838	±916
Tamil:	11,588	±3,480	4,063	±1,774	293	±337
Malayalam, Kannada, or other Dravidian languages:	8,189	±2,085	2,278	±1,035	740	±928
Chinese (incl. Mandarin, Cantonese):	144,551	±8,764	33,751	±4,390	9,615	±5,566
Japanese:	7,264	±2,475	2,385	±996	1,317	±619
Korean:	14,998	±2,872	7,344	±2,210	1,345	±741
Hmong:	434	±251	251	±421	3,959	±4,153
Vietnamese:	33,433	±7,029	11,260	±3,971	7,270	±3,605
Khmer:	2,440	±1,411	396	±397	8,027	±3,243
Thai, Lao, or other Tai-Kadai languages:	3,192	±1,739	2,348	±1,367	3,588	±2,308
Other languages of Asia:	7,442	±2,908	4,928	±2,122	483	±500
Tagalog (incl. Filipino):	53,946	±5,917	37,292	±5,140	21,524	±4,010
Ilocano, Samoan, Hawaiian, or other Austronesian	7,981	±1,955	4,438	±2,396	4,938	±2,857
Arabic:	8,352	±2,635	4,784	±1,722	5,610	±4,275
Hebrew:	834	±446	437	±338	515	±638
Amharic, Somali, or other Afro-Asiatic languages:	7,693	±3,026	2,251	±1,087	760	±795
Yoruba, Twi, Igbo, or other languages of Western	2,479	±1,759	1,557	±1,174	304	±358
Swahili or other languages of Central, Eastern, and Southern Africa:	1,371	±861	1,665	±1,590	1,018	±1,230
Navajo:	456	±583	0	±216	0	±210
Other Native languages of North America:	284	±219	187	±236	55	±78
Other and unspecified languages:	2,453	±1,338	407	±374	83	±137

Source: U.S. Census Bureau, 2017 and 2019 American Community Survey 1-Year Estimates



*2. The frequency with which LEP persons come in contact with Rail Commission programs, activities or services.*

The Rail Commission assessed the frequency with which staff have, or could have, contact with LEP persons. The following “touch points” and frequencies have been identified:

<b>TOUCH POINTS</b>	<b>FREQUENCY</b>
Conductors	Frequently
Passenger Service Agents	Frequently
Customer Service Agents	Frequently
ACE Information Line (800) 411-RAIL	Often
Schedule/Printed Materials	Often
Interior Signage	Frequently
Station Signage	Frequently
Shuttle Drivers	Frequently
Shuttle Signage	Frequently
Website	Often
Social Media	Often
Ticket Vendors	Often
Print Media	Infrequent
Broadcast Media	Infrequent
Public Relations Media	Occasionally
ACE Special Events	Occasionally

### *3. The nature and importance of programs, activities or services provided by the Rail Commission to the LEP population.*

The largest geographic concentration of LEP individuals in the ACE service area is Spanish speaking. Passenger Services staff, onboard and in customer service, are most likely to encounter LEP individuals. It is also likely that staff will encounter LEP individuals at stations where tickets are sold, connecting shuttle services, events, and public meetings

Based on completion of the analysis, and consistent with the last four factors in the analysis included in the 2022 Title VI Report submittal, the Spanish speaking community is the largest LEP population group served by the Altamont Corridor Express. The Rail Commission continues to offer most of its customer touch points (vital website content, oral and written translations for service plan changes and targeted promotional materials) in Spanish.

ACE schedules and brochures, as well as all notices for public meetings, contain information informing potential travelers and meeting attendees that special services are available by contacting the Rail Commission. When the need to speak with passengers in any language other than English has arisen, the Rail Commission has been able to accommodate the passengers' needs through language translation provided by Rail Commission staff who speak languages other than English or through the Google translate tool available online.

### *4. The resources available to the Rail Commission and overall cost to provide LEP assistance.*

The Rail Commission assessed its available resources that could be used for providing LEP assistance, including determining how much a professional interpreter and translation service would cost on an as-needed basis, which of its documents would be the most valuable to be translated if the need should arise, and taking an inventory of available organizations that the Rail Commission could partner with for outreach and translation efforts. Based on the four-factor analysis, the Rail Commission developed its LEP Plan as outlined in the following section.

## **Limited English Proficiency (LEP) Plan Outline.**

There are five areas that comprise the Rail Commission's LEP Plan:

1. Identifying LEP individuals who need language assistance
2. Language assistance measures
3. Training Staff
4. Providing Notice to LEP persons
5. Monitoring and updating the LEP Plan

### **1. Identifying LEP individuals who need language assistance**

Rail Commission staff may identify a LEP person who needs language assistance by:

- Examine Passenger Services Agent (PSA) and Customer Service Representative (CSR) records for language assistance requests that have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future similar events
- When the Rail Commission sponsors an ACE event (e.g. – workshops, special trains, events, meetings, etc.), staff will greet participants as they arrive. By informally engaging participants in conversation, it is possible to informally gauge each attendee's English proficiency.
- Have Census Bureau Language Identification Flashcards available at Rail Commission events near the registration table. Individuals self-identifying as persons not proficient in English may not be able to be accommodated with translation assistance at the event, but it will assist in identifying language assistance needs for future events
- Have Language Identification Flashcards on all rail cars and transit vehicles to assist staff in identifying specific language assistance needs of passengers. If such individuals are encountered, staff will be instructed to try to obtain contact information to give to Passenger Services Lead, or designee [personnel for follow-up. CSRs will also be instructed to obtain contact information from LEP individuals they encounter, either in person or over the phone, recording passengers' request for language assistance in the customer service database.

## 2. Language Assistance Measures

There are numerous language assistance measures available to LEP persons, including both oral and written language services. There are also various ways in which Rail Commission staff responds to LEP persons, whether verbally in person, by telephone, or in writing.

Rail Commission staff will assist a LEP person who needs language assistance by:

- Rail Commission will continue to network with local human service organizations that provide services to LEP individuals and seek opportunities to provide information on Rail Commission programs and services
- Rail Commission will strive to make bilingual assistance available at community events, public hearings and Board of Director meetings
- Placement of statements in notices and publications that interpreter services are available for these meetings, with 48-hour advance notice
- Survey staff annually on their experience concerning any contacts with LEP persons during the previous year
- Provide Language Identification Flashcards at each station, onboard the ACE, and in all shuttle vehicles
- Post the Rail Commission Title VI Policy, Title VI Complaint Form (Appendix A), and LEP Plan on the agency website, [www.acerail.com](http://www.acerail.com)
- Provide group travel training to LEP persons with the assistance of bilingual staff
- Include language Bilingual fluency in English and Spanish is desirable on PSA and CSA recruitment flyers and onboard recruitment posters;
- The ACE website, [www.acerail.com](http://www.acerail.com), features Google Translate language service
- When an interpreter is needed for a language other than Spanish, in person or on the telephone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteers. Professional translation services are available from the Northern California Translators Association ([www.ncta.org](http://www.ncta.org)). Also, a list will be developed from internal Rail Commission staff.

## 3. Staff Training

How the Rail Commission will train staff on its role and responsibilities in providing meaningful access to services for LEP persons:

- Develop curriculum and corresponding PowerPoint to educate Rail Commission staff on the Title VI LEP requirements for providing meaningful access to services for LEP persons
- Provide staff with a description of language assistance services offered by the Rail Commission

- Provide staff with specific procedures to be followed when encountering a LEP person, including how to handle a potential Title VI/LEP complaint
- Instruct staff on the use of U.S. Census Bureau Language Identification Flashcards [https://www2.census.gov/programs-surveys/decennial/2010/partners/pdf/langfiles/LAG\\_flashcard.pdf](https://www2.census.gov/programs-surveys/decennial/2010/partners/pdf/langfiles/LAG_flashcard.pdf)

#### **4. Providing Notice to LEP Persons**

How the Rail Commission will provide Notice to LEP Persons, both oral and written communications:

- Offer general information, such as operation hours of the Stockton Station (Administrative Offices), etc., on the customer service line (800-411-RAIL)
- Provide the title and effective 05/3/2021 in both English and Spanish on the ACE Schedule
- Professionally translate vital documents (vital documents are defined as those documents without which a person would be unable to access services) to ensure accuracy of information
- The following are identified as vital documents and are written communications printed in both English and Spanish:
  - ACE Schedule which has information on fares, accessibility, locations where discount tickets and passes are sold and general riding information
  - Interior stickers and posters at ACE Stations that display safety or system policy information
  - Online surveys
  - Provide information in English and Spanish about Rail Commission's non-discrimination policies and information on the local/federal complaint process and place on the ACE website and available at public meetings
- The following are written communications available upon request in both English and Spanish:
  - Temporary signs at ACE Stations informing passengers of any delays, schedule changes, or shuttle issues
  - Onboard "take one" flyers containing information about route changes, rider alerts, fare increases and public hearings
  - Interior cards/posters displaying special promotions.
- Provide a tagline affirming the Rail Commission will make reasonable accommodations to translate ACE service-related documents into Spanish with 7 days advance notice.

## **5. Monitoring and updating the LEP plan**

This plan is designed to be flexible and should be viewed as a work in progress. As such, it is important to consider whether new documents and services need to be made accessible for LEP persons, and to monitor changes in demographics and types of services. The Rail Commission will update the LEP Plan as required by U.S. DOT. At a minimum, the plan will be reviewed and updated when new data becomes available, or when it is clear that higher concentrations of LEP individuals are present in the ACE service area.

How Rail Commission will examine and update the LEP Plan:

- Record and report on the number of LEP persons encountered annually through Rail Commission's Passenger Services
- Determine how the needs of LEP persons have been addressed
- Determine the current LEP population in the service area and whether the need for translation services has changed
- Determine whether local language assistance programs have been effective and sufficient to meet the need
- Determine whether the Rail Commission's financial resources are sufficient to fund language assistance resources needed
- Determine whether the Rail Commission and its contractor have fully complied with the goals of this LEP Plan
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals
- Obtain input from customers via Rail Commission's annual Passenger Satisfaction Survey

## **Dissemination of the Rail Commission LEP Plan**

How the Rail Commission LEP Plan will be disseminated to customers and the community:

A link to the Rail Commission's LEP Plan and the Title VI Plan will be included on the ACE website,  
[www.acerail.com](http://www.acerail.com)

SJRRRC website  
[www.sjrrc.com](http://www.sjrrc.com)

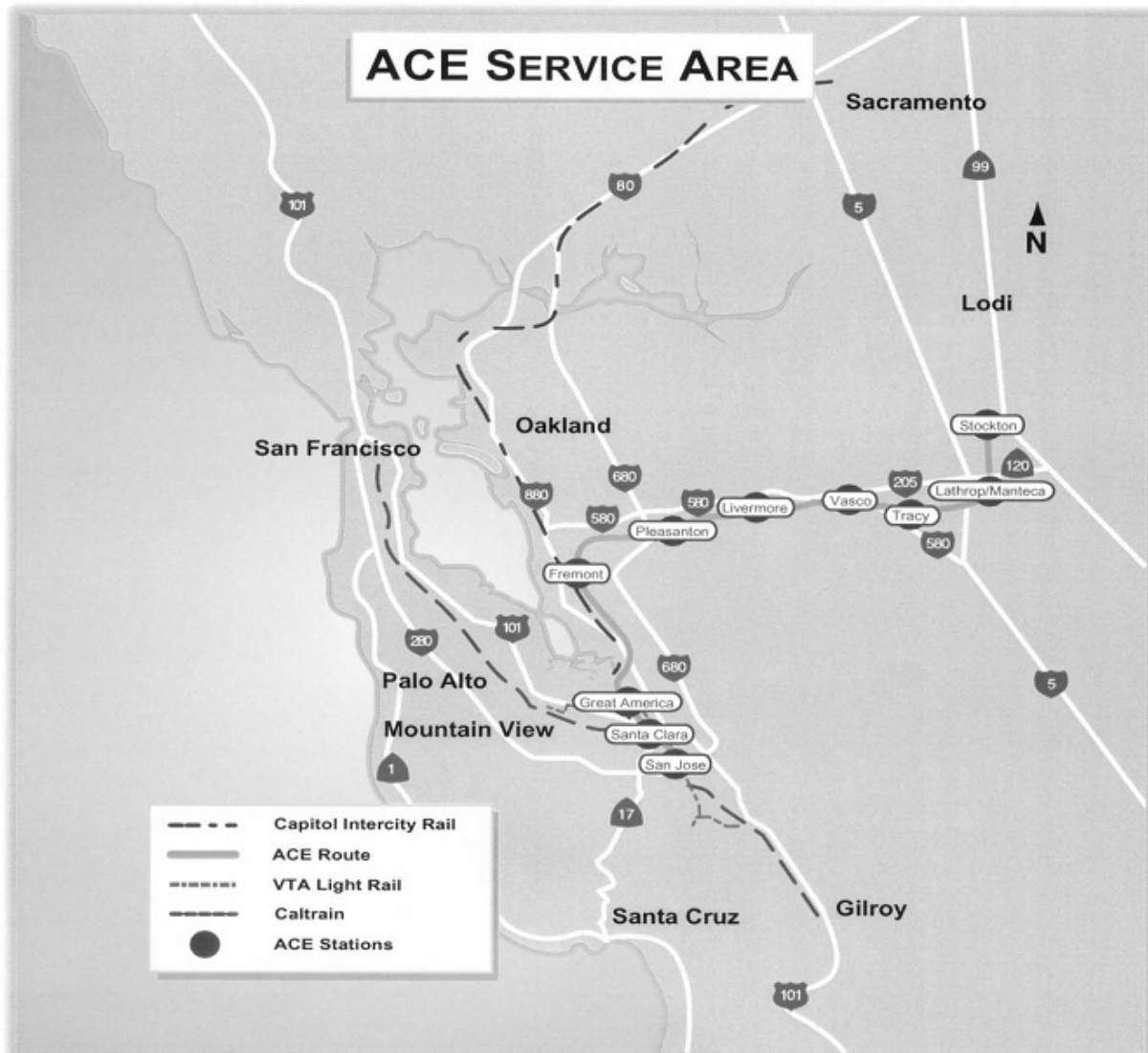
Rail Commission's LEP Plan will also be shared with human service organizations in its service area. Any person or agency with internet access will be able to access and download the plan from the ACE website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the plan in translation which the Rail Commission will provide, if feasible.

Questions or comments regarding the LEP Plan may be submitted to the Rail Commission Title VI Officer as follows:

Rail Commission Office of Civil Rights  
San Joaquin Regional Rail Commission  
Title VI Officer  
949 East Channel Street  
Stockton, CA 95202  
Phone: (800) 411-RAIL (7245)  
[civilrights@acerail.com](mailto:civilrights@acerail.com)

## APPENDIX C

### SERVICE AREA





## APPENDIX D

### ACE TIMETABLE ALTAMONT CORRIDOR EXPRESS TRAIN SCHEDULE

May 3, 2021

MONDAY THROUGH FRIDAY EXCLUDING MAJOR HOLIDAYS

STOCKTON TO SAN JOSE				SAN JOSE TO STOCKTON				
AM WESTBOUND				PM				
				EASTBOUND				
01	03	05	07	STATIONS	04	06	08	10
4:10 AM	5:35 AM	6:40 AM	7:32 AM	STOCKTON	5:47 PM	6:47 PM	7:47 PM	8:50 PM
4:29 AM	5:54 AM	6:59 AM	7:51 AM	LATHROP/MANTECA	5:23 PM	6:23 PM	7:23 PM	8:26 PM
4:41 AM	6:06 AM	7:11 AM	8:03 AM	TRACY	5:11 PM	6:11 PM	7:11 PM	8:14 PM
5:10 AM	6:35 AM	7:40 AM	8:32 AM	VASCO ROAD	4:42 PM	5:42 PM	6:42 PM	7:45 PM
5:15 AM	6:40 AM	7:45 AM	8:37 AM	LIVERMORE	4:37 PM	5:37 PM	6:37 PM	7:40 PM
5:23 AM	6:48 AM	7:53 AM	8:45 AM	PLEASANTON	4:28 PM	5:28 PM	6:28 PM	7:31 PM
5:45 AM	7:10 AM	8:15 AM	9:07 AM	FREMONT	4:05 PM	5:05 PM	6:05 PM	7:08 PM
6:03 AM	7:28 AM	8:33 AM	9:25 AM	GREAT AMERICA	3:49 PM	4:49 PM	5:49 PM	6:52 PM
6:10 AM	7:35 AM	8:40 AM	9:32 AM	SANTA CLARA	3:40 PM	4:40 PM	5:40 PM	6:43 PM
6:22 AM	7:47 AM	8:52 AM	9:44 AM	SAN JOSE	3:35 PM	4:35 PM	5:35 PM	6:38 PM

## **APPENDIX E**

### **PENDING APPLICATIONS FOR FINANCIAL ASSISTANCE**

Currently all FTA Grant Applications are completed in draft form and are pending review prior to submission.