



**CALIFORNIA  
HIGH-SPEED RAIL  
AUTHORITY**

**BRIEFING: MARCH 2012 BOARD MEETING AGENDA ITEM #8**

**TO: Chairman Richard and Board Members**

**FROM: Roelof van Ark, Chief Executive Officer**

**DATE: March 1, 2012**

**RE: Title VI Policy and Draft Title VI Program Plan**

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**Discussion:**

This Agenda item makes two requests of the Board.

- 1) Approval of the Title VI Policy for signature and public dissemination.
- 2) Authorization for the Authority to submit the Draft Title VI Program Plan to Federal Railroad Administration for their approval.

**Item 1:** On September 15, 2011, the Federal Railroad Administration (FRA) directed the Authority to develop and implement a Title VI Policy and Program Plan to address how the Authority will ensure non-discrimination in its federal financially assisted projects.

Today, the Authority will present its Title VI Policy which states:

“The California High Speed-Rail Authority is committed to ensuring that no person in the State of California is excluded from participation in, nor denied the benefits of its programs, activities and services on the basis of race, color, national origin, age, sex, or disability as afforded by Title VI of the Civil Rights Act of 1964 and Related Statutes.

The Authority, as a federal grant recipient, is required by the Federal Railroad Administration to conform to Title VI of the Civil Rights Act of 1964 and related statutes. The Authority’s sub-recipients and contractors are required to prevent discrimination and ensure non-discrimination in all of their programs, activities and services.

As permitted and authorized by Title VI, the Authority will administer a Title VI Program in accordance with the spirit and intent of the non-discrimination laws and regulations.”

**Item 2:** A component of the Title VI Policy is the development and implementation of a Title VI Program Plan to address how the Authority will ensure non-discrimination in its federal financially assisted projects and contracts.

The FRA directed the Authority to follow the Federal Transit Administration (FTA) Circular 4702.1B “Title VI Requirements and Guidelines” in preparation of the Authority’s Title VI Program Plan. The Authority’s Title VI Program Plan follows the guidance in the FTA Circular 4702.1B.

The Title VI of the Civil Rights Act of 1964 and Related Statutes on non-discrimination practices applies to the Authority’s current and future Consultants, Contractors and Design Builder firms.

Upon FRA’s acceptance and approval of the Title VI Program Plan, the Authority will make public the plan and ensure current Consultant contractors and the Short-Listed firms obtain a copy for their reference.

**Recommendations:**

Item 1: The Authority requests the Board’s approval to have the Chief Executive Officer, or his designate, sign the policy and disseminate the policy to the public and contractors under contract to the Authority.

Item 2: The Authority requests the Board’s authorization to transmit the signed Title VI Policy and draft Title VI Program Plan to the FRA for their review and formal approval.

**Attachments:**

- Title VI Policy
- Draft Title VI Program Plan

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## ATTACHMENTS

- Attachment 1 Title VI Assurance and Certification
- Attachment 2 Title VI Non-Discrimination Policy
- Attachment 3 *What is Title VI* Brochure—English and Spanish
- Attachment 4 Title VI Complaint Instructions and Complaint Form
- Attachment 5 Public Participation Survey Form
- Attachment 6 Public Participation Visual Tally Form
- Attachment 7 Public Participation Data Collection Form
- Attachment 8 Board Members

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette, or computer disk. To obtain a copy in one of these alternate formats, please contact:

California High-Speed Rail Authority  
Attn: Title VI Coordinator  
770 L Street, Suite 800  
Sacramento, California 95814  
(916) 324-1541--Voice  
TTY: 711

## A. Introduction

The California High-Speed Rail Authority (Authority) was established in 1996 and is the State entity responsible for planning, construction and operating an 800-mile high speed rail system serving California's major metropolitan areas. Funding for the construction of the project was approved by California voters on November 4, 2008, with the passage of the High-Speed Rail Bond Measure, Proposition 1A, authorizing the issuance of \$9 billion in general obligation bonds for the project. In addition to the bonds, multi-billion dollars of funding to build the high-speed rail system will primarily be provided by federal government grants or low interests loans and private capital. The planned system would serve all major California cities including San Francisco, Los Angeles, San Jose, Fresno, Anaheim, San Diego, Sacramento, and Riverside.

As a recipient and subrecipient of federal funding, the Authority is responsible for the effective execution of non-discrimination laws and regulations. The Federal Railroad Administration (FRA) directed the Authority to follow the Federal Transit Administration (FTA) Circular 4702.1B and 49 Code of Federal Regulations (CFR), 21, in the development of the Title VI Program Plan (Plan). The Authority has also incorporated the Federal Highway Administration (FHWA) Guidance, *Preventing Discrimination in the Federal-Aid Program: A Systematic Interdisciplinary Approach*, Chapter III "Implementation," and as directed by the U.S. Department of Justice--to fulfill the basic civil rights to all people in California.

The Plan incorporates Chapters III, IV and V from the *Title VI -Dependent Guidelines for FTA Recipients—Circular 4702.1B*.

The purpose of the Plan is to describe how the Authority will develop and implement the Title VI Program. Its intent is to identify the steps taken and will take to ensure that, for all programs and activities supported by federal financial assistance, the Authority provides services without excluding or discriminating on the grounds of race, color or national origin, or creating additional barriers to accessing services and activities.

Consistent with its commitment to meet FRA regulatory requirements, Attachment 1 is the signed Certification and Assurances of Compliance with Title VI requirements. The Authority agrees to comply with all federal statutes and regulations, and follow applicable federal directives, and comply with certifications and assurances as applicable to each grant application submission to the FRA.

This Plan was prepared in accordance with:

- Title VI of the Civil Rights Act of 1964 and related statutes
- 49 CFR 21
- 42 United States Code §§ 2000d *et seq.*
- FTA Circular 4702.1B, "*Title VI Requirements and Guidelines for Federal Transit Administration Recipients*"

- U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087 (December 14, 2005)
- DOT Guidance of 2001: *To Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries*
- Executive Order 13166 of August 11, 2000: Limited English Proficiency (LEP)
- Executive Order 12898 of February 1994: Environmental Justice Executive Order
- Dymally-Alatorre Bilingual Services Act of 1973 (State of California)

The Plan is available, in paper copy and is accessible in alternative formats upon request. To obtain a copy of the Plan in an alternative format, please call or write to:

California High-Speed Rail Authority  
Attn: Title VI Coordinator  
770 L Street, Suite 800  
Sacramento, California 95814  
(916) 324-1541  
TTY: 711

The Plan is also available on the Authority's website at: [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov).

#### I. TITLE VI REQUIREMENTS

Title VI of the Civil Rights Act of 1964 and related statutes state that no persons in the United States (US) 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, receiving federal financial assistance. Pursuant to this mandate, recipients of federal financial assistance must take affirmative steps to ensure that discrimination, as addressed by Title VI, does not occur in its organization. These activities fall into the areas listed:

- Adoption of Assurances, policies and procedures supportive of Title VI requirements.
- Ensure that the level and quality of transportation services are provided without regard to race, color or national origin.
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations.
- Prepare and maintain an Environmental Justice Policy. (Executive Order 12898)
- Promote the full and fair participation of all affected populations in transportation decision making.
- Prepare and maintain a Public Participation Plan to ensure adequate public involvement.
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.

- Prepare and maintain a LEP Plan to ensure meaningful access to programs and activities by persons with limited English proficiency. (Executive Order 13166)
- Implement controls and data collection mechanisms to monitor for any adverse treatment or impacts on any groups.
- Ensure that contracting/procurement opportunities are awarded in a nondiscriminatory manner.
- Ensure that subrecipients, contractors, subcontractors, transferees, successors in interest, and other participants comply with all Title VI requirements.
- Conduct Title VI compliance reviews on the Authority's programs and subrecipients.

## II. TITLE VI POLICY

The Authority wholeheartedly adopts Title VI requirements into its programs, activities and services. To demonstrate the Authority's commitment to Title VI of the Civil Rights Act of 1964 and related statutes, Attachment 2 is the policy statement that was adopted by the Authority's Board on March 1, 2012.

## III. INTERDISCIPLINARY APPROACH

In implementing Title VI of the Civil Rights Act of 1964 and related statutes, the Authority has embraced the guidance provided by the FHWA's Chapter 1, *Preventing Discrimination in the Federal-Aid Program: A Systematic Interdisciplinary Approach*.

An Interdisciplinary Approach Team was established on November 29, 2011 with representatives from Administration, Communication, Construction, Environmental Planning, and the Right of Way programs. The focus of the Interdisciplinary Approach Team is to:

- Foster awareness of non-discrimination requirements.
- Participate in the development of the Title VI Program Plan.
- Continuously assess the Plan's effectiveness.
- Participate in the revision of the Plan.
- Participate in preparing the triennial and ad-hoc Title VI Program reports.

## B. TITLE VI PLAN OVERVIEW [FTA C4702.1B, III-1; V-1, 49 CFR 21.9(b)]

The Authority exercised a systematic approach by using the FTA Circular 4702.1B Guidelines in preparing the Plan. The Plan emphasizes the planning and project delivery processes of the Authority's rail projects and system. Particular attention is placed on the four (4) emphasis programs: Communications, Construction, Environmental Planning and Right of Way. Specific guidance on Public Participation, LEP, Environmental Justice, Title VI Assurances, Complaint Procedures, a Triennial

Report and Data Collection is also included. The Plan will be distributed to the Authority staff, the public and local partners.

The Authority recognizes it must identify a single point of contact to implement and manage its commitment of assurance to the Title VI Program. This responsibility is assigned to the Title VI Coordinator. The Title IV Coordinator can be contacted at the following address:

Title VI Coordinator  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814  
(916) 324-1541  
Fax (916) 322-0827  
TTY: 711

The duties and role of Title VI Coordinator is to provide guidance and technical assistance to the Authority on Title VI matters and has overall program responsibility for preparing required reports regarding Title VI compliance and developing procedures and monitors:

- Prompt processing and resolution of Title VI complaints.
- Collection of statistical data (race, color, national origin) on participants in, and beneficiaries of the Authority's programs, activities and services.
- Prevention of discrimination in Authority's programs, activities and services.
- Pre-grant and post-grant approval requests for compliance with Title VI requirements.
- Compliance reviews on the Authority's program area activities, consultants, contractors, suppliers, and the Authority's subrecipients of federal financial assistance.
- Policy directives for inclusion of Title VI requirements and to ensure procedures have built-in safeguards to prevent discrimination.
- Coordinate the development and implementation of a Title VI training program for Authority employees.
- Prepare a triennial report on the Authority's Title VI Program that reflects accomplishments, organizational, policy and implementation changes.
- Assist program personnel to proactively eliminate Title VI deficiencies as noted in self-monitoring and compliance review activities.
- Develop Title VI information for public dissemination, where appropriate, and in languages other than English.
- Conduct Title VI discrimination complaint investigations or refer the complaint to the appropriate investigative official.

The Authority will utilize the Interdisciplinary Approach to ensure compliance with Title VI requirements. Under the Interdisciplinary Approach, the Authority's Program and

Project managers have the responsibility to ensure compliance within their functional responsibilities. The managers will work closely with the Title VI Coordinator to administer the Plan requirements.

The Program and Project Managers will:

- Advise the Title VI Coordinator and their respective management and/or Board on Title VI issues.
- Ensure that Title VI requirements are included in policy directives, contracts and program manuals and that the procedures used have built-in safeguards to prevent discrimination.
- Ensure the collection and analysis of statistical data to determine transportation investment benefits and burdens to the eligible population, including the minority and low-income populations.
- Self-monitor and preventive action, within their respective area of responsibilities, for Title VI compliance.
- Provide guidance and technical assistance to program staff to prevent Title VI problems or discriminatory practices or policies.
- Collaborate with the Title VI Coordinator in coordinating and conducting compliance reviews.
- Provide the Title VI Coordinator with a triennial report of Title VI accomplishments for respective functional responsibilities.
- Refer Title VI discrimination complaints to the Title VI Coordinator.
- Collaborate with Title VI Coordinator to develop information for public dissemination, and where appropriate, in languages other than English.

**C. ANNUAL TITLE VI CERTIFICATIONS AND ASSURANCE AND GENERAL REQUIREMENTS [FTA C4702.1B, III-1, 49 CFR SECTION 21.9(b)]**

The Authority shall submit an annual Title VI Certification and Assurance to FRA. The Authority shall also collect Title VI assurances from subrecipients prior to passing through FRA funds. Attachment 2 is a copy of the signed Certification and Assurances of Compliance for federal fiscal years 2012 and 2013.

**D. SUBMISSION OF A TRIENNIAL TITLE VI PROGRAM [FTA 4702.1B, III-1, 5, 9, 49 CFR 21.9(b)]**

The Authority will prepare and submit its Title VI Program Plan to the FRA every three years by October 15. This report will include:

- A copy of the Title VI brochure, *What is Title VI*. The brochure is available to the public and states that the Authority complies with Title VI and informs the public of their rights to protection against discrimination. (Attachment 3).
- A copy of the Authority's complaint form and instructions on how the public can file a Title VI discrimination complaint. (Attachment 4)

- A list of Title VI investigations, complaints or lawsuits filed with the Authority since the time of the last submission.
- A public participation plan that includes an outreach plan to engage minority and LEP persons.
- A copy of the Authority's plan for providing language assistance to LEP persons.
- A racial breakdown of the Authority's Board.
- Copies of the Title VI Program Plan(s) of subrecipients, when applicable.

**E. NOTIFICATION TO PUBLIC OF PROTECTION UNDER TITLE VI [FTA C4702.1B, III-4(a)(b), 49 CFR 21.9(d)]**

The Authority acknowledges the need to notify the public of their civil rights under Title VI requirements for all its services, projects and activities. The Authority will prepare a poster and has prepared a brochure on the public's rights under Title VI. The poster and brochure will contain:

1. A statement that the Authority operates its programs and services without regard to race, color or national origin.
2. A description of the procedures that the public should follow in order to request additional information on the Authority's non-discrimination obligations.
3. A description of the procedures that the public should follow in order to file a discrimination complaint.

Attachment 3 is the brochure, "*What is Title VI?*" in English and Spanish. The brochure explains Title VI and the public's rights, as well as describes the complaint procedures and where to file a complaint. The brochure will be translated in other languages when appropriate.

The Authority will use various media methods to disseminate the Title VI notification--brochures and poster regarding the public's rights and obligations. The Title VI poster and brochures will be disseminated at the following locations:

- Authority website at: [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov)
- Authority office
- Minority and low-income organization offices
- Public and project meetings on subjects related to the Authority
- Passenger rail stations, when operational
- Passenger rail coaches, when operational

In order to reduce administrative burden associated with the notice requirement, subrecipients to the Authority may adopt the Authority's Title VI notices and publications.

**F. PROCEDURES FOR FILING A TITLE VI COMPLAINT [FTA C4702.1B, III-4, 49 CFR 21.9(b), 21.11(b)(c)]**

It is the policy of the Authority to employ its best efforts to ensure all programs, services, activities, and benefits are implemented without discrimination. This section provides information on the procedures for filing a complaint alleging discrimination on the basis of race, color or national origin.

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, national origin or other protected-class interests may file a written complaint with the Authority, the FRA, the U.S. DOT Secretary of Transportation or the U.S. Department of Justice (USDOJ). Further, the Authority prohibits intimidation, coercion, or engagement in other discriminatory conduct against anyone because he or she has filed a complaint to secure their rights as protected by Title VI.

A written and signed complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended. The Authority encourages the complainant to file the complaint with the Authority for immediate resolution. In the event, the complainant is dissatisfied with the Authority's resolution; the same complaint may be submitted to the FRA, or USDOJ. Refer to Attachment 4 for Authority's Title VI complaint form and instructions to complete the complaint form. In conformance with LEP requirements, the complaint form will be available in Spanish and other languages.

A complainant may submit a written complaint to the Authority directly or to the FRA or the USDOJ. The contact information is:

Title VI Coordinator  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814  
(916) 324-0541  
Fax (916) 322-0827  
TTY: 711

Federal Railroad Administration  
Office of Civil Rights,  
1200 New Jersey Avenue SE  
Mail Stop 5  
Washington, D.C. 20590  
(202) 493-6012  
Fax (202) 493-6481

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

In the event the complainant is not able or not capable of providing a written statement, and desires the Authority or FRA to investigate alleged discrimination, a verbal complaint of discrimination will be accepted.

The complaint must be signed by the complainant, complainants or by designation of a representative for the complainant(s). An investigation will begin no later than 15 working days after receipt of the complaint. The Authority will determine jurisdictional

responsibilities for handling the complaint. If the complaint alleges egregious discrimination regarding Authority services and activities, the complaint will be forwarded to the FRA for formal investigation. The complainant will be contacted in writing, no later than 30 working days after receipt of the complaint for additional information, if needed. The complainant may be interviewed by an appropriate official authorized to investigate the complaint. In compliance with LEP, translation services will be provided to the complainant, as necessary.

The Authority will make every effort to complete the investigation within 90 days of receipt of the complaint. The Authority will obtain concurrence from the complainant, for an extension of time to complete the investigation, should additional time be required.

The Authority will provide the complainant with a complaint closure letter with a summary description of the allegation, investigation methodology and identify remedial steps if discrimination is found. The respondent or respondent agency will also receive a copy of the closure letter.

The complainant will have five (5) working days from receipt of the report to appeal Authority's findings. If neither party appeals, the complaint will be closed.

In the event the complainant elects to file a complaint directly with FRA; FRA will promptly investigate the complaint. Refer to Chapter IX - FTA Circular 4702.1B, FTA's Complaint Procedures for the procedures FRA will follow to investigate and resolve a Title VI complaint that is sent directly to them.

**G. RECORD AND REPORT INVESTIGATIONS, COMPLAINTS AND LAWSUITS [FTA C4702.1B, III-5, 49 CFR 21.9(b)]**

All allegations of Title VI discrimination will be tracked and monitored for compliance with this Plan. The recording of the complaint and or lawsuit will include:

- Date the complaint, investigation or lawsuit was filed.
- Summary of the allegation(s).
- Status of the complaint, investigation or lawsuit.
- Actions taken by the Authority in response to the complaint, investigation or lawsuit findings.

The list of complaints or lawsuits will be included in the Title VI Triennial Report.

**H. PROMOTING INCLUSIVE PUBLIC INVOLVEMENT [FTA C4702.1B, III-5, 49 USC Section 5307(c)(D)(1)(i)]**

Public involvement is fundamental and essential in achieving equitable program, services and activities. Public participation provides for public involvement of all persons (including Native American Tribal Governments), minorities and low-income persons, effected public agencies, employees, the general public, transportation service

providers, public transit users and other interested parties of the community effected by rail programs and projects.

In order to integrate into community outreach activities, consideration expressed in the DOT Order on Environmental Justice, and the DOT LEP Guidance, the Authority will seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. The Authority's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed rail and transportation decisions.

The Authority has implemented and will continue to ensure compliance with the Title VI requirements in its programs and activities during the project's Design-Build activities. The Title VI Plan will be enhanced as the rail project becomes operational. The Authority has developed a Public Participation Plan (PPP) to effectively fulfill the inclusive public participation requirement. The Authority's PPP will supplement the Title VI Plan. The PPP will be posted on the website: [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov). The PPP factors for effective public participation include:

- Time, location, and accessibility of meetings.
- Reaching people within their own communities and during existing meeting schedules.
- Provision of childcare and interpreters (LEP) at meetings.
- Presentations focused to specific interests of group.
- Placement of meeting announcements and flyers using different types of media.
- Cultural sensitivity for minority and Native American Tribal groups.
- Identified barriers to overcome public participation.
- Coordination with individuals, institutions, or organizations and implementation of community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
- Provide opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Use of locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
- Use of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population.

The Authority will use the Public Participation Survey form at its public meetings (Attachment 5). The Public Participation Survey enables the Authority to collect data to identify residents and communities impacted by federal financial assisted projects or activities. Completion of the survey, by the public, is *voluntary*. The Public Participation Visual Tally (Attachment 6) will be used as an indirect method for collecting data when at least 50 percent of the participants do not complete the public participation survey. Best judgment will be used when physically counting the participants in regards to the

demographics, such as race, age and gender. When conducting a visual count, the public participant's demographic data should be reported as a percentage of the total participants. Refer to Attachment 7 for an example of the Public Participation Data Collection form.

**I. PROVIDING MEANINGFUL ACCESS TO LEP PERSONS [FTA 4702.1B, III-6, EXECUTIVE ORDER 13166, LEP GUIDELINES, AND DYMALLY-ALATORRE BILINGUAL SERVICES ACT OF 1973]**

LEP individuals are persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. In keeping with Title VI requirements, the Authority provides language assistance to ensure that LEP persons have meaningful access to its services, including route information, telephone based customer service, printed materials including public meeting notices, and other customer based services.

The Authority is further committed to ensure compliance with the Dymally-Alatorre Bilingual Services Act of 1973. This includes but is not limited to providing resources, including bilingual staff, interpreters, and translated materials to ensure that information and services will be made available in the languages readily understood by all Authority customers.

The Authority will apply the Four-Factor Framework needs assessment in Section V of the *Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency Persons—December 14, 2005* and prepare a comprehensive LEP Plan, as a separate plan, that will supplement the Title VI Plan.

When the high-speed rail project is completed, the Authority service area population will be over 50 million. Considering the service area population, the LEP Plan will assess:

1. Number and proportion of LEP persons served or encountered in the eligible service population.
2. Frequency with which LEP persons come into contact with the program, activities, or service.
3. Nature and importance of the program, activities, or service provided by the Authority.
4. Resources available to the Authority to implement the LEP Plan.

At a minimum, the Authority will:

- Provide interpreter services in Spanish and other languages at public meetings, as needed.
- Apply the Safe Harbor Provision, when appropriate.
- Translate customer service related rail schedules, when the project is operational, into Spanish and other languages as needed.

- Translate program brochures into Spanish and other languages, as needed. Refer to Attachment 3 for an example Spanish translated brochure.
- Provide training to Authority employees on how to service LEP persons.
- Identify an Authority employee and/or volunteer to provide Spanish and other translation services for public counter service and telephone calls to the Authority.
- Provide web site information in Spanish and other languages, as needed.
- Collaborate with minority organizations to ensure LEP persons are aware and have access to Authority services.

The LEP Plan will reflect the overall goal of improving and maintaining language access for Authority customers. The intent is to achieve a balance that ensures meaningful access to programs and services while avoiding undue burdens on Authority resources.

**J. MINORITY REPRESENTATION ON DECISION-MAKING BODY [FTA C4702.1B, III-8, 49 CFR 21.5(b)(1)(vii)]**

The Authority is comprised of a nine-member policy Board that approves the high-speed rail project plans. Five (5) members are appointed by the California Governor; two (2) are appointed by the California Senate Rules Committee and two (2) are appointed by the California Speaker of the Assembly.

There are currently eight (8) members on the policy Board: seven (7) males and one (1) female. Attachment 8 is information on the Board members.

**K. PROVIDING ASSISTANCE TO SUBRECIPIENTS [FTA C4702.1B, III-8, V-2, 49 CFR 21.9(b)]**

Federal regulations state 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.” Therefore, the Authority will provide assistance to subrecipients as necessary in the following manner:

- Ensure the subrecipients understand and appropriately implement Title VI requirements.
- Assist in the preparation of the subrecipient’s Title VI Plan and required reports.
- Provide sample public notices on public rights under Title VI and procedures on how to file a Title VI complaint.
- Provide sample procedures for investigating Title VI complaints and the requirement to notify the Authority of all Title VI complaints.
- Provide demographic information on the race and English proficiency of residents served by the subrecipients.

**L. MONITORING SUBRECIPIENTS [FTA C4702.B, III-8, V-2, 49 CFR 21.9(b)]**

To ensure that subrecipients are complying with the Title VI regulations, the Authority will monitor its subrecipients by undertaking the following activities:

- Conduct a compliance review and document the subrecipient's compliance with Title VI, reporting requirements, as well as other requirements that apply.
- Provide guidance and technical assistance as necessary to comply with Title VI Program requirements and reports.
- Upon request of FRA, in response to a complaint of discrimination, or as otherwise deemed necessary, the Authority will request that the subrecipients verify that its level and quality of service is provided on an equitable basis.

**M. DETERMINATION OF LOCATION OF FACILITIES [FTA C4702.1B, III-9, CFR 21.9(b)(3)]**

The Authority's Right Of Way program will complete a Title VI analysis during the project development of the high-speed rail system to ensure that the locations selected are made without regard to race, color or national origin. In the event the Authority determines that the location of a project will result in a disparate impact, there will be substantial, legitimate justification made for the selection of the site, and where there are no alternative locations that would have a less adverse impact on members of a group protected under Title VI.

**N. SET SYSTEM-WIDE SERVICE STANDARDS AND POLICIES [FTA C4702.1B, IV-4, 49 CFR 21.5, 21.5(b) (2)(7), 49 CFR Part 21, Appendix C]**

As the Design Build project progresses, the Authority shall set system-wide service standards necessary to guard against discriminatory service design or operations decisions from having disparate impact. The FRA requires that the Authority utilize effective practices to fulfill the service standard requirement by developing quantitative standards for the indicators listed below:

- Vehicle load--Ratio of passengers to the total number of seats on a vehicle at its maximum load point.
- Vehicle headway—Amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- On-time performance—Measure of runs completed as scheduled.
- Service availability—General measure of the distribution of routes within a service area.

The Authority shall set system-wide service standards necessary to guard against service design and operational policies that have disparate impacts. System-wide policies differ from service standards in that they are required based on a quantitative threshold. As the Design-Build project progresses, the Authority will develop a policy for each of the following service indicators:

- Distribution of amenities--refers to items of comfort, convenience, and safety that are available to the general riding public. The Authority will set a policy to ensure equitable distribution of amenities across the system. Transit amenities include but are not limited to seating, rail shelters and rail platform canopies, provision of information (i.e., signage, system maps, schedules), digital equipment, Intelligent Transportation Systems, escalators, elevators, and waste receptacles.
- Vehicle assignment--refers to the process by which rail cars are placed into service in depots and on routes through the rail system.

**O. COLLECT AND REPORT DEMOGRAPHIC DATA [FTA C4702.1B, IV-7, 49 CFR 21.9(b)]**

As the Design Build project progresses, the Authority shall collect and analyze racial and ethnic data as described below in order to determine the extent in which members of minority groups are beneficiaries of a program receiving federal financial assistance from FRA. In order to ensure compliance with this section, when the project is operational, the Authority will prepare data regarding:

- Demographic and Service Profile Maps and Charts. These maps and charts will be prepared after each decennial census and prior to proposed service changes. The maps and charts will be used to determine whether rail service is available to minority populations within the high-speed rail system.
- Customer demographics and Travel Patterns. The information collected will be used to develop a demographic profile comparing minority riders and non-minority riders, and trips taken by minority riders and non-minority riders.

**P. MONITOR SERVICE [FTA C4702.1B, IV-8]**

As the Design Build project progresses, the Authority will develop and implement a monitoring program. This program will select sample minority and non-minority routes to assess performance for each of its service standards and policies. When the observed service for minority routes exceeds or fails to meet the standard or policy, the Authority shall analyze why the discrepancies exist, and take steps to reduce the potential effects. The Authority will evaluate its amenities policy to ensure amenities are being distributed throughout the system in an equitable manner. Monitoring will include:

- Monitor the performance of its rail system relative to its service standards and service policies (i.e., vehicle load, vehicle assignment, amenities, etc.);
- Develop a methodology to determine whether disparate impacts on the basis of race, color, or national origin exist and apply that methodology to the results of the monitoring activities;
- Brief the Board regarding the results of the monitoring program;
- Submit documentation (i.e., a resolution, copy of meeting minutes, etc.) to verify the Board's consideration and awareness of the monitoring results; and
- Submit the results of the monitoring program to FRA in the Triennial Report.

**Q. EVALUATE SERVICE AND FARE CHANGES [FTA 4702.1B, IV-9, 49 CFR 21 and 21.5(b)(2)(7), Appendix C]**

As the Design Build project progresses, the Authority will engage the public in the decision-making process to develop major service change policy and fare change policy. In addition, the Authority will develop a policy for measuring disparate impact. The Authority will evaluate the impacts of its service and/or fare changes using the following method:

- Assess the effects of the proposed fare or service change on minority and low-income populations.
- Assess the alternative available for people affected by the fare increase or major service change.
- Complete a Title VI Disparate Impact Analysis.
- Complete an Environmental Justice Disproportionately High and Adverse Effect Analysis.
- Evaluate at the planning and programming stages, any and all service changes that exceed the Authority's major service change threshold, as well as any fare changes, to determine whether those changes will have a discriminatory impact based on race, color, or national origin.
- Evaluate proposed changes to determine whether the changes have a disproportionately high and adverse impact on minority populations and/or low-income populations.
- Brief the Authority Board at the completion of a service or fare equity analysis. Documentation such as a Board resolution, copy of meeting minutes, or similar documentation will be submitted in the Triennial Report.

**R. CALIFORNIA HIGH-SPEED RAIL AUTHORITY PROGRAMS**

The Authority has four (4) emphasis programs: Communications, Construction, Environmental Planning, and Right of Way.

Communications

The Communications Office provides information about the Authority's high-speed rail project to the news media, government offices and the general public. In addition, the Communications Office may hold public meetings informing local communities about the rail project in their respective areas. In general, the Public Information Officer is charged with keeping the public informed about all aspects of the Authority. As the rail project progresses, it is anticipated that the Communications Office will be the central point of contact to answer inquiries about the ongoing construction of the rail system planned projects and maintenance issues associated with the high-speed rail. Often times, the Communications Office will receive the initial contact from the public regarding a complaint. It is critical, that the Public Information Officers are knowledgeable about Title VI and related statutes, are responsive and convey relevant information to the complainant.

## Construction

Construction includes Pre-Construction, Construction and Post Construction. The Authority is currently in its Pre-construction phase. Pre-construction activities such as identifying the first phase of design and construction work, site preparation, developing the legal, commercial and technical elements of bid documents, and advertising for and selecting the Design Build Contractor. The bid documents have incorporated non-discrimination and compliance requirements.

The Authority anticipates distribution of information relating to its contracting opportunities through various media that will provide all prospective bidders and proposers, regardless of race, color, national origin or sex with equal access. By applying the same criteria and standards to all bidders and proposers, the Authority will ensure a level playing field in the contracting and award process.

The Authority will incorporate its Small and Disadvantaged Business Enterprise Program Plan requirements on federal financial aid contracts. The small business definition is inclusive of socially and economically Disadvantaged Business Enterprises, Disabled Veteran Business Enterprises and Micro-Businesses.

The Request for Proposal for the Phase 1 Design Build contract will be advertised in the Spring of 2012 and include a component on Small Business participation, monitoring and contract compliance. Award of the Phase 1 Design Build contract will include an evaluation to determine the proposed selected Design Builder has a Small Business Performance Plan that ensures non-discrimination and inclusion of small businesses in the duration of the contract. After award of the contract, it is anticipated that construction will begin in 2013.

The Design Build contract specifications will also include minority and women hiring requirements as specified in 49 CFR Section 60—US Department of Labor, Office of Federal Contract Compliance Program. The project is designated a Mega Project and will require the Design Build firm(s) to facilitate a minority and women hiring goal and reports its attainment to an Oversight Committee.

## Environmental Planning

The Environmental Planning Program formulates policies relative to environmental issues and adherence to environmental requirements. Compliance with the National Environmental Policy Act and Environmental Justice are requirements for the high-speed rail project. For this project, data and information on project alternatives and related environmental effects are collected and analyzed. The goal of this process is to develop a complete understanding of the existing and future environmental conditions, the possible effects of the proposed rail project, and how to mitigate these effects in order to make the best project decision in terms of meeting the intended rail need, the goals of an area or community, and for the protection and enhancement of the

environment. The project development for the rail project includes environmental, right of way, and construction contracting.

The environmental process is an integral part of the rail project development process. It emphasizes public input, objective analysis of project impacts and commitments of mitigation measures to reduce or eliminate significant impacts to minority or low-income communities. The environmental process, together with the project development and public involvement process ensures that the high-speed rail project complies with Title VI and Executive Order 12898 on Environmental Justice.

A Community Impact Assessment (CIA) report was completed in September 2009. This CIA report documents the Authority's effort to identify low-income and minority groups, which could be disproportionately impacted by the rail project. The finding of this assessment is located in the final environmental documents file and can be viewed on the web at [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov).

The identification of low-income and minority communities or groups was a major emphasis of the CIA. Information gained during performance of this assessment is essential to determine if the potential for disproportionate or discriminatory impacts would occur as a result of the rail project's implementation.

Primary and secondary sources of information were consulted to determine if such communities and/or groups are present within the rail project's study area. The most current demographic information was reviewed to determine the ethnicity and economic levels of the study area's inhabitants and whether clustering of minority and low-income individuals was evident within the study area. Sources of demographic information include: Census population and economic projections made by local agencies.

Public involvement was an integral part of the project development process. Conducting public meetings is a method in which the impacted community is granted an opportunity voice their concerns, learn more about the rail project and meet rail staff. Notices for these public meetings were distributed throughout the project area in several ways. The most common distribution methods were via newspaper announcements, emails, post cards, posting invitations in public places, and flyers door-to-door where appropriate. Depending on demographic information, invitations are printed in languages readily understood by the impacted communities and notices are printed in newspapers of the community impacted. Interpreters are made available at the facilitation meetings. Printed informational materials are also printed in alternative languages, when appropriate. All actions are documented in the draft Environmental Impact Report/Environmental Impact Statement (EIS). Managers review EIS for quality, completeness, sufficiency and adequacy of the public participation and Environmental Justice documentation.

The Environmental Manager is responsible for ensuring adherence to Title VI and related statutes, Non-discrimination Statement and that Title VI matters and related requirements, are considered part of the environmental planning process. When Title

IV issues are identified in the environmental process, appropriate mitigation measures are proposed to avoid, minimize, rectify or compensate the impact. Mitigation measures are documented in the environmental document for the rail project.

The Environmental document includes a complete discussion of all of the public meetings and public participation efforts made during the rail project planning and development, including early coordination with the affected communities, their overall input into the project scoping process, documentation of all formal and informal meetings with community groups and the general public. The Environmental document must include the rationale for the range of project alternatives, the selection of the preferred alternative, and the development of mitigation measures. The final Environmental document includes responses to comments generated during the public review process.

### Right of Way

The Right of Way (ROW) Program provides property rights for the construction of the High-Speed Train Project (HSTP) project in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), which requires that people affected by federally funded projects be treated fairly and equitably. These activities require ongoing interaction with the public during all phases of the HSTP including but not limited to the following areas:

- Appraisals
- Acquisitions
- Condemnation
- Relocation Assistance Program
- Property Management

The ROW Program has incorporated affirmative measures to comply with the requirements of Title VI. ROW agents provide all property owners, tenants and displacees with a copy of the Title VI brochure explaining a person's rights and the complaint process. In addition, a voluntary Title VI Survey form is distributed to all affected customers to complete and submit to the Authority. This survey is anonymous and asks questions to determine gender (of the head of household), marital status and ethnicity.

Every ROW agent is provided a manual to maintain consistency and ensure fair and equitable treatment to all those impacted by the HSTP. ROW agents receive annual Title VI training, and attend mandatory ethics class and adhere to the highest ethical standards in all dealings with both internal and external stakeholders.

The Authority will conduct annual Quality Enhancement Joint Reviews. On an annual basis, files are randomly selected and reviewed to make sure that actions taken are consistent with the policies and procedures set forth by Title VI, the ROW manual, Uniform Act and all other pertinent requirements.

### Appraisals

The ROW agent during the first contact provides the following documents to the property owner and/or occupants:

- Notice of Decision to Appraise
- *Your Property, Your High-Speed Rail Project Pamphlet*
- *Private Property & High-Speed Rail: Your Questions Answered*
- *What is Title VI?*—English and Spanish Brochure
- Title VI Survey form
- Title VI of the Civil Rights Act of 1964 and related statutes
- Title VI Discrimination Complaint Form
- I Speak Card (language identification flashcard)

These documents are also available in Spanish and other languages upon request and can be viewed at [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov). When necessary, a bilingual specialist is provided for liaison and interpretation.

Uniformity and fairness in the treatment of property owners is the goal of the Uniform Act. Appraisals are made in accordance with the highest professional methods and ethical standards and with constant regard to the rights of the property owners. Authority appraisers adhere to the Uniform Act and the Uniform Standards of Professional Appraisal Practice (USPAP).

A thorough review process is used by the Authority in accordance with the Uniform Act and USPAP to ensure consistent standards of quality for staff appraisals. In the course of appraisal review, the supervisor/reviewer confirms that the parcel diary indicates that Title VI information has been delivered.

### Acquisitions

The ROW agent is required to confirm that the property owner and/or occupants have received the Title VI Survey and brochure during the first call or visit. This information must be documented in the ROW agent's parcel diary.

### Condemnation

Expert witnesses hired for condemnation purposes must complete an *Ethnic Group and Small Business Questionnaire* as a part of the expert witness service contract. This form is maintained by the Title VI Program, where the information can be obtained should the need arise.

### Relocation Assistance

All displacees receive a standard General Information Notice which contains a non-discrimination clause, as well as a *What is Title VI?*-- brochure and a voluntary Title VI

Survey form. The delivery of this information is documented in the Relocation Agent's parcel diary. Additionally, the Relocation Agent provides the displacee with the appropriate booklet:

- *Your Rights and Benefits as a Displacee under the Uniform Relocation Assistance Program (Residential)*
- *Your Rights and Benefits as a Displacee Under the Uniform Relocation Assistance Program (Mobile Home)*
- *Your Rights and Benefits as a Displaced Business, Farm or Nonprofit Organization under the Uniform Relocation Assistance Program*

The above documents are also available in Spanish and other languages upon request. When necessary, a bilingual specialist is provided for liaison and interpretation.

### Property Management

The ROW agent is required to inform the Authority's post-acquisition tenants about the Authority's policies and procedures under Title VI. The tenants must be given the Title VI brochure and the voluntary Title VI Survey. The ROW agent documents this activity in the rental file diary.

The first line Supervisor ensures that all Title VI requirements are being met by periodic review of the rental files and through discussions with the agents. The Supervisor certifies that the rent is appropriately supported and a fair determination of market rent was established regardless of race, color, sex or national origin. On a project that includes a number of rentals, the reviewer will also look for consistency in equal treatment among rental properties.

Through its Board, the Chief Executive Officer, Chief Deputy Director, staff and professional services consultants, the Authority will act as the lead agency for the programs, project and services. The Title VI Coordinator will ensure Title VI requirements are in place for its Planning, Design, Environmental documents, Right of Way and Construction contracts.

The Authority will ensure Title VI requirements are in place for its rail fares, rail schedules, rail routes and LEP, where appropriate. The proposed rail service maps, when available, can be viewed at [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov).

### **S. Bond and Federal Financial Grant and Assistance [FTA 4702.1B, IV-1]**

The Authority is a recipient of State bond funding and federal financial assistance. The agency intends to continue its quest of additional FRA grant funding.

- State general obligation bonds authorized under *the Safe, Reliable High-Speed Passenger Train Bond Act for the 21<sup>st</sup> Century* (Bond Act) approved by California voters as Propositions 1A in 2008. This includes \$66.0 million for pre-

construction period activities and \$2.618 billion for construction period activities. Total State bond funding to be applied to the Initial Construction Section (ICS) combines to \$2.684 billion.

- Federal grants authorized under the American Recovery and Reinvestment Act (ARRA) and under the High-Speed Intercity Passenger Rail Program for federal fiscal year 2010. This includes \$66.0 million for pre-construction period activities and \$3.25 billion for construction period activities. Total federal grants funding to be applied to the ICS is approximately \$3.316 billion.
- Cooperative Agreement with the FRA provides \$928 million for the construction of the Central Valley segment.

DRAFT



# CALIFORNIA HIGH-SPEED RAIL AUTHORITY

March 2012



*Edmund G. Brown Jr  
Governor  
State of California*



## TITLE VI PROGRAM PLAN

The California High-Speed Rail Authority is committed to no person in the United States shall, on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity in the design, construction and operation of a high speed rail system in California. This commitment will serve to inspire non-discrimination and equal access.

Roelof van Ark  
Chief Executive Officer  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, CA 95814  
[www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov)  
(916) 324-1541

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND RELATED STATUTES  
CALIFORNIA HIGH-SPEED RAIL AUTHORITY ASSURANCE AND CERTIFICATION  
OF  
NON-DISCRIMINATION IN ITS SERVICES AND ACTIVITIES**

The California High-Speed Rail Authority (Authority), under Title VI of the Civil Rights Act of 1964 and related statutes, and 49 Code of Federal Regulation (CFR) Section 21.7, ensures that no person in the State of California, shall on the grounds of race, color, national origin, age, sex, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service or activity it administers.

The Authority agrees to comply with all federal statutes and regulations, and follow applicable federal directives, and comply with certifications and assurances as applicable to each grant Application submission to the Federal Railroad Administration (FRA) during the Federal Fiscal Years 2012 and 2013.

The Authority affirms the truthfulness and accuracy of the certifications and assurances it has made in statements submitted herein and with the submittal of the Title VI Program Plan. The Authority further acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 United States Code 3801 et seq., and implementing U.S. Department of Transportation regulations, "Program Fraud Civil Remedies" 49 CFR Part 31 apply to any certification, assurance or submission for grants made to FRA.

By signing this document on behalf of the Authority, I declare assurance of compliance with Title VI of the Civil Rights Act of 1964 and related statutes.

\_\_\_\_\_,  
Chief Executive Officer  
California High-Speed Rail Authority

**CALIFORNIA HIGH-SPEED RAIL AUTHORITY  
TITLE VI NON-DISCRIMINATION POLICY**

The California High Speed-Rail Authority (Authority) is committed to ensuring that no person in the State of California is excluded from participation in, nor denied the benefits of its programs, activities and services on the basis of race, color, national origin, age, sex, or disability as afforded by Title VI of the Civil Rights Act of 1964 and Related Statutes.

The Authority, as a federal grant recipient, is required by the Federal Railroad Administration to conform to Title VI of the Civil Rights Act of 1964 and related statutes. The Authority's sub-recipients and contractors are required to prevent discrimination and ensure non-discrimination in all of their programs, activities and services.

As permitted and authorized by Title VI, the Authority will administer a Title VI Program in accordance with the spirit and intent of the non-discrimination laws and regulations.

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Chief Executive Officer  
California High-Speed Rail Authority

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Date



# California High-Speed Rail Authority

## WHAT IS TITLE VI?

**Title VI is the portion of the Civil Rights Act of 1964 requiring nondiscrimination in federally assisted projects.**

*“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.” (42 U.S.C., §2000d)*

*Additionally, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994 provides:*

*“Each recipient of federal funds shall make achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”*

**Related statutes provide protection against discrimination on the basis of sex, age or disability.**

## WHAT DOES THIS MEAN?

**The Authority strives to ensure that access to and use of programs, services or benefits derived from any Authority activity will be administered without regard to race, color, national origin, sex, age, disability or socioeconomic status.**

**The Authority prohibits all discriminatory practices, which include but are not limited to:**

- Denial to any individual of any service, participation or benefit provided under the program to which he or she may be otherwise entitled;
- Different standards or requirements of participation;
- Separate treatment in any part of the program;
- Differences in quality, quantity or manner in which the benefit is provided;
- Discrimination in any activities conducted in a facility built in whole or part with Federal funds.

**To ensure compliance with Title VI, related statutes and the Presidential Executive Order on Environmental Justice, the Authority will:**

- Avoid or reduce harmful human health and environmental effects on minority and low-income populations;
- Ensure the full and fair participation by all communities including low-income and minority populations in the high-speed rail system decision-making process;
- Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

**Title VI requirements on nondiscrimination apply to Authority employee, contractors, consultants and other partners who receive federal financial assistance from the Authority.**

## BENEFITS AND SERVICES

**The Authority’s mission is to provide the people of California with a safe, efficient and effective high-speed rail system. The work the Authority performs is intended to assist the transportation needs of all the people of California regardless of race, color, national origin, sex, age, disability or socioeconomic status.**

## ARE YOUR RIGHTS BEING VIOLATED?

**If you believe the Authority has discriminated against you because of your race, color, national origin, sex, age, disability or socioeconomic status, you may file a complaint with the Authority within 180 days of the alleged act of discrimination. Provide as much detail as possible, sign the complaint and mail it to:**

California High-Speed Rail Authority  
Attn: Title VI Coordinator  
770 L Street, Suite 800  
Sacramento, CA 95814  
Phone: 916-324-1541 Fax: 916-322-0827

**The Authority strives to complete the investigation within 180 days of receipt of the complaint.**

This brochure is available in alternative formats upon request. For alternative formats, call (916) 324-1541 or TTY: 711.



## California High-Speed Rail Authority (Autoridad)

### ¿QUÉ ES EL TÍTULO VI?

El Título VI es un apartado de la Ley de Derechos Civiles de 1964 que requieren no discriminación en proyectos subvencionados por el Gobierno Federal.

*“En los Estados Unidos, no se podrá discriminar a nadie ni negarle la participación o las prestaciones ofrecidas por ningún programa o actividad financiados por el gobierno federal en razón de su raza, color o país de origen” (Título 42 del Código de los Estados Unidos, 2000d de Artículo)*

*Asimismo, el Decreto 12898, Medidas del gobierno federal para lograr la justicia ambiental entre grupos minoritarios y de bajos ingresos de 1994, dispone lo siguiente:*

*“La justicia ambiental deberá contarse entre los bojetivos demisión de todos los organismos federales. A tal fin, deberán identificary y resolución, según corresponda, los efectos desproporcionadamente tumbas y adversos de sus programas, políticas y actividades sobre la salud o el medio ambiente de los grupos minoritarios o de bajos ingresos de la población.”*

Las normas relacionadas ofrecen protección contra la discriminación por sexo, edad o discapacidad en el marco de programas financiados por el Gobierno Federal.

### ¿QUÉ SIGNIFICA ESTO?

Significa que se presentacion por garantizar el acceso y el uso de todos los programas, prestaciones o servicios derivados de las actividades de la raza, color, país de origen, sexo, edad, discapacidad o condición socioeconómica.

La Autoridad no tolerará ningún acto de discriminación por parte de sus empleados o de los beneficiarios de financiamiento Federal, como por ejemplo, contratistas, consultores, agencias de planificación o cualquier otro beneficiario del financiamiento federal para autopistas. La Autoridad prohíbe cualquier acto de discriminación que pueda dar lugar una:

- Denegación de cualquier prestación, ayuda económica o servicio ofrecido por el programa al cual la persona tiene derecho a acceder;
- Aplicación de distintas normas o requisitos para la participación;
- Trato por separado en cualquier sección del programa;
- Diferencias en la calidad, cantidad o forma en se brinda la prestación;
- Discriminación en cualquiera de las actividades desarrolladas en un establecimiento construido, en su totalidad o en parte, con fondos federales.

Para garantizar el cumplimiento de las disposiciones establecidas en el Título VI, en las normas complementarias y en el Decreto Presidencial sobre Justicia Ambiental, la Autoridad implementará las siguientes medidas:

- Evitar o reductor los efectos nocivos sobre la salud y el medio ambiente de los grupos minoritarios y de bajos ingresos de la población;
- Garantizar la participación plena e igualitaria de todos los grupos de la comunidad, incluidos los grupos minoritarios y de bajos ingresos, en el proceso de toma de decisiones relativas al transporte;
- Evitar la denegación, reducción o demora significativa en la recepción de prestaciones por parte de los grupos minoritarios y de bajos ingresos de la población.

Asimismo, todos los beneficiarios de financiamiento federal, tienen la responsabilidad de administrar sus programas y actividades pecado discriminar por raza, color, país de origen, sexo, edad, discapacidad o condición socioeconómica.

### PRESTACIONES Y SERVICIOS

La misión de la Autoridad es brindar un los habitantes de California un sistema de transporte multimodal seguro, eficiente y efectivo. El trabajo está orientado un satisfacer las necesidades de transporte de los habitantes pecar distinción de raza, color, país de origen, sexo, edad, discapacidad o condición socioeconómica.

### ¿CREE QUE SUS DERECHOS ESTÁ?

Si considera que lo han discriminado por su raza, color, país de origen, sexo, edad, discapacidad o condición socioeconómica, puede presentar una denuncia por escrito ante la

California High-Speed Rail Authority  
Attn: Title VI Coordinator  
770 L Street, Suite 800  
Sacramento, CA 95814  
Teléfono 916-324-1541  
Fax 916-322-0827

**La Autoridad se da de una Investigación de Denuncias por Discriminación entre 15 días. A lo menos la denuncia sera completara en 180 días.**

Este folleto está disponible en formatos alternativos a petición. Para mas informacion en Español puede hablar a 916-324-1541. Estos servicios son gratis.



## CALIFORNIA HIGH-SPEED RAIL AUTHORITY

### TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground 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.”

If you believe the California High Speed Rail Authority has discriminated against you based on your race, color or national origin, you may file a complaint. The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know. You may contact the Title VI Coordinator at (916) 324-1541.

Complete and return this form to California High-Speed Rail Authority, 770 L Street, Suite 800, Sacramento, CA 95814.

1. Complainant's Name: \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_

3. City/State/Zip Code: \_\_\_\_\_

4. Telephone: \_\_\_\_\_

5. Person discriminated against (if other than complainant):

Name: \_\_\_\_\_

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

City/State/Zip Code: \_\_\_\_\_

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of:

a. Race                       d. Age                       g. Low-Income

b. Color:                       e. Sex

c. National Origin:                       f. Disability

7. What date did the alleged discrimination take place? \_\_\_\_\_

## TITLE VI COMPLAINT FORM (CONT.)

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe to be responsible. Please use additional sheets of paper, if necessary.

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9. List any others who may have knowledge of this event:

| Name | Address | City/State/Zip Code |
|------|---------|---------------------|
|      |         |                     |

10. Have you filed this complaint with any other federal or state government agency, or with any federal or state court? Yes:  No:

A. If yes, check each box that applies:

Federal Agency  Federal Court   
 State Agency  State Court

B. Please provide a contact name at the agency/court where the complaint was filed:

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Please sign below:

Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**You may attach any written materials or other information that may be relevant to your complaint.**

## **CALIFORNIA HIGH-SPEED RAIL AUTHORITY TITLE VI DISCRIMINATION COMPLAINT (INSTRUCTIONS)**

This complaint form is designed to assist any individual, group of individuals, or entity interested in filing a discrimination complaint with the California High-Speed Rail Authority (Authority). If the complaint is against the Authority, it will be forwarded to the Federal Railroad Administration or appropriate federal agency for investigation.

### **TITLE VI OF THE CIVIL RIGHTS ACT**

Title VI of the Civil Rights Act of 1964 and related statutes (Title VI) prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Railroad Administration. These prohibitions extend to the Authority as a direct recipient of federal financial assistance and to its subrecipients, consultants, and contractors, irrespective of tier, whether the contract is federally funded or not.

The Authority is also required to implement measures to ensure that persons with Limited English Proficiency (LEP) and persons with disabilities have meaningful access to the services, benefits, and information of all its programs and activities under Executive Order 13166 and the Americans with Disabilities Act of 1990.

### **HOW TO FILE A COMPLAINT**

A complaint may be filed by any individual, group of individuals or entity that believes they have been subjected to discrimination based on their race, color, national origin, age, sex or disability. The complaint must be submitted in writing and be signed and dated by the individual or his/her representative for acceptance. As a convenience, you may use the enclosed Title VI Complaint form. Your complaint must be filed no later than 180 calendar days from the most recent date of the alleged act of discrimination unless the time for filing is extended.

Upon request, assistance will be provided if you are limited English proficient or disabled. Complaints may be filed using alternative formats, such as computer disk, audio tape or in Braille. For TTY customers, dial 711 to reach the California Relay Service. You will be asked to give the telephone number from which you are calling.

You also have the right to file complaints with other State or federal agencies that provide federal financial assistance to the Authority or to seek private counsel.

Once the complaint is filed, it will be reviewed by the Authority's Title VI Program located in Sacramento, California to determine whether it has jurisdiction to investigate the issues raised in the complaint. If the complaint is determined to be under the jurisdiction of the Authority, a Title VI Program staff member will contact the complainant to begin an investigation no later than 15 working days after receipt of the complaint. The complainant will be contacted in writing no later than thirty 30 working days after receipt of the complaint for additional information, if needed. The complainant may be interviewed by the Title VI Program staff member. In compliance with LEP, translation services will be provided to the complainant, as necessary.

The Authority will make every effort to complete the investigation within 90 days of receipt of the complaint. The Authority will obtain concurrence from the complainant for an extension of time to complete the investigation, should additional time be required.

The Authority will provide the complainant with a complaint closure letter with a summary description of the allegation, investigation methodology and identify remedial steps if discrimination is found. The respondent or respondent agency will also receive a copy of the closure letter.

The complainant will have five (5) working days from receipt of the report to appeal the Authority's findings. If neither party appeals, the complaint shall be closed.

The Authority and its subreceptants, consultants, and contractors, irrespective of tier, are prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI, the Restoration Act of 1987, and other nondiscrimination authorities.

Submit the signed form or letter in person or by mail to:

California High-Speed Rail Authority  
Attention: Title VI Coordinator  
770 L Street, Suite 800  
Sacramento, CA 95814  
Telephone Number: (916) 324-1541  
Fax Number: (916) 322-0827  
TTY: 711

For more information, please visit the website: [www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov)

## CALIFORNIA HIGH-SPEED RAIL AUTHORITY PUBLIC PARTICIPATION SURVEY

The following information is being collected by the California High-Speed Rail Authority (Authority) in order to comply with Title VI of the Civil Rights Act of 1964, *Nondiscrimination in Federally Assisted Programs*. Please take a few moments to complete the following questions. The data you provide will enable the Authority to identify residents and communities impacted by federally funded projects/or activities. Please check the appropriate boxes with an "X" that best describes you and return the completed survey to the event coordinator. Completion of this information is *voluntary*. Thank you.

**Today's Date:** \_\_\_\_\_

**Event Name:** \_\_\_\_\_

**Sex:**         Male

Female

**Ethnicity:**    Hispanic or Latino

Not Hispanic or Latino

**Race:**

American Indian or Alaska Native

Asian

Black or African American

White

Native Hawaiian or Other Pacific Islander

Other: \_\_\_\_\_

**Disability:**    Yes         No

**Age:**         Under 40     Over 40

**Income:**

\$22,050 or less

Over \$22,051

**Language:**

What language is primarily spoken in your household? \_\_\_\_\_

**How many people in household?** \_\_\_\_\_

## Categories and Definitions

The minimum categories for data on race and ethnicity for federal statistics, program administrative reporting, and civil rights compliance reporting are defined as follows:

- a. **American Indian or Alaska Native** – a person having origins in any of the original peoples of North and South American (including Central America), and who maintains tribal affiliation or community attachment.
- b. **Asian** – a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- c. **Black or African American** – a person having origins in any of the black racial groups of Africa.
- d. **Hispanic or Latino** – a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- e. **Native Hawaiian or Other Pacific Islander** – a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- f. **White** – a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

### PUBLIC PARTICIPATION VISUAL TALLY

Program: \_\_\_\_\_ Project No. /Activity: \_\_\_\_\_ Type of Event: \_\_\_\_\_  
 Date of Event: \_\_\_\_\_ Location: \_\_\_\_\_ ADA Accessible: Yes/No \_\_\_\_\_  
 Purpose: \_\_\_\_\_ Event Coordinator: \_\_\_\_\_

| CATEGORIES  | TALLY | TOTAL or PERCENTAGE* |
|---|-------|----------------------|
| <i>Gender</i>   |       |                      |
| Female  |       |                      |
| Male  |       |                      |
| <i>Ethnicity</i>  |       |                      |
| Hispanic or Latino  |       |                      |
| Not Hispanic or Latino  |       |                      |
| <i>Race</i>   |       |                      |
| American Indian or Alaska Native                                      |       |                      |
| Asian   |       |                      |
| Black or African American   |       |                      |
| Native Hawaiian or Other Pacific Islander                             |       |                      |
| White   |       |                      |
| Limited English Proficiency Service Needed (Identify Language Spoken) |       |                      |
| <i>Disability</i>   |       |                      |
| Yes   |       |                      |
| No  |       |                      |
| <i>Age</i>  |       |                      |
| Under 40  |       |                      |
| Over 40   |       |                      |
|   |       |                      |
|   |       |                      |
|   |       |                      |

*\*Please note when conducting a visual count, it is suggested the participant's demographic data, such as ethnicity, race, age, sex, etc., be reported in percentages.*



## CALIFORNIA HIGH-SPEED RAIL AUTHORITY POLICY BOARD MEMBERS

The Authority is comprised of a nine-member policy Board that approves the high-speed rail project plans. Five (5) members are appointed by the California Governor; two (2) are appointed by the California Senate Rules Committee and two (2) are appointed by the California Speaker of the Assembly.

Eight positions are filled and one (1) vacancy to be determined by the Governor.

Dan Richard, Chairperson-- appointed by the Governor. Mr. Richard, has been a principal of Dan Richard Advisors since 2010. He was managing partner and co-founder of Heritage Oak Capital Partners, an infrastructure finance firm, from 2007 to 2009 and was senior vice president of public policy and governmental relations at Pacific Gas and Electric Company from 1997 to 2006. He was an elected member of the San Francisco Bay Area Rapid Transit District from 1992 to 2004, where he served twice as president of the Board.

Lynn Schenk, Vice Chairperson--appointed by the Governor. Ms. Schenk is an attorney and senior corporate advisor. She serves on the Board of Directors of Cambridge, Mass. based Biogen Idec, (NASDAQ BIIB), is a Board of Trustees of the Scripps Research Institute, and the Board of the San Diego Consortium for Regenerative Medicine.

Thomas Richards, Vice Chairperson--appointed by the Governor. Mr. Richards is Chair and CEO of The Penstar Group, a Fresno-based real estate investment, development and construction company. His projects have extended from Santa Barbara to the Central Valley, from Sacramento to Bakersfield and in the Inland Empire from Corona to Victorville. Mr. Richards works with local government leaders to address homelessness issues in both the City and County of Fresno.

Thomas Umberg, Board member--appointed by Speaker of the Assembly. Mr. Umberg is a litigation partner at Manatt, Phelps & Phillips, LLP. He has extensive trial experience in both federal and state courts and has been chosen as a "Super Lawyer" for Southern California – a recognition limited to only 5% of the lawyers in Southern California. He was also selected as one of the "Best Lawyers in America" in the field of commercial litigation. Earlier in his career, Mr. Umberg was an Assistant U.S. Attorney. As a federal criminal prosecutor, he tried numerous white-collar and civil rights cases.

Russ Burns, Board member--appointed by Speaker of the Assembly. Mr. Burns is a business manager of Operating Engineers Local 3. He was appointed to the Board by Assembly Speaker Karen Bass. He previously served on the Cal-OSHA Standards Board Subcommittee for Certification of Crane Operators. Mr. Burns started his career as a crane operator on a variety of high rises, bridges, refineries and large treatment plants throughout Northern California and Reno, Nevada.

Robert Balgenorth, Board member-- appointed by Senate Rules Committee. Mr. Balgenorth has served as president of the State Building and Construction Trades Council of California, AFL-CIO, since December 1993. The Council represents 186 private-sector building trades local unions and regional councils, and works to improve the economic condition, health and job safety of approximately 350,000 men and women employed in California's construction industry.

Jim Hartnett, Board member-- appointed by Senate Rules Committee. Mr. Hartnett is a partner in the Redwood City law firm of Hartnett, Smith & Paetkau. As a former Redwood City mayor and former four-term council member, Mr. Hartnett is the past chairman of the San Mateo County Transit District Board of Directors, CalTrain Joint Powers Board of Directors (San Francisco, San Mateo and Santa Clara counties),

Dumbarton Rail Policy Committee (Alameda, Santa Clara and San Mateo counties) and the City/County Association of Governments (San Mateo County).

Michael E. Rossi, Board member—appointed by the Governor. Mr. Rossi, is the Senior Advisor for Jobs and Business Development in the Office of the Governor. In this role, Rossi will be the point of contact between California's business and workforce leaders and the Office of the Governor. Mr. Rossi currently serves on the Advisory Board of Shorenstein Properties LLC, the Court Appointed Special Advocates of Monterey County, Special Olympics Committee of Northern California and Claremont Graduate University. Mr. Rossi is a former director of North Hawaii Community Hospital, BAWAG Bank (Austria), Pulte Homes, American Bankers Association, Monterey Institute of International Studies, American Graduate School of International Management, University of California at Berkeley Art Museum, Del Webb Corporation, BlueLinx Corporation, San Francisco Opera, National Urban League, Union Pacific Resources, Lifesavers, American Diabetes Association of California and United Way of Northern California.



## **Resolution # HSRA 12-09**

### **Approval of the Title VI Policy and Program Plan**

Whereas on September 15, 2011, the Federal Railroad Administration (FRA) directed the Authority to develop and implement a Title VI Policy and Program Plan to address how the Authority will ensure non-discrimination in its federal financially assisted projects. .

Whereas the High Speed Rail Board has reviewed and approves the Title VI Policy and draft Program Plan.

Whereas a component of the Title VI Policy is the development and implementation of a Title VI Program Plan to address how the Authority will ensure non-discrimination in its federal financially assisted projects and contracts.

Whereas the FRA has directed the Authority to follow the Federal Transit Administration (FTA) Circular 4702.1B "Title VI Requirements and Guidelines" in preparation of the Authority's Title VI Program Plan.

Whereas, the Authority's Title VI Program Plan follows the guidance in the FTA Circular 4702.1B.

Whereas the Title VI of the Civil Rights Act of 1964 and Related Statutes on non-discrimination practices applies to the Authority's current and future Consultants, Contractors and Design Builder firms.

Whereas upon FRA's acceptance and approval of the Title VI Program Plan, the Authority will make public the plan and ensure current Consultant contractors and the Short-Listed firms obtain a copy for their reference.

Therefore it is resolved,

1. The Executive Director/Chief Executive Officer or a designee of the Executive Director/Chief Executive Officer is hereby authorized and directed to sign and disseminate to the public and contractors under contract to the Authority, the High Speed Rail's Title VI Policy which states:

"The California High Speed-Rail Authority is committed to ensuring that no person in the State of California is excluded from participation in, nor denied the benefits of its programs,

activities and services on the basis of race, color, national origin, age, sex, or disability as afforded by Title VI of the Civil Rights Act of 1964 and Related Statutes.

The Authority, as a federal grant recipient, is required by the Federal Railroad Administration to conform to Title VI of the Civil Rights Act of 1964 and related statutes. The Authority's sub-recipients and contractors are required to prevent discrimination and ensure non-discrimination in all of their programs, activities and services.

As permitted and authorized by Title VI, the Authority will administer a Title VI Program in accordance with the spirit and intent of the non-discrimination laws and regulations.”

2. The Executive Director/Chief Executive Officer or a designee of the Executive Director/Chief Executive Officer is hereby authorized and directed to transmit the signed Title VI Policy and draft Title VI Program Plan to the FRA for their review and formal approval.

Vote:

Date:

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