

AUSTIN TRANSIT PARTNERSHIP BOARD OF DIRECTORS MEETING

****Please note time and location change****

~ Agenda ~

Wednesday, July 20, 2022

10:30 AM

Austin Transit Partnership
203 Colorado, Austin, TX 78701
ATP Board Room

1. Discussion Items

- a. Briefing on Light Rail Program Project Development

2. Public Comment

3. Technical Advisory Committee Reports

- a. Finance & Risk Committee

4. Action Items

- a. Approval of minutes from the June 15 Board Meeting
- b. Approval of a resolution adopting Title VI Program Plan for ATP
- c. Approval of a resolution electing ATP Vice Chair and appointment of Vice Chair as Board liaison to the Planning, Sustainability, Equity, and DBE Committee
- d. Approval of a resolution authorizing the negotiation and execution of an interlocal grant agreement with Capital Metro for Expo Center and Pleasant Valley MetroRapid bus projects capital funding in an amount not to exceed \$35,635,829.00
- e. Approval of a resolution amending the ATP Fiscal Year 2022 Budget to provide funding for the Expo Center and Pleasant Valley MetroRapid bus projects in the amount of \$13,349,695.00

5. Item(s) from the Board

- a. Update on Executive Director recruitment and hiring process

Sponsors: Board Chair, Veronica Castro de Barrera, and Board Member Tony Elkins

ADA Compliance

Reasonable modifications and equal access to communications are provided upon request. Please call (512) 389-7525 or email chloe.maxwell@atptx.org if you need more information.

ATP has resumed in-person board meetings and are [streamed live](#). Public comment may be completed in person. Those wishing to contribute comments must notify ATP 24-hours before the meeting (by 2:00 p.m. on July 19) by calling 512-389-7525 or emailing chloe.maxwell@atptx.org. Give your name, phone number and the topic you wish to discuss. On the day of the meeting, you will be contacted, added as an attendee of the board meeting, and have 3 minutes to speak.

Please Note: You will have only one opportunity at the beginning of the board meeting to speak on all items you intend to address.

Public Comment will be over Teams (camera may be turned off) or in person. Once registered for Public Comment, a participation link will be distributed.

BOARD OF DIRECTORS: *Veronica Castro de Barrera, Chair, Steve Adler, Tony Elkins, Eric Stratton, Gina Fiandaca (ex officio), Dottie Watkins (ex officio).*

The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.

Date: July 15, 2022

AUSTIN TRANSIT PARTNERSHIP

**Board of Directors Meeting
July 20, 2022**

June 20 - AGENDA

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- a. Briefing on Light Rail Program Project Development

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3. Technical Advisory Committee Reports

- a. Finance & Risk Committee

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- a. Update on Executive Director recruitment and hiring process
Sponsors: Board Chair, Veronica Castro de Barrera, and Board Member, Tony Elkins

DISCUSSION ITEM

Briefing on Light Rail Program Project Development

ATP BOARD MEETING IN RECESS

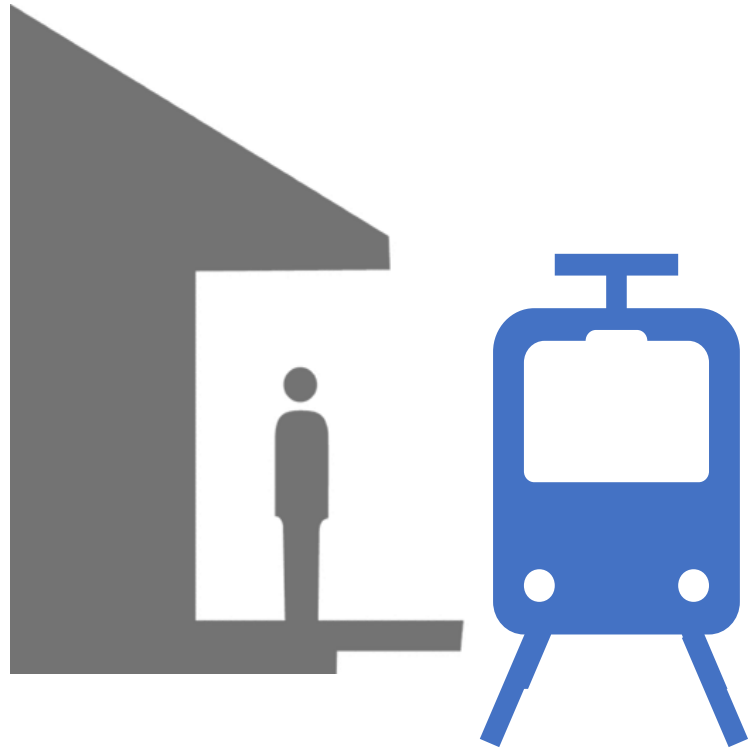


Briefing on Light Rail Program Project Development

July 20, 2022

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Project Connect Update

Project Connect Vision

*“Project Connect is a vision for how we move people today and plan for tomorrow, and will create an **integrated transit system that eases traffic, brings jobs to our region, improves the environment and better connects people** so everyone in our community can thrive.”*

Source: ATP Board of Directors Resolution to Finalize and Execute Joint Powers Agreement

Project Connect Vision

*"... a citywide traffic-easing rapid transit system ... to address traffic **congestion**, expand **service** for essential workers, reduce **climate change emissions**, decrease **traffic fatalities**, create **jobs**, and provide **access** to schools, health care, jobs and the airport; to include neighborhood supportive **affordable housing investments** along transit corridors and a fixed rail and bus rapid transit system, including associated road, sidewalk, bike, and street lighting improvements, park and ride hubs, on-demand neighborhood circulator shuttles, and improved access for seniors and persons with disabilities ..."*

Source: Ballot Language

Project Connect Accomplishments

Summer 2021 - 3 New Circulator Pickup Zones



December 2021 - Expo Center Groundbreaking



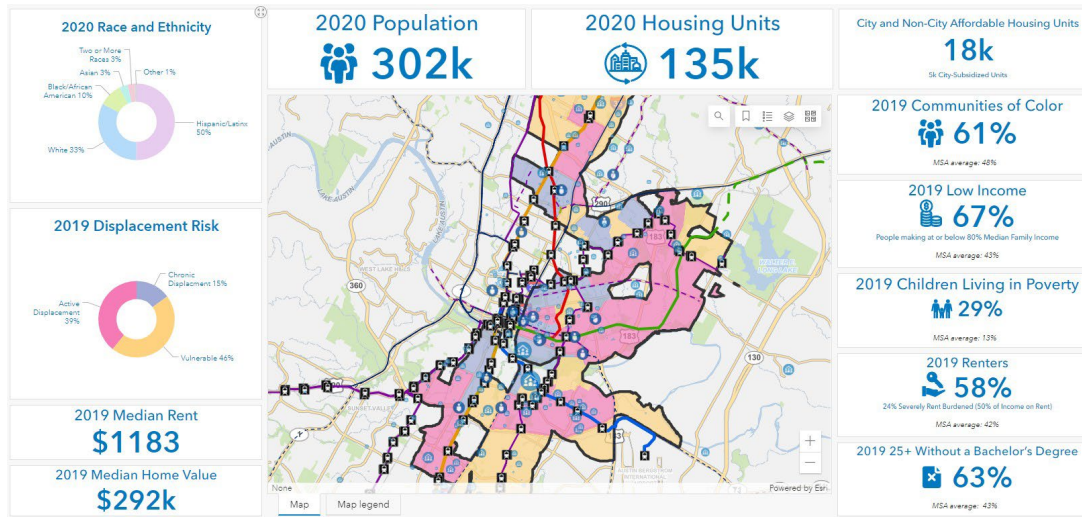
February 2022 - Pleasant Valley Groundbreaking



July 2022 – McKalla Station Groundbreaking



Project Connect Accomplishments

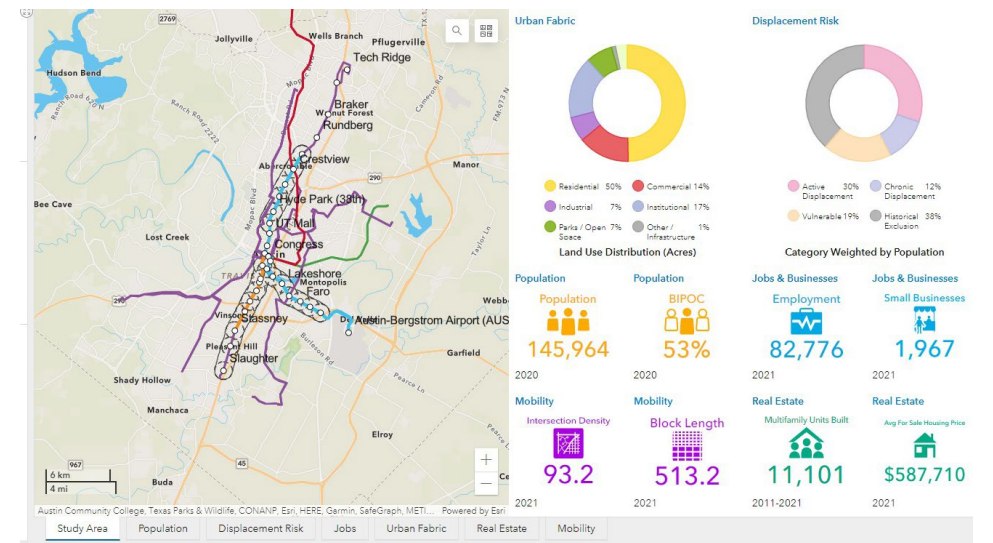


AUSTIN MONITOR

Council Oks first use of Project Connect money for housing

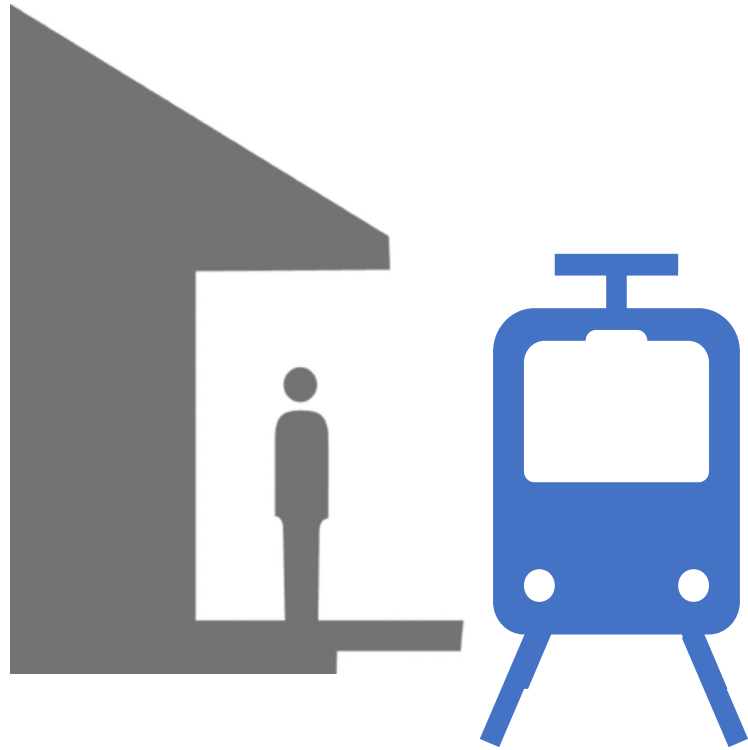
KVUE abc

Project Connect Receives \$900k Federal Grant for Transit-Oriented Development Planning and Anti-Displacement Efforts



Program Assessment

- Great track record of partnership among ATP / City / CapMetro and the Community to advance early, critical investments
- ATP is committed to implementing Austin's vision to build a comprehensive transit system ... *without any New Taxes*
- ATP will transparently engage with the Community to develop an Updated Light Rail Implementation Plan that reflects Austin's priorities and values
- ATP will focus our work to complete Project Development of the Light Rail components of the program within available funding and do the necessary work to secure Federal Investment



Light Rail Costs & Funding

Consultant Team

Brian Buchanan, *Vice President (HDR)*

Tom Rousakis, *Sr. Managing Director (Ernst & Young Infrastructure Advisors)*

Nicole Doheny, *Sr. Managing Director (Ernst & Young Infrastructure Advisors)*

Carolyn Flowers, *Managing Principal (InfraStrategies)*

Arjun Garg, *Partner (Hogan Lovells)*

BARRON'S

US consumer prices surge 9.1%, a new 40-year high



Inflation taking a bite out of new infrastructure projects



Backlog grows as prices increase, contractor confidence drops

THE WALL STREET JOURNAL.

Labor shortage stymies construction work as \$1 Trillion infrastructure spending kicks in

S&P Global

Market Intelligence

Engineering and construction costs increase for the twentieth consecutive month in June as price for materials and equipment, labor and shipping continue to rise

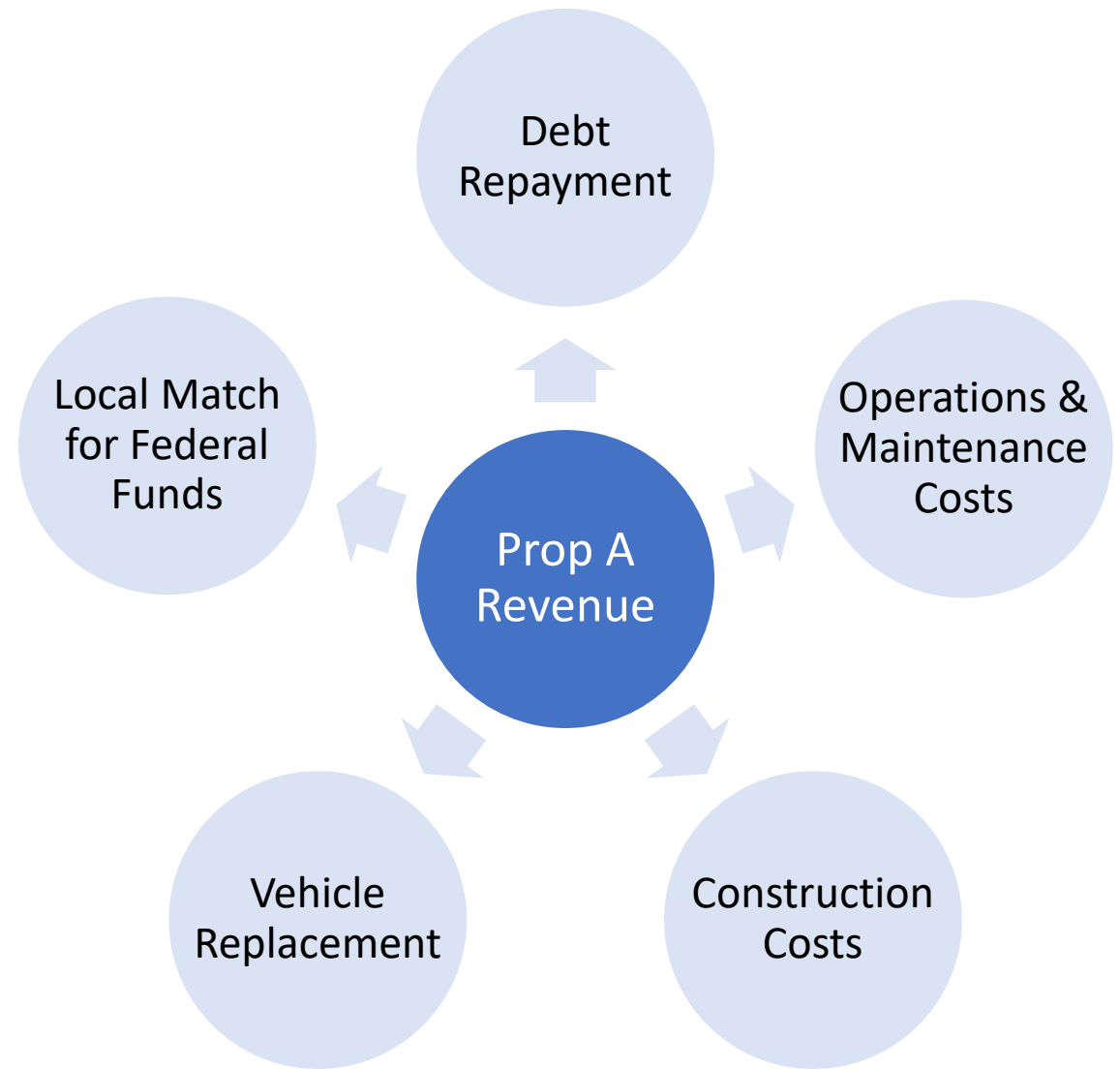
Light Rail Cost Estimates

- Costs have increased from \$5.8 billion to \$10.3 billion at 15% design
 - Design progression and scope
 - Real estate
 - Inflation
- ATP anticipates that costs will continue an upward trajectory

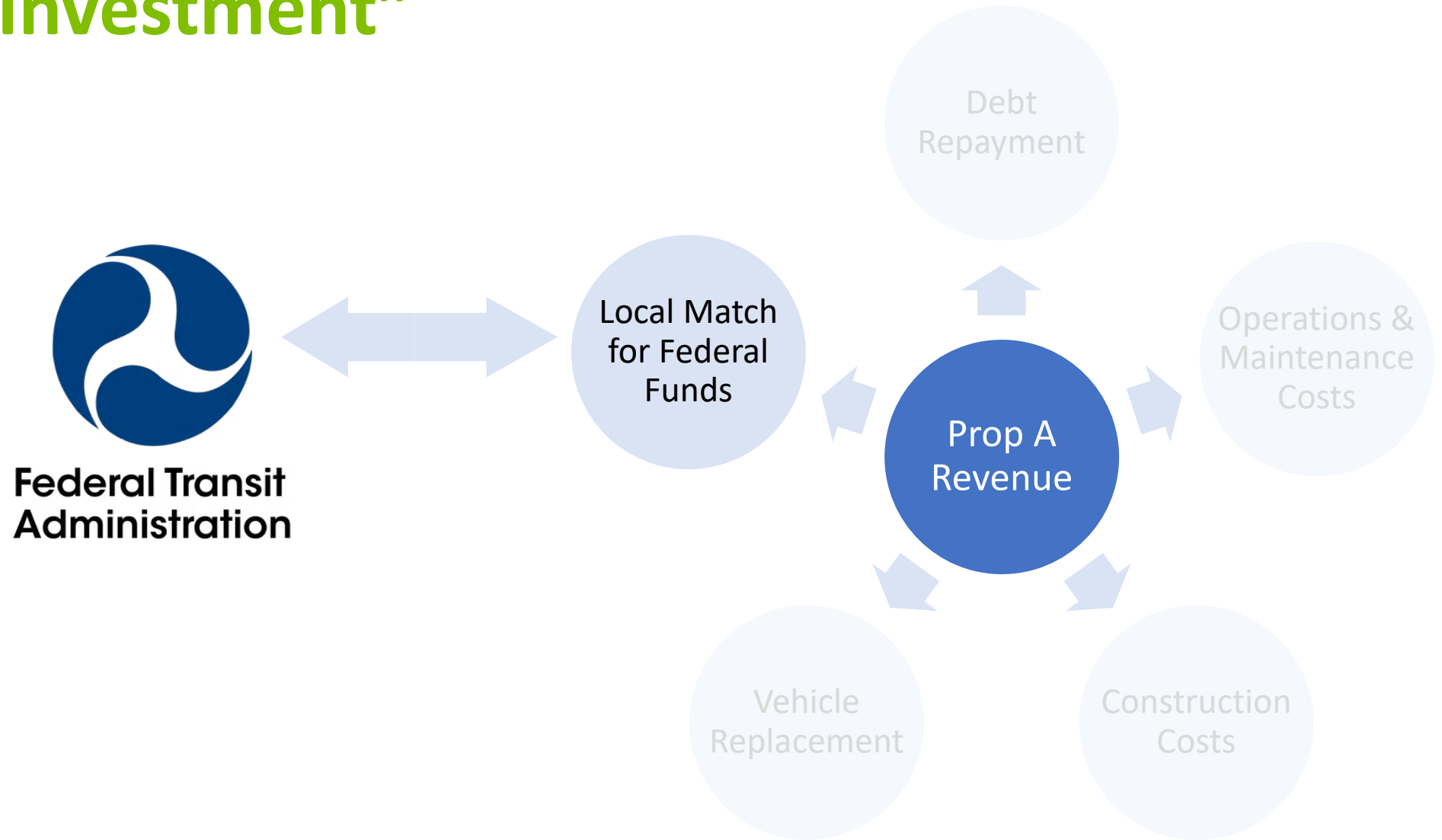
Need to align program scope and sequencing to available funding

Proposition A

- City of Austin November 2020 election provided a dedicated property tax source to invest in Austin's mobility future
- Prop A funds will uniquely be used for both Capital and Operations & Maintenance
- A new credit to leverage debt financing and federal grants/loans

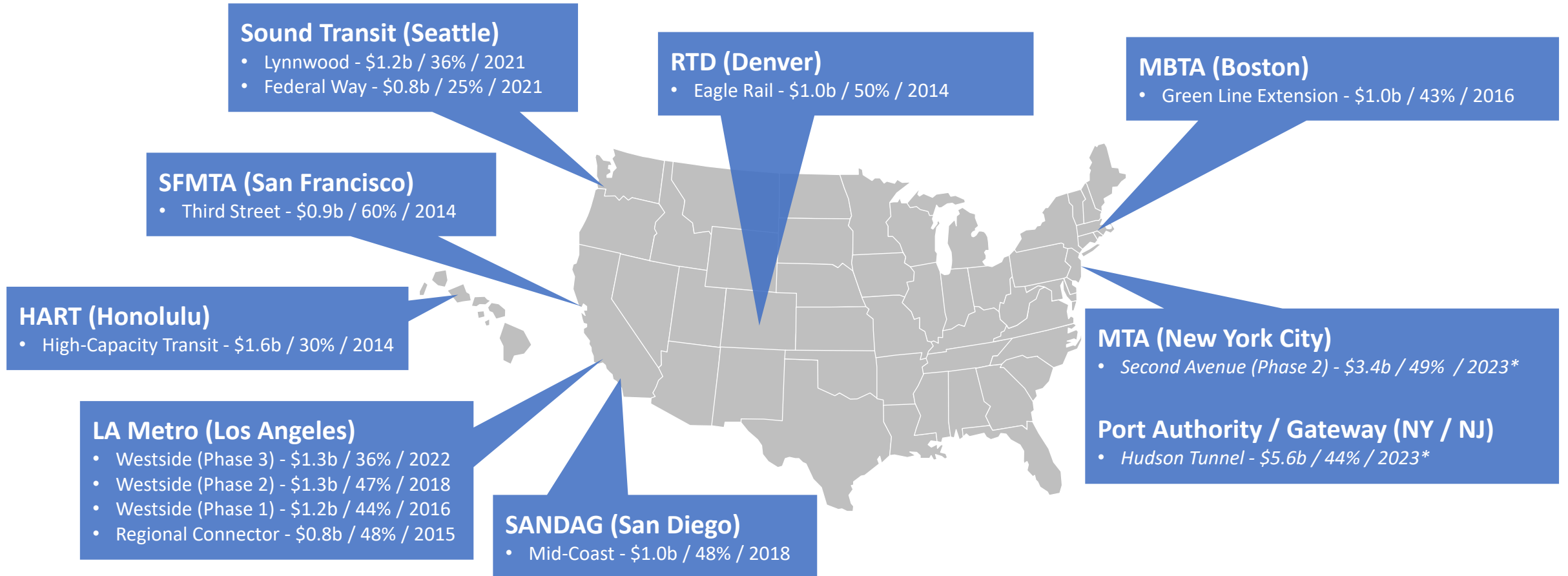


Federal “Investment”



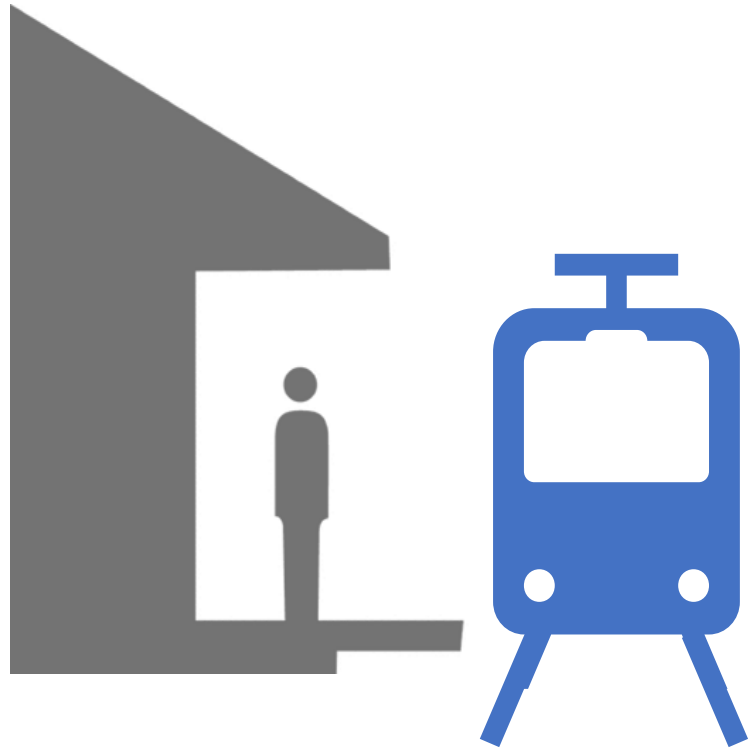
Recent Grant Summary

15 Largest New Starts Projects (2014 – 2023)



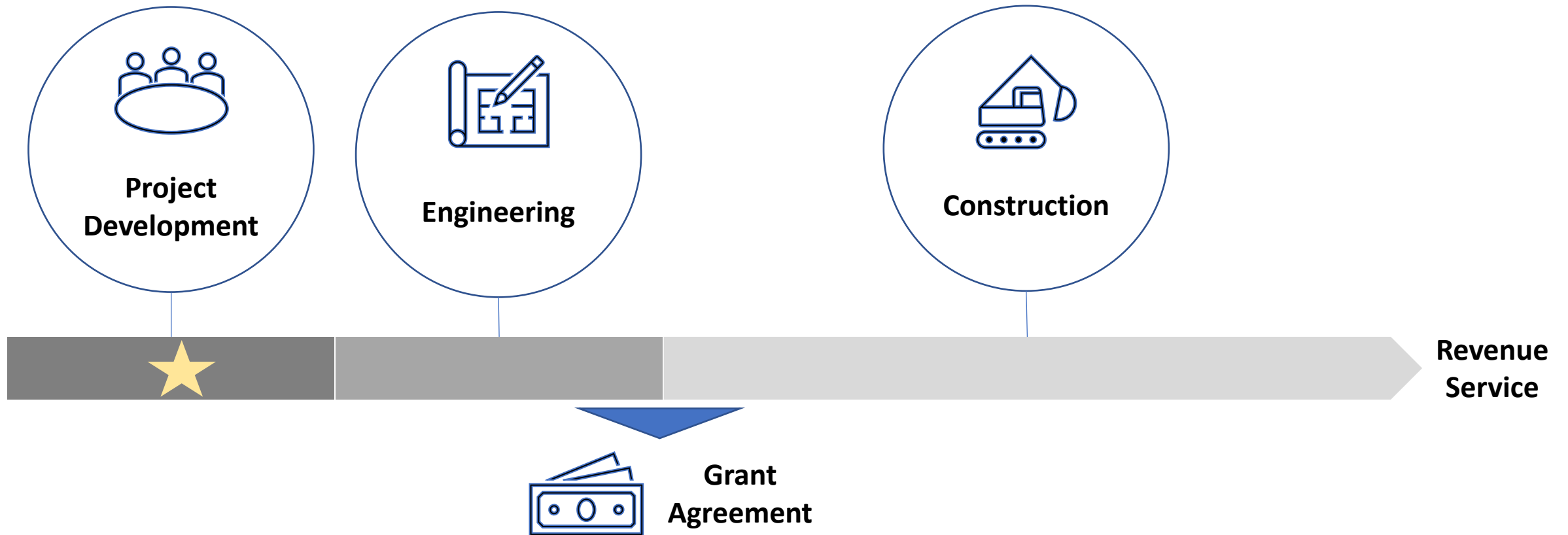
Notes: Project Name – Total Grant / Grant as % of Project Cost / Fiscal Year of First Funding

**Proposed grant not yet final*



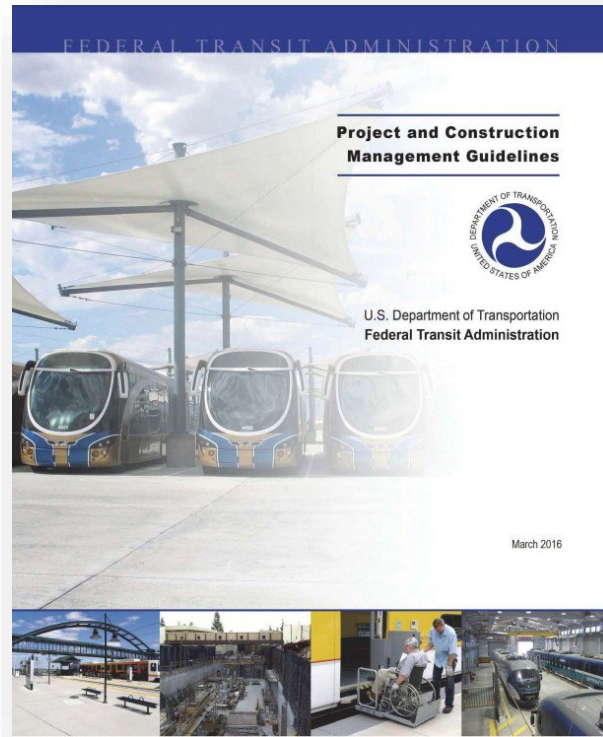
Project Development

Federal Grant Process



Notes: Project Development includes Preliminary Engineering

Project Development



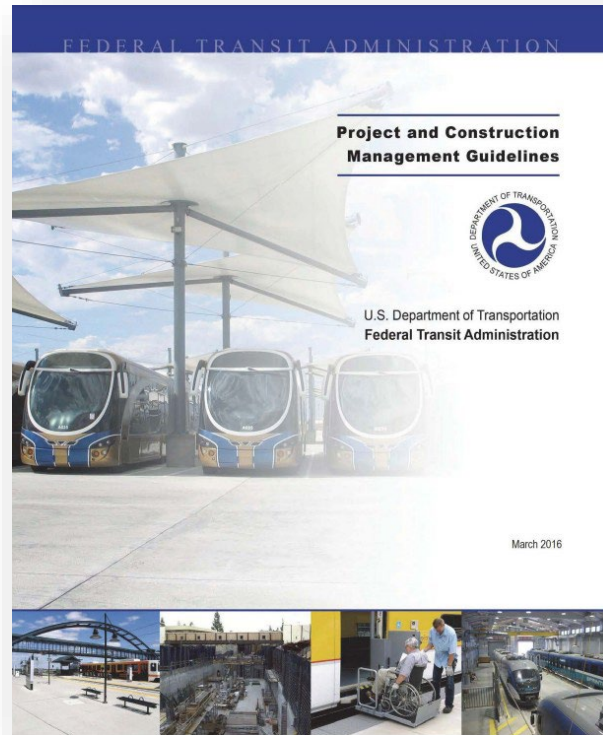
TRANSIT CAPITAL PROJECT DEVELOPMENT PROCESS

“The PD portion of the total project feasibility analysis and design effort, **when properly conducted**, will permit the project to **move more rapidly** into and through Engineering with a **minimum of design changes, disruptions, or delays...**”

Thorough Project Development is critical to a successful project

Source: FTA Project and Construction Management Guidelines

Project Development



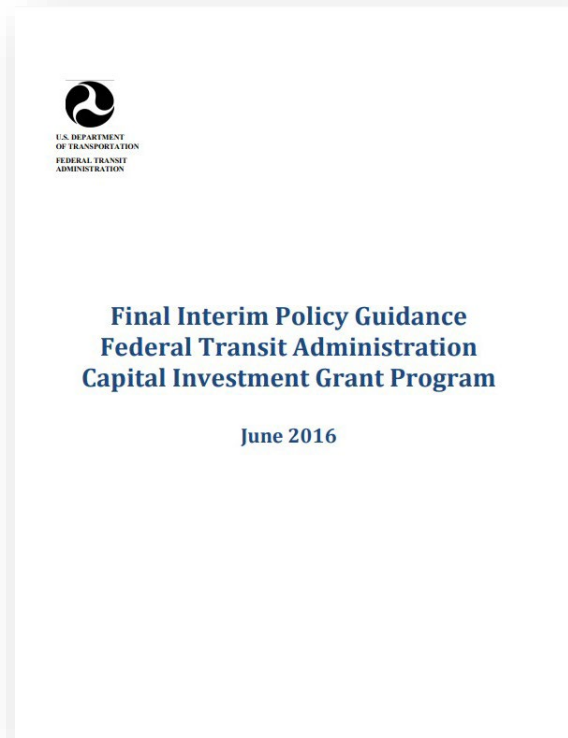
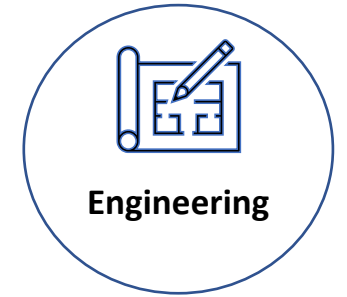
CHECKLIST – READINESS TO ENTER ENGINEERING

- Critical design decisions researched
- Track or roadway design chosen
- Crucial work details identified and defined
- Structural systems established
- Tunnels defined and designed
- Trackwork advanced to include layout, plan and profile
- Special construction for noise or vibration control

More work required to enter Engineering

Source: FTA Project and Construction Management Guidelines, Appendix C – Checklist – Readiness to Enter Engineering

Engineering



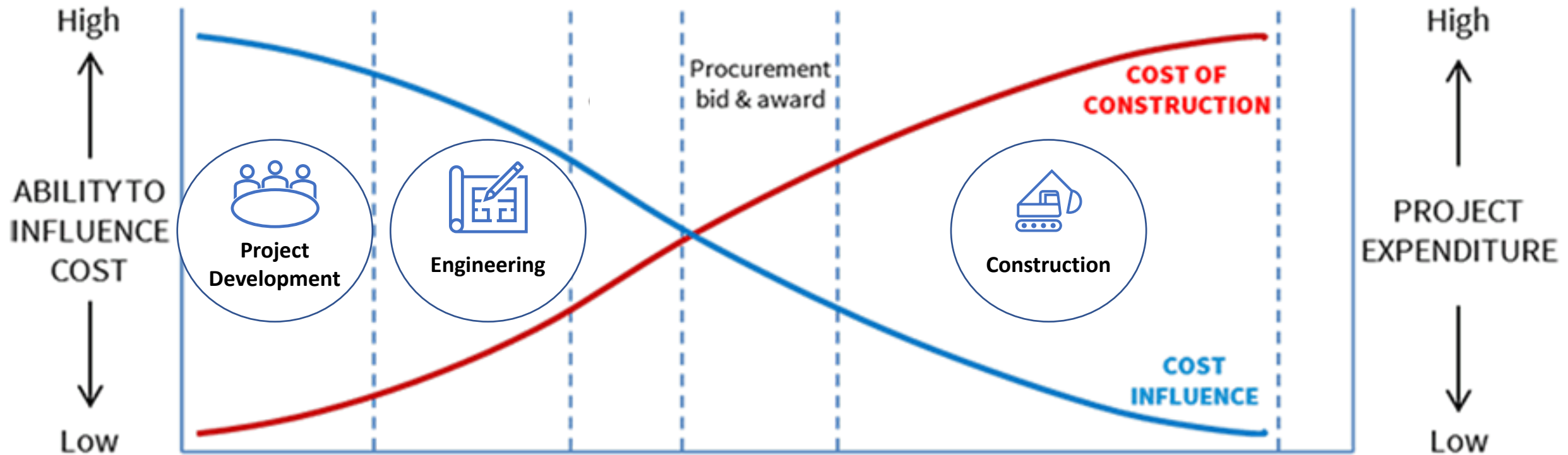
REQUESTING ENTRY INTO ENGINEERING

“FTA will lock in the Section 5309 CIG funding amount (not share, the actual amount) at the level requested by the project sponsor with entry into Engineering. Should the project cost change after a project has entered Engineering, additional Section 5309 CIG funding will not be provided.”

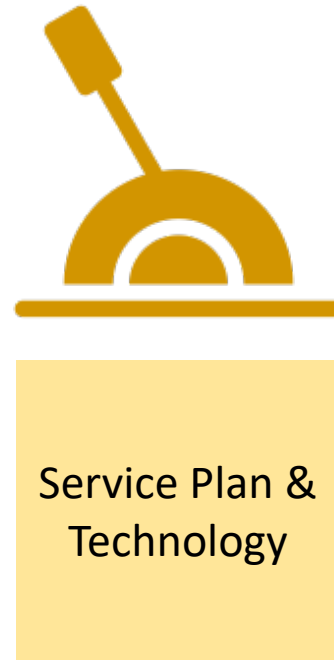
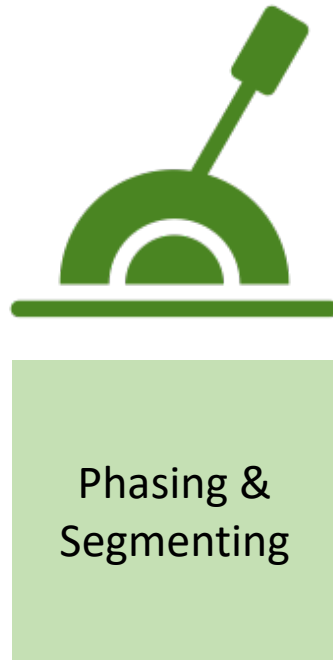
Federal funding amount locked-in at entry into Engineering

Source: Final Interim Policy Guidance FTA Capital Investment Grant Program

Opportunities for Program Optimization



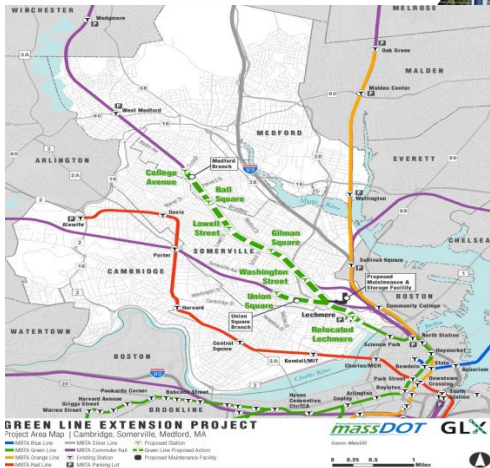
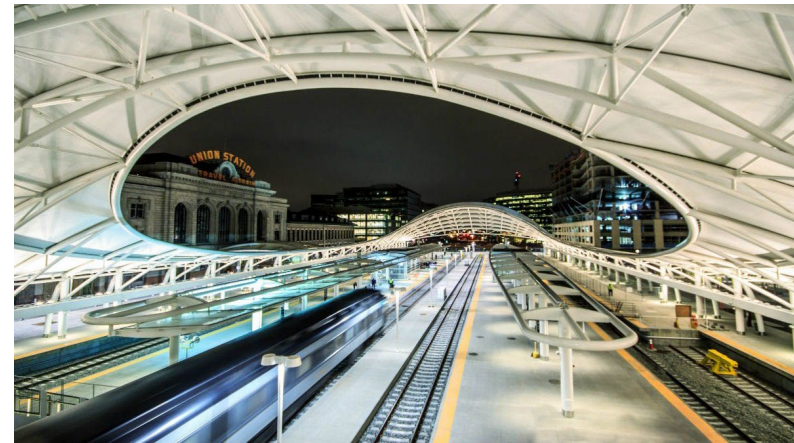
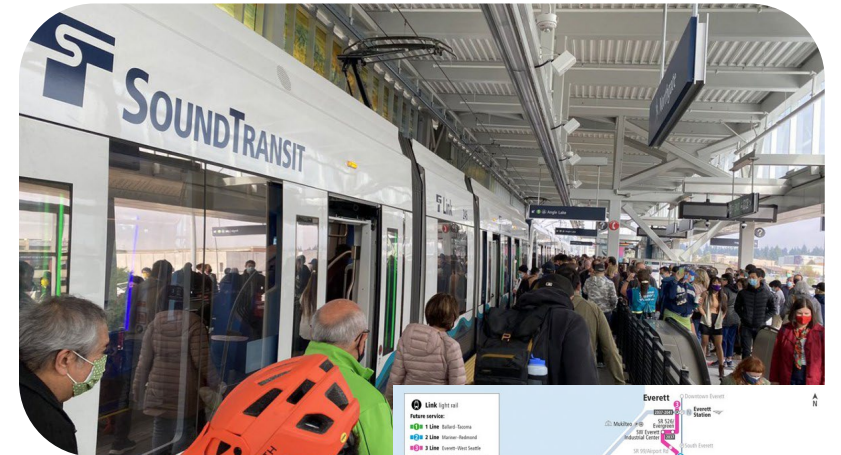
Opportunities for Program Optimization

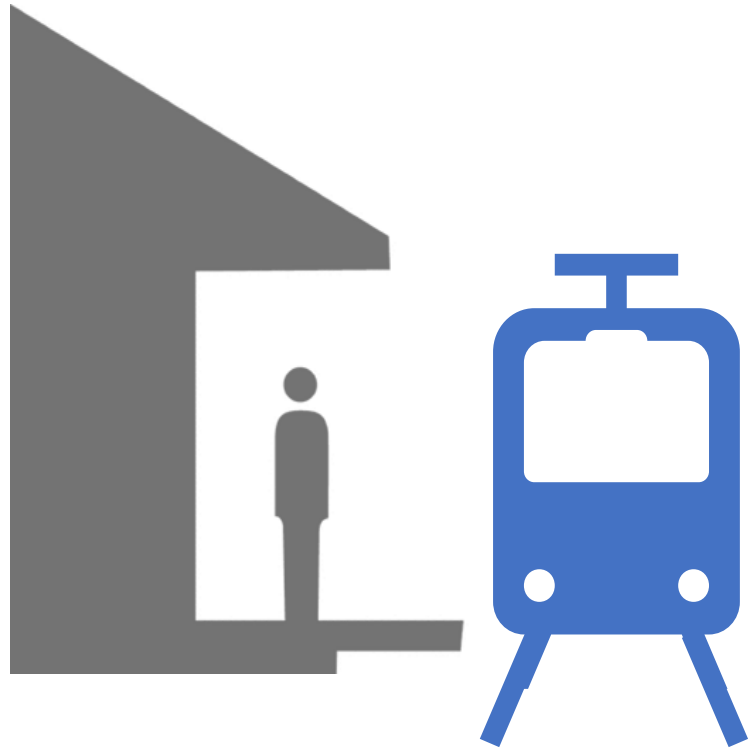


Examples of Program Optimization



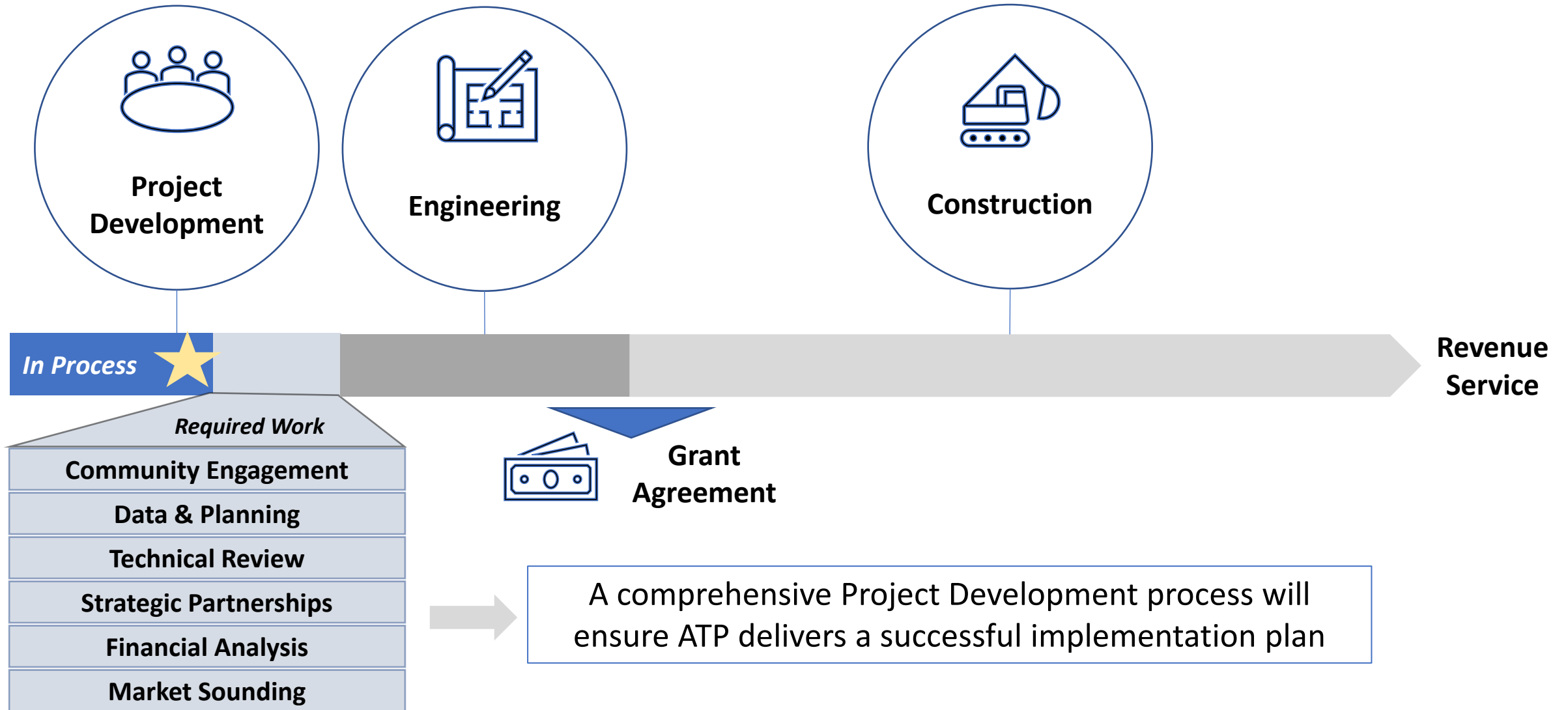
 CITY of CHARLOTTE





Workplan & Next Steps

Federal Grant Process & Workplan



Workplan



Updated Light Rail Implementation Plan



Planning



- Collect and aggregate data:
 - Demographic and socioeconomic information
 - Displacement
 - Housing
 - Trip drivers
 - Development planning
 - Ridership (current and projected)
 - Environmental impacts
- Analyze data to identify opportunities and challenges and inform other work

Technical Review



- Continue to build upon technical work undertaken to date
- Potential focus areas:
 - Lake crossing(s)
 - Tunnel extents
 - Stations and station areas
 - Maintenance and storage facility
 - Corridor mobility improvements
 - Technology
- Incorporate feedback from other work areas

Strategic Partnerships



- Engage with local agency partners around progress and key decision points
- Ensure consistent and unified communication and collaboration with FTA to continue to advance federal grant process
- Identify opportunities for private, non-profit and other collaboration to benefit project outcomes

Financial Review



- Analyze key variables and risks using financial model and other tools
- Identify and assess other funding and financing opportunities
 - TIFIA and RRIF loans
 - Other federal programs
- Advance financial controls and reporting capabilities
- Finalize a Plan of Finance that maximizes loan/grant opportunities and minimizes market risk

Market Sounding

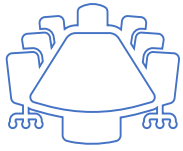


- Receive feedback from potential industry participants
- Leverage best practices and industry innovation
- Understand how certain delivery strategies may drive value for initial and future investments

Community Engagement



- Engage the community to ensure an understanding of tradeoffs
- Develop and implement engagement strategies with a focus on participation from priority communities
- Ensure projects are developed using community values and priorities
- Engage CAC, Mobility Committee and other community groups



ATP Board Workshop
City of Austin Mobility Committee
CapMetro Planning & Ops
CAC / TACs

July – August 2022



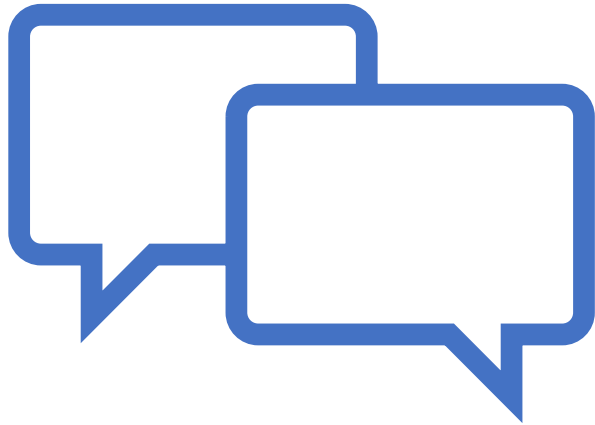
Advance Project Development
Workplan
Technical & Community Check-ins

September 2022 – Spring 2023



**Updated Light Rail
Implementation Plan**

Spring 2023



Questions & Conversation

PUBLIC COMMENT

TECHNICAL ADVISORY COMMITTEE REPORTS

- **Finance & Risk (FAR)**



COMMITTEE: Finance & Risk

DATE: July 12, 2022

ATTENDANCE:

- Tony Elkins
- Sandra Menjivar-Suddeath
- Cindy Matula
- Sarah Campbell
- Dave Sullivan
- Sumit DasGupta
- Gretchen Flatau (CAC liaison)
- ATP Staff: Diane Siler, Shereen Gendy, Katie Houston

PRIMARY AGENDA ITEMS:

- Welcome – ATP Board Member Tony Elkins
- Meet ATP’s New Accounting Director – ATP Accounting Director Shereen Gendy
- FY22 Second Quarter Performance Report – ATP Interim CFO Diane Siler
- Draft Audit Plan Discussion – ATP Director of Internal Audit Katie Houston
- Discussion – ATP Board Member Tony Elkins
 - a. Future discussion topics
 - b. Member ideas/suggestions

COMMITTEE RECOMMENDATIONS:

- Integration risk is a critical exposure for ATP. One way to mitigate that is to ensure there is good communication across all ATP staff and contractors.
- Sandra Menjivar-Suddeath stated audit should be careful not to rely on possible future internal audit services from EY as they have already been hired to do other ATP work to avoid a potential conflict of interest.

- Some FAR members expressed concern that CapMetro is planned to be the primary FTA grant recipient. Members felt that this structure may pose risks for Project Connect with our financing structure with lenders for TIFIA and revenue bonds.
- FAR members were concerned that CapMetro had the authority (with no prior ATP board approval) to approve recent change orders totaling \$13M on the AECOM and HNTB 30% design contracts.
- Some controversial issues (such as closing traffic on Guadalupe Street) are being disclosed and explained to the community. However, many people in the community are still not aware of, or do not understand, that trade-off.

REQUESTS FOR MORE INFORMATION:

- FAR would like ATP's Treasurer to present on the FTA process at the next meeting and address risks with CapMetro being the planned ATP grant recipient.
- FAR members would like to discuss change orders more at a future meeting, as change orders are a primary threat to cost control on large public projects.

NEXT STEPS:

- FAR's next meeting is August 9th (will review the ATP budget for following fiscal year) and every other month starting in October. Dates for FY23 FAR meetings will be scheduled as follows:
 - o October 11, 2022
 - o December 13, 2022
 - o February 14, 2023
 - o April 11, 2023
 - o June 13, 2023
 - o August 8, 2023

ACTION ITEM 1:

Approval of minutes from the June 15, 2022 ATP Board Meeting

AUSTIN TRANSIT PARTNERSHIP BOARD OF DIRECTORS MEETING

Austin Central Library

1161 Angelina St, Austin, TX 78702

~ Minutes ~

Board Secretary Casey Burack
512-369-6040

Wednesday, June 15, 2022
2:00 PM

2:06 PM Meeting Called to Order
4:38 PM Meeting Adjourned

I. Public Comment

There was no public comment at this meeting.

II. Technical Advisory Committee Reports

Ex-Officio Member, Gina Fiandaca, shared the reports on behalf of the Engineering, Architecture and Construction Committee (EAC) and the Planning, Sustainability, Equity, and DBE Committee (PSEC).

The EAC agenda items were:

- Blue Line Bridge Update
- Design Workshops

The PSEC agenda items were:

- Cost discussion
- Combined Maintenance Facility

III. Executive Director Report

Executive Director, Greg Canally, announced that the next ATP Board Meeting would be at the new ATP office downtown. Mr. Canally discussed the steps he and staff are taking to ensure that the board meetings are the most effective use of time by streamlining and condensing communications.

General Counsel and Chief Administrative Officer, Casey Burack, discussed how the staff plans to respond to the Board's request to evaluate Board communications and policies.

Board Member Stratton asked if for an update on the Executive Director recruiting process from the Chair and Board Member Elkins at the next Board meeting.

IV. Monthly Program Update

1. *Monthly Community Engagement Update*

Jackie Nirenberg, Director of Community Engagement, mentioned that the three-month Community Engagement look-ahead and the participation numbers for each meeting over the previous month are in the online backup materials. Ms. Nirenberg discussed the Drag working group meeting, which had a huge turnout of 170 people online and 251 live streams. She discussed feedback received in this meeting and the concerns over business impacts.

Ms. Nirenberg addressed a request from the Board to look at the demographics of participants attending the community meetings. ATP does not require individuals to complete a demographic questionnaire to participate, believing this should not be a barrier to participation, and about 40% do not submit the optional information. She described the demographic data collected to date.

Vice-Chair Burnette asked if there is a way we can get more creative about how we ask demographic questions.

Board Member Stratton asked how we are working to interact with different community groups that might help us access a more diverse demographic. Ms. Nirenberg talked about their work to reach more groups and overcome a lack of trust in some of our communities. The Board Members discussed different groups that might partner with our team on engagement and outreach.

The Board took a few minutes to recognize the Community Advisory Committee (CAC) for being named the Best Civic Volunteers by the Austin Chronicle. CAC Chair Awaiz Azhar was in attendance and recognized by the ATP Board and said a few words about the work of the CAC.

V. Action Items

1. Approval of minutes from the May 18 Austin Transit Partnership Board Meetings.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Castro de Barrera

SECONDER: Adler

AYES: Castro de Barrera, Stratton, Elkins, Adler, Pierce Burnette

ABSENT:

2. Approval of ATP Audit Charter

RESULT: ADOPTED [UNANIMOUS]

MOVER: Adler

SECONDER: Elkins

AYES: Castro de Barrera, Stratton, Elkins, Adler, Pierce Burnette

ABSENT:

VI. Discussion Items

1. Discussion of Title VI Program Plan for ATP

Courtney Chavez, ATP's Director of Equity & Inclusion, provided this update.

Ms. Chavez provided background on Title VI programs and what is required by the FTA in a Title VI program. Ms. Chavez will bring the Title VI program plan to the Board in July for a vote.

Chair Castro de Barrera asked Ms. Chavez about the request from last year from the FTA for feedback and if ATP is participating in this. Ms. Chavez replied that she did submit some guidance and suggestions and that the FTA has not released the outcomes. Once released, we will know if any changes to the ATP Title VI program are required.

2. Discussion of upcoming interlocal grant agreements with CapMetro

Brandon Carr, ATP Deputy Counsel, provided this update.

Mr. Carr shared the list of upcoming agreements and approximately when they will come to the ATP Board for a vote. Drafting of the ILAs for the Red Line Project and MetroRapid Lines with CapMetro is underway, with the goal of finalizing by the July Board Meeting.

VII. Adjournment

ADA Compliance

Reasonable modifications and equal access to communications are provided upon request. Please call (512) 369-6040 or email chloe.maxwell@austintransitpartnership.org if you need more information.

BOARD OF DIRECTORS: Veronica Castro de Barrera, Chair; Colette Pierce Burnette, Vice Chair; Steve Adler, Tony Elkins, Eric Stratton and Gina Fiandaca (ex officio).

The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.

ACTION ITEM 2:

Approval of a resolution adopting Title VI Program Plan for ATP



SUBJECT: Approval of a resolution adopting the ATP Title VI Program Plan.

FISCAL IMPACT: This item has no fiscal impact.

RESPONSIBLE DEPARTMENT: Equity & Inclusion

EXECUTIVE SUMMARY: FTA requires all recipients of federal funding to develop and implement a Title VI Program Plan in accordance with Title 49 Code of Federal Regulations Part 21. The resolution provides acknowledgment, as required through FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" that the ATP Board reviewed and approved ATP's Title VI Program Plan.

**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2022-007

COUNTY OF TRAVIS

Adoption of Title VI Program Plan

WHEREAS, the Austin Transit Partnership (ATP) adopted the Diversity, Equity, and Inclusion on August 18, 2021, to demonstrate its commitment to transparency and accountability in the delivery of Project Connect and acknowledge the role transportation systems and infrastructure play in perpetuating racial discrimination and civil rights, social, and economic inequities across the United States; and

WHEREAS, ATP 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; and

WHEREAS, ATP, as a recipient of federal funds, is required to have a Title VI Program Plan that conforms to Title 49 Code of Federal Regulations Part 26 and Federal Transit Administration Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”; and

WHEREAS, ATP is not eligible to receive Department of Transportation (DOT) financial assistance unless ATP has a Board approved Title VI Program Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ATP that the Title VI Program Plan dated July 2022, attached hereto as Exhibit A, is officially adopted.

Casey Burack
Secretary of the Board

Date: _____

DRAFT



Title VI Program Update

Submitted in Fulfillment of Title VI of the Civil Rights Act of 1964 and FTA Circular 4702.1B

July 2022





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DRAFT

Profile of the Organization

In November 2020, the Austin voters approved Proposition A to dedicate new revenue to implementation of Project Connect, and to create an independent entity to implement and oversee the program designed to provide transportation alternatives for the public and respond to development challenges that impact our community.

The Austin Transit Partnership (ATP) was officially created (by the City of Austin and the Capital Metro Transportation Authority (CapMetro)) in December 2020, as the independent entity, accountable and responsible for the financing, design, construction, and overall implementation of Project Connect.

ATP's charge is to deliver on the voters' transit vision in partnership with the community — and in a way that embeds equity, sustainability, and transparency as overarching priorities. ATP is driven by data, which includes community input, and is committed to meeting voters' goals and honoring Austin's values.

ATP's seven-member Board of Directors provides strategic oversight of the program and convenes the community, as well as experts and partners who are crucial to delivering the program and achieving the public's vision and goals. Certain foundational documents, including the Joint Powers Agreement among ATP, the City of Austin, and CapMetro, define ATP's responsibilities, which include:

- “Financing, designing, building, implementing, and contracting with CapMetro to operate and maintain [Project Connect assets] in a manner independent of the City and Capital Metro”;
- Actively ensuring that all parts of the community have a voice in the development of the program, and providing regular program updates to the community and partners;
- Creating and deploying “transit supportive anti-displacement strategies”; and
- Approving interlocal agreements and the Joint Powers Agreement with the City of Austin and CapMetro.

Program Overview

ATP has prepared this Title VI Program Plan in compliance with Title 49 Code of Federal Regulations Part 21 and the Federal Transit Administration (“FTA”) Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”.

Title VI of the Civil Rights Act

The Civil Rights Act of 1964, as amended, 42 U.S.C. §2000d, et seq (“Title VI”) provides 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.

ATP's responsibility is to remove barriers that prevent minority, low-income, and persons with limited English proficiency (LEP) from receiving equal access to ATP's transit-related services, programs, and initiatives. In operating a federally assisted program, ATP cannot, on the basis of race, color, national origin, either directly or through contractual means:

- Deny program services, aids, or benefits.
- Provide a different service, aid or benefit, or provide them in a manner different than they are provided to others
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

General Reporting Requirements

1. Title VI Notice to the Public

ATP is committed to ensuring that the public is aware of the rights and protections afforded to them under Title VI. In accordance with Title 49 CFR Section 21.9(d) and guidance provided in FTA Circular 4702.1B, ATP's Title VI Notice to the Public (the "Notice") includes:

1. A statement that ATP operates programs without regard to race, color, or national origin.
2. A description of the procedures that the public should follow to request additional information regarding ATP's Title VI obligations.
3. A description of the procedures that the public needs to follow in order to file a Title VI discrimination complaint.

ATP's Title VI Program information will be placed on its website located at <https://atptx.org/>. The Notice contains a phone number, as well as e-mail and surface mailing address, for customers to file a Title VI discrimination complaint.

To support the needs of the Limited English Proficiency (LEP) population, the Notice is translated into Spanish. However, the latest American Community Survey 2018 data of the ATP/CMTA service area shows that there are six additional languages that meet the Safe Harbor provision threshold of 1,000 to receive translation of vital documents. These are: Vietnamese, Chinese (Mandarin), Korean, Arabic, Telugu, and Punjabi. In addition, Burmese, Pashto, and French are added to this list because of a large refugee population that may need assistance in these languages. To fulfil the Title VI requirement, the contact information will be translated in Vietnamese, Chinese (Mandarin), Korean, Arabic, Telugu, Punjabi, Burmese, Pashto, and French

- if the information is needed in those languages. ATP will add these languages to its website and in its notice to the public. [See Appendix A - Notice to Public]

2. Title VI Complaint Process and Complaint Form

ATP is committed to ensuring that no person is excluded from participation in or denied the benefits of services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964, as amended (“Title VI”). If any person believes they have been discriminated against on the basis of race, color, or national origin, they may file a complaint with ATP by completing and submitting ATP’s Title VI Complaint Form and submitting it by email to:

ATP_TitleVI@atptx.org

In the alternative, the complaint form may be submitted by mail to:

Austin Transit Partnership
Equity & Inclusion – Title VI Complaint
203 Colorado St.
Austin, TX 78701

If assistance is needed to file a written complaint, contact (512) 202-5752 or ATP_TitleVI@atptx.org.

ATP investigates completed, written complaints received no more than 180 days after the alleged incident. Once a complaint is received, ATP will take the following steps:

1. The complaint is reviewed by the Equity and Inclusion Department to determine if ATP has jurisdiction. ATP will provide an acknowledgment letter informing the complainant whether the complaint will be investigated.
2. ATP will use its best efforts to investigate the complaint within 90 calendar days of its receipt. If additional information is needed, the Equity and Inclusion Department will contact the complainant by phone or in writing. Failure of the complainant to respond within 15 days of the request for information may result in the administrative closure of the complaint. A case can be administratively closed if the complainant no longer wishes to pursue their case.
3. ATP will issue one of the following determination letters:
 - a. A closure letter that states that there was not a Title VI violation and that the case will be closed.
 - b. A letter of finding that explains whether any disciplinary action, additional training, or other action will occur.

A Complainant may appeal the decision by submitting a written request to ATP's General Counsel within fifteen (15) business days from the date of determination letter. Appeal requests may be submitted by mail or by email to:

Austin Transit Partnership
General Counsel
203 Colorado St.
Austin, TX 78701

Any person may also file a complaint directly with the U.S Department of Transportation by contacting Federal Transit Administration, Office of Civil Rights, at 817-978-0550, or submitting a complaint in writing to:

Federal Transit Administration, Office of Civil Rights
819 Taylor Street, Room 8A36
Fort Worth, TX 76102

A copy of ATP's Title VI Complaint Form is included in this document as Appendix B.

3. Record and Report of Transit-Related Title VI Complaints, Investigations, and Lawsuits

ATP has not been involved in any Title VI complaints, investigations, or lawsuits since its inception in January 2021. ATP will track all complaints, investigation, and lawsuits that it may receive during each reporting period and provide updates to FTA, as required, or as requested.

4. Promoting Inclusive Public Participation

Project Connect is a transformative, voter-approved investment in new transit services that includes Light Rail, MetroRapid Bus Lines, Commuter Rail (improvements to existing line and a new line), and Park and Ride facilities. ATP is committed to implementing Project Connect in a manner that embeds equity into its policies and practices, and proactively addresses displacement and equity as stated in the Community Commitment Resolution and Contract with the Voters resolutions.

ATP seeks to understand each community's unique history, values, and priorities to guide in project planning, development, and implementation. Further, ATP recognizes that effective engagement with members from different neighborhoods with different ethnic and racial identities, income, resource and educational levels, abilities, and sexual and gender identities requires outreach and engagement designed specifically for their needs and sensitive to culture differences within communities.

Through its efforts, ATP seeks to create a comprehensive strategy that increases public participation of communities historically left out of the decision-making process related to transportation projects. This includes providing outreach opportunities to communities in ways

that are accessible and convenient, and continuing to ensure that ATP is lessening or removing barriers to participation. In addition, greater opportunities for two-way dialogue that reaches all members of our community ensures accountability and will offer insight on ways that public feedback and participation can help move the program forward.

ATP employs the below strategies to guarantee that all members of the community have an opportunity to participate, including historically disinvested populations, such as LEP, Black, Indigenous, People of Color (BIPOC), and low-income populations:

- Engagement with 11 geographically specific working groups covering the entirety of the Orange and Blue line corridors, including regular meetings with each working group. The meetings were designed to get detailed feedback from the community and answer questions throughout the project development process. In addition, several community design workshops within these geographical areas were held. The presentation materials, video recordings and summary of each working group and community design workshop are available for the public to view on the Project Connect Engagement Library: <https://publicinput.com/library>. In addition, meeting recordings are archived and continuously available on CapMetro's Facebook, Twitter, and YouTube Channel.
- One-on-one or small group meetings with all business or residential property owners impacted by the project.
- Strategically plan to engage specific venues, events, or organizations within Environmental Justice (EJ) and Limited English Proficiency (LEP) communities.
- Incorporation of go-where-they-gather pop-up outreach events in EJ and LEP communities; for example, deployment of the Project Connect Engagement Bus at food pantries in the Vision Planning phase or utilizing the Mobile Engagement and Event Pop-Up (MEEP) vehicle during the NEPA process and beyond.
- Attend existing community events such as Earth Day celebrations, Movies in the Park, or Pride festivities to utilize those audiences for support and inform them about Project Connect.
- Working with the Community Advisory Committee, especially the Community Engagement and the Planning, Equity & Sustainability working groups, which serve as a sounding board and important connection to the community and advises on anti-displacement funding and equity issues in addition to ongoing engagement efforts.

- Collaboration with the ATX Mobility Coalition, which brings together groups like Austin Justice Coalition, People United for Mobility Action (PUMA), and the Workers Defense Project, on issues related to the Project Connect program and ATP. Feedback recommended by the ATX Mobility Coalition was incorporated into several stages of the program, including the Joint Powers Agreement, and this group continues to provide meaningful input to the program.
- Inclusion of advocacy groups in the Project Connect Ambassador Network (PCAN) and applicable working groups throughout the study.
- Event and project information distribution through groups and existing networks, such as chambers of commerce, schools, neighborhood and community groups, faith-based and community-service organizations, and low-income assistance programs.
- Coordination with essential services for information sharing and distribution through existing networks.
- Coordination with apartment complexes in EJ and LEP communities for information sharing and distribution.
- Blockwalking to areas along the Orange and Blue Line corridors and MetroRapid routes in advance of major public events and/or prior to construction starting.
- Partnership with local Spanish-language television channel Univision, including engagement in June and November 2021, with a total reach of more than 5,300 viewers.
- Information distribution via direct mail, including postcards with project information and event announcements mailed to addresses along the entire Orange and Blue line corridors, new MetroRapid routes, and areas surrounding new Red Line enhancements and stations.
- Information distribution via print and broadcast channels including local community papers, social media and neighborhood magazines/publications. These publications also include Spanish, Korean and Vietnamese translations.
- Cross-collaboration with CapMetro and the City of Austin to capitalize on existing and available resources and help ensure consistent and continual messaging as the program progresses.

- Information distribution through utility bill inserts.
- Distribution of transit-related incentives and/or “stuff we all get” (SWAG) to encourage and promote participation and information sharing.
- Translation of vital documents and web content on key initiatives into languages other than English upon request.
- Inclusion of information on meeting notices on how to request translation services.
- Work with community ambassadors, or identified leaders within local communities, who can engage with people in their existing networks to share information, identify key concerns and priorities and collect feedback.

During the COVID pandemic, ATP public meetings were held virtually. Though the pandemic continues, ATP will begin to shift to hosting in-person meetings again at locations that are accessible to persons with disabilities and via transit. Route numbers will always be listed on public materials related to meetings and CapMetro’s MetroAccess call center will be provided to facilitate paratransit reservations. ATP staff is also readily available to assist with special arrangements to accommodate for persons who experience disabilities.

ATP will develop and maintain partnerships with minority chambers of commerce (Hispanic, Asian, Black, LGBTQ+, and Young) to assist in making public information available to their members and community, as well as contracts with professional translation and interpretation services to further make information available to those who do not speak English.

A sample list of communication and engagement methods deployed during FY 2021-2022 when involving the public, along with a sample list of partner organizations is attached at the end of this document. [See Appendix C – Sample List of Communication and Engagement Methods].

5. Requirements to Provide Meaningful Access for Limited English Proficiency Persons

This section details ATP’s Language Assistance Plan (LAP) to provide meaningful access to ATP services and programs to Limited English Proficiency (LEP) individuals. ATP takes all reasonable steps to provide meaningful access to LEP individuals who use its services, facilities, programs, and attend meetings. The policy is to ensure that language will not prevent staff from communicating effectively with LEP clients and others to ensure safe and orderly operations, and that limited English proficiency will not prevent clients or any member of the public from accessing important programs and information; understanding rules, participating in proceedings; or gaining eligibility for programs and/or services.

ATP is utilizing the information and analysis conducted by CapMetro to support development of ATP's LAP. CapMetro engaged a consultant to conduct a four-factor analysis and create a LAP. Among the highlights of this analysis for CapMetro are:

- Factor One: Over 15% of the population in the service area do not speak English very well and are considered to have Limited English Proficiency. One language—Spanish remains the predominant LEP language in both counties, amounting to 9% of the population in Transit County and 5% in Williamson County. 10 languages are included as Safe Harbor languages including languages that were added for translations due to community and staff input. The languages are Spanish, Arabic, Burmese, Chinese (Mandarin), French, Korean, Pashto, Punjabi, Telugu and Vietnamese.
- Factor Two: The LEP community frequently accesses CapMetro services and information, and CapMetro employees often cross paths with persons needing language assistance. About 20% of all surveyed employees encounter people who do not speak English very well on a daily basis, while almost 90% of MV bus operators and Customer Service staff regularly encounter LEP populations. Additionally, almost 60% of the Community Based Organizations responded that their clients frequently sought information for CapMetro about their services and programs.
- Factor Three: CapMetro services are important to the LEP community. The LEP population either regularly uses CapMetro, or uses it at least sometimes, according to the Community Based Organizations (CBOs). Census data also shows that LEP populations use transit about 5 times more than non-LEP populations in Travis County. CBOs also indicated that about 1/3 of their LEP clients do not have a car available for their trip and must rely on CapMetro for their general mobility.
- Factor Four: The analysis shows that CapMetro plans for the myriad activities that they currently undertake to ensure that people who do not speak English very well are able to access the system as easily as the general population. While CapMetro only spends a little of the operating budget on language assistance services, this does not include the hidden costs associated with staff providing on-site and ad hoc translation and interpretation services. Recommended changes will help CapMetro plan into the future to monitor and budget their activities to ensure they are cost effective and help those with the greatest need.

Language Assistance Plan Overview

The Department of Transportation (DOT) LEP Guidance recommends that recipients develop an implementation plan to address the needs of the LEP populations they serve. The DOT LEP Guidance notes that effective implementation plans typically include the following five elements: 1) identifying LEP individuals who need language assistance; 2) providing language

assistance measures; 3) training staff; 4) providing notice to LEP persons; and 5) monitoring and updating the plan.

This LAP represents a continuing approach to providing language assistance. While some language assistance measures are in place, other methods of providing language assistance are being implemented over time to ensure continued compliance with federal requirements. This plan also includes recommendations that would assist ATP to reach best industry standards for providing language assistance for those needing to access ATP programs and services.

Based on CapMetro's Four Factor analysis, the most frequently encountered languages broken into two groups:

- Primary: Spanish represents the language spoken in the heaviest concentration within the service area
- Safe Harbor and additional languages: Arabic, Burmese, Chinese (Mandarin), French, Korean, Pashto, Punjabi, Telugu and Vietnamese.

Providing Language Assistance Measures

ATP is committed to providing meaningful access to information and services to its LEP customers. Along with enabling persons who do not speak English very well to navigate the system with the same ease as the general population, it is necessary to provide a meaningful opportunity for LEP persons to participate in the public comment process for planning activities and major capital projects. Specific methods pertaining to outreach will be discussed in ATP's Public Participation Plan that is under development and will be added to the Title VI Program Plan. Currently, the primary tools ATP will implement include the following:

- Providing Notice to Beneficiaries and Title VI complaint procedures and forms in all Safe Harbor Languages.
- Providing Google Translate on the ATP website, allowing translations for most content.
- Providing on-site Spanish speaking translations and interpreting in a variety of settings.
- Making resources available for any staff to address language assistance needs for any language.
- Offering interpreters by request for public meetings, public hearings, or board meetings.
- Posting public meeting notices in foreign language newspapers to reach LEP populations.
- Providing Spanish translations and pictograms on board vehicles, on Ticket Vending Machines, at bus stops and at stations.
- Producing Spanish language video content.
- Creating Spanish translations for some informational brochures and marketing materials.

- Tapping into Community Based Organizations for assistance in outreach to LEP populations and language assistance.

The following are recommendations that would improve the level of service that ATP provides to its LEP customers and that can be implemented over time as budget and staff permits.

1. Strengthen Title VI awareness through internal training for all staff and integrate an understanding of Title VI across ATP.
2. Create standard processes and informational materials for ATP to utilize as a resource when interacting with the public.
3. Develop demographic analyses that connect Title VI, LEP, and project areas.
4. Translate all vital documents into primary and safe harbor languages.
5. Ensure construction, detour, and other courtesy notices are translated into Spanish, when feasible, and all other languages as determined by analysis of location.
6. Ensure that all website materials and content is in a form that can be translated using online tools, upload documents in original form and not scanned, and use pictograms as necessary instead of printed text.
7. Develop budget plans to monitor and plan for translation and interpretation expenses to increase access and inclusion at ATP board meetings and events.
8. Hold Title VI and LEP training for all new hires.
9. Create training plan around Title VI and diversity, equity, and inclusion, to proactively engage staff.

Providing Notice to LEP Persons of Language Assistance Measures

As the most far reaching and important aspect of language assistance, providing notice to the public on the available language assistance is crucial. Consequently, ensuring that informing the public of how to seek language assistance plays a substantial role in the LAP. ATP will work with CapMetro and its Community Engagement team to share information on access to language assistance.

Monitoring and Updating the Language Assistance Plan

While a review of the LAP every three years to coincide with the Title VI update is standard, it is also important to monitor the language assistance measures periodically, along with how well the outreach activities are engaging LEP populations, so that if mid-course corrections are needed, they can be accomplished within the framework of the overall Language Assistance Plan. ATP will monitor changes in how LEP populations are engaging in outreach activities to evaluate the effectiveness of its LAP and coordinate with CapMetro to conduct an annual review to ensure that methods of outreach and communication are effective and inclusive. This includes providing an opportunity for staff to provide feedback on the plan and the language assistance measures that may not be as effective. Community members will also play a role in

the continual monitoring of the language assistance measures, as the broader community can often understand the issue in ways that the agency may not.

Additionally, while the LAP provides guidance for how to approach LEP considerations in establishing new outreach campaigns, staff needs to be responsive to the community’s needs in providing language assistance. This may include a targeted outreach approach that reviews demographic changes in the area to anticipate language assistance needs. [See Appendix D-CapMetro’s Language Assistance Plan 2021].

6. Demographics of Board-Appointed Committees and Advisory Bodies

ATP Transit relies on the oversight and guidance from volunteers and works to ensure diverse representation across each of its Technical Advisory Committees, which includes:

- 1) Engineering, Architecture, and Construction Committee (“EAC”);
- 2) Finance and Risk Committee (“FAR”);
- and 3) Planning, Sustainability, Equity and DBE Committee (“PSEC”).

Participation on one of ATP’s Technical Advisory Committees is open to any Community Member who:

- Is a resident of either the City of Austin or CapMetro's service area.
- Has interests and experience that will assist the Committee in developing recommendations on community engagement and equity matters related to Project Connect.
- Is not a person registered or required to register as a lobbyist under City Code Chapter 4-8 or who is employed by a person registered or required to register under City Code Chapter 4-8.
- Is not an employee of the City, Capital Metro, or ATP.
- Does not have a contract for real property, goods or services with the City, CapMetro, or the Joint LGC, or be employed by such a contractor.

Members of the Committee serve for a term of at least two (2) years. In the event of a vacancy or vacancies in the Committee, the remaining members may nominate an individual or individuals to be considered by the ATP Board.

Demographic breakdown of each TAC:

TAC	American Indian and/ or Alaska Native	Asian	Black and/ or African American	Hispanic and/ or Latinx	White	Another race/ ethnicity	Two or More	Total
EAC		1		1	4	1	1	8
FAR		1		2	4			7
PSEC		1	2	1	4			8

7. Ensuring Subrecipient Compliance

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin for programs and activities receiving Federal financial assistance. Subrecipients certify compliance with the requirements of Title VI laws and regulations. To ensure that all subrecipients comply with Title VI regulations, ATP provides assistance to all subrecipients and monitors their performance annually. The subrecipient monitoring process is summarized in the following pages.

Providing Assistance to Subrecipients

ATP has developed procedures to provide assistance to subrecipients, distribute funds in an equitable and non-discriminatory way, and to monitor subrecipients' compliance with Title VI. ATP is committed to ensuring that subrecipients agree to comply with the requirements of Title VI of the Civil Rights Act, 42 U.S.C. §2000d, and applicable regulations, in programs and activities receiving or benefiting from FTA funding. ATP requires subrecipients to agree to and assure compliance with the requirements of Title VI by submitting certifications and assurances which are included in their subaward agreements. As Project Connect and ATP continues to grow, ATP will provide training and guidance and conduct site visits for all subrecipients. In addition, ATP will perform annual reviews to ensure subrecipient compliance with the FTA requirement that subrecipients prepare a Title VI program containing at least the following information: Notice to beneficiaries of their rights under Title VI; Title VI complaint procedures and form; Title VI investigations, complaints, and lawsuits; inclusive public participation; meaningful access to persons with Limited English Proficiency (LEP); and minority representation on advisory bodies. ATP will provide subrecipients with assistance as needed in the form of supplemental materials, including but not limited to:

- Sample documents: Title VI Program Updates, Notices to the Public, Complaint forms, Public Participation Plans, and Language Assistance Plans; and
- Demographic (Census) information.

8. Determination of Site or Location Facilities

FTA requires a Title VI equity analysis if a federal recipient constructs a facility, such as a vehicle storage garage, maintenance facility, or operations center, to determine the local environmental impacts on minority and low-income populations. This does not include bus stops or transit centers because these are classified as transit amenities. No facility equity analysis was conducted by ATP during the last Fiscal Year. ATP will conduct the required analysis, as needed.

Board Action Demonstrating Review and Approval of Title VI Program Plan

The ATP Board approved the 2022 Title VI Program Plan at the meeting held on July 20, 2022. The signed resolution is included as Appendix E.

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Appendix A

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TITLE VI: NOTICE/AVISO

Austin Transit Partnership (ATP) 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 protected by Title VI of the Civil Rights Act of 1964, as amended ("Title VI").

If you believe you have been subjected to discrimination under Title VI, you may file a complaint with ATP by submitting a completed complaint form —

via mail: Title VI Complaints, 203 Colorado St., Austin, TX 78701

via e-mail: atp_titlevi@atptx.org For assistance or for more info: (512) 202-5752

If this information is needed in another language, please contact (512) 202-5752.

如果您對以上的資料有興趣, 而需要中文版的話, 請聯絡 (512) 202-5752.

정보가 다른 언어로 필요한 경우, (512) 202-5752 로 연락 주시기 바랍니다.

Nếu thông tin này cần thiết trong ngôn ngữ khác, xin vui lòng liên lạc số (512) 202-5752.

(512) 202-5752 . شكراً جزيلاً. في حال الحاجة لهذه المعلومات بلغة أخرى، الرجاء الإتصال ب
که دا معلومات په بله ژبه کې پکار وي، نو مهرباني وکړئ په (512) 202-5752 باندي تماس ونیسئ.

Austin Transit Partnership (ATP) se compromete a que ninguna persona sea excluida de participar, o se le niege beneficios de sus servicios a base de raza, color o origen de nacionalidad como protección del Título VI (Title VI) del Acto de Derechos Civiles, como amendado ("Title VI").

Si usted considera que ha sido objeto de discriminación de acuerdo con lo establecido en el Título VI, puede presentar una queja ante ATP completando y enviando un formulario de queja —

por correo postal a: Title VI Complaints, 203 Colorado St., Austin, TX 78701

por correo electrónico a: atp_titlevi@atptx.org

por solicitar ayuda o más información: (512) 202-5752

ఈ సమాచారాన్ని వేరే భాషలో పొందాలనుకుంటే, దయచేసి (512) 202-5752 నంబర్ వద్ద సంవేరండి.

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਕਸਿ ਹੋਰ ਭਾਸ਼ਾ ਵਿੱਚ ਚਾਹੀਦੀ ਹੈ, ਤਾਂ ਕਰਿਪਾ ਕਰਕੇ (512) 202-5752 'ਤੇ ਸੰਪਰਕ ਕਰੋ।

ဤသတင်းအချက်အလက်ကို အခြားဘာသာစကားဖြင့် ရရှိလိုပါက ကျေးဇူးပြု၍
(512) 202-5752 သို့ ဆက်သွယ်ပါ။

Si ces informations sont requises dans une autre langue, veuillez appeler le (512) 202-5752.

Appendix B

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Austin Transit Partnership
Title VI Discrimination Complaint Form

Austin Transit Partnership (ATP) is responsible for civil rights compliance and monitoring, which includes ensuring that contractors regardless of tier and sub-recipients regardless of tier properly abide by Title VI of the Civil Rights Act of 1964 which is the federal law that protects individuals from discrimination on the basis of race, color or national origin in any program receiving federal assistance, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations," and the Department of Transportation's Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries.

In ATP's complaint investigation process, we analyze the complainant's allegations for possible Title VI violations. If violations are identified, they are investigated as provided in ATP's Title VI Discrimination Complaint Process.

Section I:		
Name:		
Address:		
Telephone (Home):	Telephone (Work):	
Electronic Mail Address:		
Accessible Format Requirements?	Large Print	Audio Tape
	TDD	Other
Section II:		
Are you filing this complaint on your own behalf?	Yes*	No
*If you answered yes to this question, go to Section III.		
If not, please supply the name and relationship of the person for whom you are complaining:		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	Yes	No

Section IV:
<p>Have you filed this complaint with any of the following agencies?</p> <p>If yes, check all that apply: <input type="checkbox"/> Department of Transportation <input type="checkbox"/> Department of Justice <input type="checkbox"/> Equal Opportunity Commission</p>
<p>Please provide information about a contact person at the agency/court where the complaint was filed.</p>
<p>Name:</p>
<p>Title:</p>
<p>Agency:</p>
<p>Address:</p>
<p>Telephone:</p>
Section V:
<p>Name (signature) _____ Date: _____</p>

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Please mail your completed form to: Austin Transit Partnership, Equity and Inclusion Department, 203 Colorado, Austin, TX 78701, or you can email it to atp_titlevi@atptx.org.

Appendix C

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Public Meeting and VOH Details

Jan. 1 – Sept. 30, 2021

OL and BL 15% Schematic Public Meetings

- *Blue Line Virtual Meeting*
 - Date: July 27, 2021 from 5:30 – 7:30 p.m.
 - Location: Online Zoom, YouTube Live, Facebook Live, Twitter Live and LinkedIn
 - Viewers: 104
- *Blue Line Virtual Meeting*
 - August 2, 201 from 11:30 a.m. – 1:30 p.m.
 - Location: Online Zoom, YouTube Live, Facebook Live, Twitter Live and LinkedIn
 - Viewers: 111
- *BL VOH*
 - BL VOH Final Dynamic Report
 - Date: July 27, 2021 – August 27, 2021
 - Location: www.projectconnect.com/get-involved
- *Virtual Meeting – Orange Line North*
 - Date: July 28, 2021 from 11:30 a.m. – 1:30 p.m.
 - Location: Online Zoom, Facebook Live, other streaming platforms
 - Viewers: 104
- *Virtual Meeting – Orange Line South*
 - Date: July 29, 2021 from 5:30 p.m. – 7:30 p.m.
 - Location: Online Zoom, Facebook Live, other streaming platforms
 - Viewers: 104
- *Virtual Meeting – Orange Line North*
 - Date: August 3, 2021 from 11:30 a.m. – 1:30 p.m.
 - Location: Online Zoom, Facebook Live, other streaming platforms
 - Viewers: 104
- *Virtual Meeting – Orange Line South*
 - Date: August 5, 2021 from 11:30 a.m. – 1:30 p.m.
 - Location: Online Zoom, Facebook Live, other streaming platforms
 - Viewers: 104
- *On-Demand VOH*
 - OL VOH Final Dynamic Report
 - Date: July 27, 2021 – August 27, 2021
 - Location: www.projectconnect.com/get-involved
 - VOH respondents: 233
 - Views: 2,487

OL and BL April Stations Public Meetings

- *Virtual Public Meeting and Breakout Sessions*
 - Date: April 27, 2021 from 5:30 p.m. – 7:00 p.m.
 - Location: Online Zoom and Facebook Live
 - Viewers: 106
- *Virtual Public Meeting and Breakout Sessions*
 - Date: April 28, 2021 from 11:30 a.m. – 1:00 p.m.
 - Location: Online Zoom and Facebook Live
 - Viewers: 116
- *Virtual Public Meeting and Breakout Sessions*
 - Date: April 29, 2021 from 9:00 a.m. – 10:30 a.m.
 - Location: Online Zoom and Facebook Live
 - Viewers: 71
- *VOH*
 - VOH Let's Talk Station Alignment Post-Engagement Report
 - Date: April 26 – May 21, 2021
 - Location: www.projectconnect.com/get-involved
 - VOH respondents: 52
 - Views: 1,235

BL Public Scoping Meetings

- *Blue Line Virtual Meeting*
 - Date: Jan 26, 2021 from Noon – 1:00 p.m.
 - Location: Zoom Webinar and broadcast on Facebook Live
 - Viewers: 211
- *Blue Line Virtual Meeting - Spanish*
 - Date: Jan 27, 2021 from 6 – 7 p.m.
 - Location: Zoom Webinar and broadcast on Facebook Live
 - Viewers: 139
- *Blue Line Virtual Meeting*
 - Date: Jan 28, 2021 from 6 – 7 p.m.
 - Location: Zoom Webinar and broadcast on Facebook Live
 - Viewers: 175
- *Blue Line Virtual Meeting*
 - Date: Jan 29, 2021 from 10 – 11 a.m.
 - Location: Zoom Webinar and broadcast on Facebook Live
 - Viewers: 211
- *VOH*
 - Date: January 25 – March 12, 2021
 - Location: <https://www.capmetroengage.org/en/blueline>
 - VOH respondents: 97
 - Views: 666

OL Public Scoping Meetings

- *Orange Line Virtual Meeting*
 - Date: Jan 25, 2021
 - Location: Online Zoom and broadcast on Facebook Live
 - Viewers: 327
- *Orange Line Virtual Meeting -Spanish*
 - Date: Jan 26, 2021
 - Location: Online Zoom and broadcast on Facebook Live
 - Viewers: 64
- *Orange Line Virtual Meeting*
 - Date: Jan 28, 2021
 - Location: Online Zoom and broadcast on Facebook Live
 - Viewers: 188
- *Orange Line Virtual Meeting*
 - Date: Jan 29, 2021
 - Location: Online Zoom and broadcast on Facebook Live
 - Viewers: 173
- *VOH*
 - Date: January 25 – March 12, 2021
 - Location: <https://www.capmetroengage.org/en/blueline>
 - VOH respondents: 96
 - Views: 985

MetroRapid

- *MetroRapid VOH*
 - Date: February 2 – March 19, 2021
 - Location: www.capmetroengage.org
 - Total engaged: 566
- *Virtual Community Meeting: Pleasant Valley and Expo MetroRapid Lines*
 - Date: February 2, 2021 at 6 p.m.
 - Location: Zoom Webinar and CapMetro's Facebook Live
 - Views: 140
- *Virtual Community Meeting: Pleasant Valley and Expo*
 - Date: February 3, 2021 at 10 a.m.
 - Location: Zoom Webinar and CapMetro's Facebook Live
 - Views: 146
- *Virtual Community Meeting: Pleasant Valley and Expo - Spanish*
 - Date: February 4, 2021 at 6 p.m.
 - Location: Zoom Webinar and CapMetro's Facebook Live
 - Views: 67



- *MetroRapid Community Update*
 - Date: September 9, 2021 at 5 p.m.
 - Location: Zoom
 - Attendees: 41

Red Line

Red Line Community Update

- Date: September 9, 2021 at 12 p.m.
- Location: Zoom
- Attendees: 109

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Appendix D

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Capital Metro's Language Assistance Plan | 2021

A Resource Manual for Limited English Proficiency



Language Assistance Plan for Limited English Proficient Populations

Final

June 10, 2021

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Appendix A: LEP Public Involvement Summary

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1. Introduction

The following document serves as the Title VI Language Assistance Plan (LAP) for Limited English Proficient (LEP) Populations for Capital Metro Transportation Authority (Capital Metro) and demonstrates the Agency's commitment to provide meaningful access to all individuals accessing services provided by the Agency. The plan is intended for managers and staff who interact directly or indirectly with LEP individuals. Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for Limited English Proficient people. As a sub-recipient of Federal funds, Capital Metro must "take reasonable steps to ensure meaningful access to their programs and activities by LEP persons."¹

On August 11, 2000, President William Jefferson Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" that requires Federal agencies and recipients of Federal funds to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those needed services so that LEP persons can have meaningful access to them. Further guidance was provided in 2012 with the release of the Federal Transit Administrations (FTA) circular FTA C 4702.1B that further codified the FTA's objective to "promote full and fair participation in public transportation decision-making without regard to race, color, or national origin; and ensure meaningful access to transit-related programs and activities by persons with limited English proficiency."²

As a means of ensuring this access, the FTA Office of Civil Rights has created a handbook³ for public transportation agencies that provides step-by-step instructions for conducting the required LEP needs assessment and developing a LAP. The LAP becomes a blueprint for ensuring that language does not present a barrier to access to the agency's programs and activities.

To develop the LAP necessary to comply with the guidance, an individualized agency assessment is required that balances the following four factors:

- Factor 1: The number or proportion of LEP persons eligible to be served or likely to encounter a program, activity, or service of the recipient or grantee;
- Factor 2: The frequency with which LEP individuals come in contact with the program;
- Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- Factor 4: The resources available to the recipient and costs for language services.

To ensure compliance with federal guidance, Capital Metro undertook an assessment with the goal that all reasonable efforts be made to ensure that customers are not denied access to their services due to a limited

¹ Federal Register Volume 70, Number 239 (Wednesday, December 14, 2005)

² FTA Circular 4702.1B- TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS, October 1, 2012.

³ Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers. The Federal Transit Administration Office of Civil Rights, April 13, 2007

ability to speak, read, write or understand English. Capital Metro believes in the rights of all residents within its community, and furthermore supports the overriding goal of providing meaningful access to its services to LEP persons. Given the diverse nature of the service area, eliminating the barrier to persons with limited English-speaking ability will have a positive impact not only on LEP individuals themselves, but also on the impact that Capital Metro services have on the community.

Agency Background

In January 1985, voters approved the creation of Capital Metro as the entity to provide mass transportation service to the greater Austin metropolitan area by agreeing to fund part of the organization with a one percent sales tax levied by members of its service area. The Capital Metro service area is located in Travis and Williamson Counties and includes the cities of Austin, Jonestown, Lago Vista, Leander, Manor, Point Venture, San Leanna, Volente, the Anderson Mill area in Williamson County and Precinct 2 (an unincorporated area in north Travis County). The Cities of Round Rock, Pflugerville and Georgetown do not pay the one percent sales tax and currently contract for Capital Metro service.

The service area is approximately 544 square miles and serves a population of over 1,300,000. The regional transit system carries over 31 million passengers per year and provides bus service, a commuter rail system and paratransit services⁴. Capital Metro provides the following services:

- Bus service that includes frequent service with a limited number of stops and faster travel times, commuter rail service to and from downtown, and a shuttle system that provides access to the University of Texas campus.
- Americans with Disabilities Act (ADA) paratransit service (MetroAccess) for those who are unable to use bus and rail services.
- On-demand shared ride service (Pickup) that can accommodate customers in a wheelchair.
- Vanpool service (MetroRideShare) for a group of 4 or more people who regularly travel together in a rideshare vehicle for the purpose of commuting to and from work.
- Fixed-route bus service, non-emergency medical transportation, and other services of varying frequency to riders who live outside of the Capital Metro service area that covers a 7,200 square mile area surrounding Austin. Capital Metro partners with Capital Area Rural Transportation System (CARTS) to support these services.
- Guaranteed Ride Home that provides registered customers with a taxi ride home in the event of an unexpected emergency from work.
- Bike rental and secure bike parking for bicycles (MetroBike) is designed for those trips that are too far to walk but too short to drive.

Cap Metro has 83 standard bus routes, 14 high-frequency routes, 368 MetroBuses, 12 E-Buses, 55 MetroRapid vehicles, 10 diesel electric trains, 257 vanpools, and 213 paratransit vehicles.

Methodology and Recommendations

The development of the LAP and associated Four Factor Analysis included the following components:

1. Research of peer agencies
2. Data analysis
3. Surveys and Community Based Organization (CBO) participation

⁴ Fast Facts on Capital Metro website at <https://www.capmetro.org/facts>

4. Capital Metro staff interviews
5. General plan findings that include the Four Factor Findings and Top Languages and Safe Harbor languages

Based on the Four Factor Findings, the following are categories of recommendations that would improve the level of service that Capital Metro provides to its LEP customers and that can be implemented over time as budget and staff permits:

1. General, including such things as internal awareness and public outreach strategy
2. Materials and Documents
3. Translation and Interpretation Tools and Protocols
4. Employees, including training or incentives to empower employees to provide assistance

2. Four Factor Analysis Overview

The cornerstone of the LAP is the Four Factor Analysis that serves as a needs assessment for developing language assistance measures for those with a limited ability to read, write, speak or understand English. These LEP populations are those who reported to the U.S. Census that they speak English “less than very well,” “not well,” or “not at all.” It’s important to note that LEP status may be context-specific – an individual may have sufficient English language skills to communicate basic information (name, address etc.) but may not have sufficient skills to communicate detailed information (trip planning needs, origin and destination needs) in English.

The FTA circular FTA C 4702.1B provides guidance to recipients on how to ensure that they provide meaningful access to persons who are LEP. The guidance notes that recipients shall use the information obtained in the Four Factor Analysis to determine the specific language services that are appropriate to provide. The analysis can help Capital Metro determine if it communicates effectively with LEP persons and will inform the development of the LAP.

The Four Factor Analysis is an individualized agency assessment that balances the following four factors: 1) determining the number or proportion of LEP persons in the service area who may be served or are likely to encounter a Capital Metro program, activity or service; 2) the frequency with which LEP Populations come in contact with Capital Metro’s programs, activities and services; 3) the nature and importance of the program, activity, or service provided by the recipient to people’s lives; and 4) the resources available to Capital Metro and costs associated with language assistance services. This section describes the step-by-step instructions for conducting the required LEP needs assessment according to the FTA’s handbook as it applies to Capital Metro.

2.1 Data Sources and Use

A variety of data sources were consulted for each of the steps in the Four Factor Analysis. This section presents a description of each of the data sources and what they were used for in the analysis.

Data that were consulted to determine the most prevalent languages spoken in the service area, as well as those that may benefit from language assistance for the Factor 1 analysis included:

- American Community Survey (ACS) 2018 one-year sample languages of people that speak English less than “Very Well” for Travis County, Table B16001
- ACS 2015 five-year sample of languages of people that speak English less than “very well” for Williamson County, Table B16001

- ACS 2019 one-year sample of LEP Households, Table S1602
- Austin Independent School District English Language Learner Data (Bilingual and English as a Second Language Programs and Demographic Summary Report 2019-2020, Austin Independent School District)
- Capital Metro Customer Service Information

Because the service area includes both portions of Travis and Williamson County, the data includes different data years by county, as the most recent available data for Williamson County is from 2015. Each county is displayed independently so that the differences can be compared. Had 2018 data been available for both counties, a cumulative display could be presented. However, the data is separated for accuracy.

The data that were consulted for Factors 2 and 3 (the frequency with which LEP Populations come in contact with Capital Metro’s programs activities and services, and the nature and importance of the program, activity, or service provided by Capital Metro to people’s lives) included:

- Employee/contractor surveys
- Language Line telephone data
- On board surveys (if applicable, so may not be available)
- CBO consultation/survey data
- Employee/contractor interviews
- ACS 2019 one-year sample of commuting characteristics for Travis and Williamson counties, Table S0801

Data that were consulted for Factor 4 to determine the resources available to Capital Metro and costs associated with language assistance services included:

- Department budgets for translation and interpretation expenses
- Language Line telephone data costs
- Document translation services costs

2.2 Factor 1 Overview

Factor 1 includes determining the number or proportion of LEP persons in the service area who may be served or are likely to encounter a Capital Metro program, activity or service.

The first step in the LAP development process is to quantify the number of persons in the service area who do not speak English fluently and would benefit from language assistance. This process includes examining the agency’s prior experience with LEP populations, and using census and other available data to identify concentrations of LEP persons in the service area, including those that qualify under the “Safe Harbor Languages” definition.

Safe Harbor languages are defined by the Circular as languages spoken by at least 1,000 individuals with LEP within the service area, stating, “if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations.”

To determine Safe Harbor languages in the Capital Metro service area, the most recent available ACS data was used from Travis County and Williamson County as described above. While the data is not as

contemporary as desired, it represents the most recent data available with the granularity necessary to review the specific languages for consideration.

The 2019-2020 Austin Independent School District’s Language Learner data also provided corroborating data to support the findings.

2.2.1 Data Analysis

Linguistic Isolation

The first data reviewed related to the percentage of limited English-speaking households within the two counties in which no member 14 years or older (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and older have at least some difficulty with English.⁵ Previous Census Bureau data products have referred to these households as "linguistically isolated."

About 6% of all Travis County households would be considered LEP households, while about 3% of Williamson County households would fall into that category (see **Table 1: Linguistic Isolation for Households in Travis and Williamson Counties**). Similar differences in the two counties reveal that of the total Spanish-speaking households in Travis County, about 20% of those are LEP households, or linguistically isolated. This compares to about 11% of the Williamson county Spanish-speaking households.

What is notable is that the percentage of households that speak Asian and Pacific Island languages and are LEP are also about 20% of the total in Travis County. However, in Williamson County, the percentage of Asian language speaking households is almost double that of Spanish speaking households at almost 19%.

Table 1: Linguistic Isolation for Households in Travis and Williamson Counties

	Travis County, Texas			Williamson County, Texas		
	Total Households	Limited English-speaking households	Percent limited English-speaking households	Total Households	Limited English-speaking households	Percent limited English-speaking households
All households	472,361	28,409	6.00%	180,160	5,279	2.90%
Households speaking--						
Spanish	104,174	21,809	20.90%	28,132	3,007	10.70%
Other Indo-European languages	18,782	1,601	8.50%	7,885	677	8.60%
Asian and Pacific Island languages	19,541	3,923	20.10%	7,905	1,462	18.50%
Other languages	5,524	1,076	19.50%	1,285	133	10.40%

Source: ACS, 2019 one-year sample Table S1602.

⁵ ACS 2019 one-year sample Table S1602 Table Notes

While this data presents the broad language categories of those LEP households, it is necessary to review other census data tables to determine the languages of the LEP population. The most current ACS data was reviewed for this analysis, which includes Table B16001, that presents the population's ability to speak English.

ACS Safe Harbor Languages

The Safe Harbor language determination began with a review of the 2018 ACS one-year sample data, Table B16001 for Travis County and the 2015 ACS five-year sample data, and Table B16001 for Williamson County. As previously mentioned, it was necessary to consult two different sample years for the analysis, as the most current data for Williamson County was 2015. As a result, these two counties are presented independently, as shown in **Table 2: Travis County LEP Population (ACS 2018 1-Year Sample)** and **Table 3: Williamson County LEP Population (2015 ACS 5-Year Sample)** below. However, comparisons for languages that may have been under the 1,000 or the 5% threshold in one county were compared to the same language in the other county to see if the threshold could be reached. This data, below, is slightly different than the "Linguistic Isolation" table, above, as that data considers only those 14 years of age and older.

Seven unique Safe Harbor languages meeting the 1,000 or 5% threshold were identified using the 2018 and 2015 ACS data:

1. Spanish
2. Punjabi
3. Telegu
4. Chinese
5. Korean
6. Vietnamese
7. Arabic

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English-only is still spoken by the majority of the population in the service area, with about 70% in Travis County and 80% in Williamson County. Spanish, by a large margin, continues to be the most prevalent LEP language in the service area, at 29% of the LEP population in Travis County and 24% of the LEP population in Williamson County. However, while Spanish is the most prevalent LEP population, this only accounts for about 9% of the entire population in Travis County and 5% in Williamson County.

Several other language groups also met the threshold but were in groups of languages rather than in discrete, unique languages. For example, over 1,100 residents indicated they spoke English less than "very well" in the Nepali, Marathi or other Indic languages (languages of India). However, that group includes greater than 10 common languages, including Hindi. As a result, while specific languages within the group are not included in the Safe Harbor list, there may a need to investigate whether there are unmet needs within this or other of these language groups that may result in some languages being included for written translations. This will be further discussed in Factors 2 and 3.

One language, Punjabi, was included as a Safe Harbor language even through it did not meet the 1,000 or 5% threshold due to the close proximity to meeting this threshold. At 997 respondents who indicated they spoke English less than "very well," it was included. Should new data be available in the next LAP update, it can be reviewed for relevance at that time.

Table 2: Travis County LEP Population (ACS 2018 1-Year Sample)

Travis County LEP Population			
Languages	Population	Percent of Total	Percent of LEP
Total:	1,170,348		
Speak only English	806,078	68.88%	
Spanish:	265,593		
Speak English "very well"	159,876		
Speak English less than "very well"	105,717	9.03%	29.02%
Punjabi:	1,164		
Speak English "very well"	167		
Speak English less than "very well"	997	0.09%	0.27%
Nepali, Marathi, or other Indic languages:	2,894		
Speak English "very well"	1,754		
Speak English less than "very well"	1,140	0.10%	0.31%
Other Indo-European languages:	2,209		
Speak English "very well"	1,076		
Speak English less than "very well"	1,133	0.10%	0.31%
Telugu:	4,602		
Speak English "very well"	3,433		
Speak English less than "very well"	1,169	0.10%	0.32%
Chinese (incl. Mandarin, Cantonese):	12,584		
Speak English "very well"	8,605		
Speak English less than "very well"	3,979	0.34%	1.09%
Korean:	3,422		
Speak English "very well"	1,863		
Speak English less than "very well"	1,559	0.13%	0.43%
Vietnamese:	9,956		
Speak English "very well"	5,080		
Speak English less than "very well"	4,876	0.42%	1.34%
Arabic:	7,782		
Speak English "very well"	5,504		
Arabic Speak English less than "very well"	2,278	0.19%	0.63%
Yoruba, Twi, Igbo, or other languages of Western Africa:	3,041		
Speak English "very well"	2,005		
Speak English less than "very well"	1,036	0.09%	0.28%
Swahili or other languages of Central, Eastern, and Southern Africa:	2,171		
Speak English "very well"	1,132		
Speak English less than "very well"	1,039	0.09%	0.29%

Source: ACS, 2018 one-year sample Table B16001.

Table 2: Travis County LEP Population (ACS 2018 1-Year Sample) presents the Travis County LEP population and **Table 3: Williamson County LEP Population (2015 ACS 5-Year Sample)** presents the Williamson County LEP population.

Table 3: Williamson County LEP Population (2015 ACS 5-Year Sample)

Williamson County LEP Population			
Languages	Population	Percent of Total	Percent of LEP
Total:	440,120		
Speak only English	349,018	79.3%	
Spanish or Spanish Creole:	64,037		
Speak English "very well"	42,227		
Speak English less than "very well"	21,810	5.0%	23.9%
Chinese:	3,226		
Speak English "very well"	1,858		
Speak English less than "very well"	1,368	0.3%	1.5%
Korean:	1,398		
Speak English "very well"	626		
Speak English less than "very well"	772	0.2%	0.8%
Vietnamese:	2,411		
Speak English "very well"	1,203		
Speak English less than "very well"	1,208	0.3%	1.3%
Arabic:	577		
Speak English "very well"	414		
Speak English less than "very well"	163	0.0%	0.2%

Source: ACS, 2015 one-year sample Table B16001.

According to the guidelines set forth by the FTA, the LEP analysis should also review alternate and local sources of data to assist in Factor 1 findings. To provide further understanding of the languages that may require language assistance, the Austin Independent School District data on bilingual and English language learners was reviewed. The English Learner survey does not provide the most useful data for the LEP analysis, as it is collected among students and not the population as a whole. However, it provides another means of cross-checking census data analyses. As anticipated, Spanish remains the top language spoken by language-learners at 92% of the language learners. While this list does not present any unique observations, it does provide more clarity on several findings:

- 1) Mandarin is the Chinese language most spoken by language learners, which is not specified in the ACS data
- 2) Several of the languages coincide with the ACS data and corroborate the findings, including Spanish, Arabic, Vietnamese, Korean, and Telugu.
- 3) Several other languages are not represented in the ACS data but may require further evaluation to determine if they should be considered languages requiring written translations, including Burmese, Pashto, Hindi, French or Tamil.

Table 4: Austin Independent School District Language Learner Data 2019 provides a breakdown of the primary languages of the Austin Independent School District English Learners reported for the school district.

Table 4: Austin Independent School District Language Learner Data 2019

2019 Austin Independent School District English Learner Data				
Number	Languages	Number of Learners	% of LEP	Rank
1	Spanish	19,876	92.3%	1
2	Arabic	415	1.9%	2
3	Vietnamese	296	1.4%	3
4	Pashto	217	1.0%	4
5	Mandarin	146	0.7%	5
6	Burmese	122	0.6%	6
7	Korean	121	0.6%	7
8	Telugu	102	0.5%	8
9	Hindi	89	0.4%	9
10	French	74	0.3%	10
11	Tamil	74	0.3%	11

Source: Bilingual and English as a Second Language Programs and Demographic Summary Report 2019-2020, Austin Independent School District

Using a compound analysis of the three data sources, we find that all of the most prevalent languages are represented in the data. **Table 5: Composite of LEP Languages** presents the ranking of the three data sets that were used to help identify the Safe Harbor languages. Based on Factors 2 and 3, additional languages may be added to reflect the better understanding of the service area’s language needs.

Table 5: Composite of LEP Languages

Language	Travis County ACS Ranking	Williamson County ACS Ranking	AISD Learner Ranking
Spanish	1	1	1
Vietnamese	2	3	3
Chinese (Mandarin)	3	2	5
Arabic	4	5	2
Korean	5	4	7
Telugu	6	N/A	8
Pashto	N/A	N/A	4
Punjabi	7	N/A	N/A
Burmese	N/A	N/A	6
Hindi	N/A	N/A	9
French	N/A	N/A	10
Tamil	N/A	N/A	11

Sources: ACS, 2019 one-year sample Table S1602; Source: ACS, 2018 one-year sample Table B16001; and Bilingual and English as a Second Language Programs and Demographic Summary Report 2019-2020, Austin Independent School District.

Past Practice

In the past several years, the Community Advancement Network (CAN) in Austin has provided guidance to Capital Metro on ways to enhance their language assistance measures to refugee and immigrant populations in the area. CAN is a partnership of government, non-profit, private and faith-based organizations who work together to enhance the social, health, educational and economic well-being of Central Texas. CAN provides

a collaborative forum to enhance awareness of issues, strengthen partnerships, connect efforts across issue areas, and facilitate development of collaborative strategies.

CAN alerted Capital Metro staff to the language assistance needs of several immigrant and refugee populations that have been underrepresented in census data, but whose language assistance needs may represent a barrier to using Capital Metro's service. The languages include French, which is used by a number of countries including Haiti and a variety of African counties; Burmese which is spoken in Myanmar; and Pashto, which is spoken in Afghanistan and parts of Pakistan. Capital Metro and other agencies in Central Texas have provided targeted translations to these languages.

As a result of this past practice, French, Burmese and Pashto will be added to the list of Safe Harbor languages.

2.2.2 Factor 1 Findings

As a result of the Factor 1 analysis, the following languages should be included in Capital Metro's LAP :

- Primary: Spanish represents the language spoken in the heaviest concentration within the service area
- Safe Harbor languages:
 - i. Arabic,
 - ii. Burmese,
 - iii. Chinese (Mandarin),
 - iv. French,
 - v. Korean,
 - vi. Pashto,
 - vii. Punjabi,
 - viii. Telugu, and
 - ix. Vietnamese.

2.3 Factor 2 Overview

Factor 2 includes the frequency with which LEP Populations come in contact with Capital Metro's programs activities and services. This factor can also influence the languages that are included in the LAP, as some language groups may require language assistance even though they are not identified by data.

Assessing the frequency with which LEP populations come in contact with Capital Metro's programs, activities and service helps the agency determine which languages need to be considered for language services. Generally, "the more frequent the contact, the more likely enhanced language services will be needed."⁶ Strategies that help serve an LEP person on a one-time basis will be very different than those that may serve LEP persons on a daily basis. This analysis provides more clarity on the languages encountered and can help refine the languages requiring language assistance. This can also include adding languages for potential language assistance based on the agency employee's interaction with specific language populations.

For purposes of estimating the frequency of contact with LEP individuals, Capital Metro programs and services were reviewed, and front-line employees that have direct connection with LEP populations were surveyed and/or interviewed. Surveys and interviews with CBOs were also reviewed for relevance. Other

⁶ Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons--A Handbook for Public Transportation Providers, 2007

data sources were also consulted including ACS data and the Capital Metro Origin and Destination Survey (2015).

Capital Metro Services and Programs

Capital Metro provides a variety of services and programs that were reviewed to better understand the populations that Capital Metro may serve. In addition to bus and light rail transit service, the agency also offers a number of customer-service related programs that assist the community to access their services. This includes, trip-planning, providing information on how to purchase tickets or ride transit, ADA paratransit trip-scheduling, Pickup trip scheduling, lost and found, MetroBike scheduling, planning and marketing their services and general management of the system. **Table 6: Capital Metro Programs and Services** provides an overview of the broad categories of services that Capital Metro provides, along with the activities that may be relevant to LEP populations.

Table 6: Capital Metro Programs and Services

Program	Description of Relevant Activities
General Administration, Planning and Marketing Activities	Includes outreach to communities on new projects or programs, communication with community on important decision-making, safety and security of system, general administration and system management.
Fixed Route Bus and Rail Service	Bus and rail transit service to bus stops and stations within the service area.
Customer Service Activities	Trip Planning, wayfinding, information on fares, schedules and service disruptions, lost and found and other essential information.
MetroAccess	Service provision of demand-responsive ADA paratransit service. Trip scheduling of paratransit trips.
Pickup	App or Phone based general demand responsive service.
MetroRideShare	Vanpool subscription service for a group of 4 or more.
MetroBike	Bike rental and secure bike parking for bicycles.
Guaranteed Ride Home	Provides registered customers with taxi in event of an unexpected emergency.

Source: Capital Metro, 2021.

Capital Metro On-site Language Assistance Services

The majority of the agency-wide language assistance services are accomplished in one of two ways: Staff-derived translations or interpretations, or the telephone Language Line service.

Capital Metro contracts with Language Line phone service for interpretation assistance that can be used by Capital Metro employees that need interpreters for languages for which no Capital Metro staff is available to provide interpretations. Currently, there are multiple Capital Metro Customer Service and Marketing staff that speak Spanish, which can provide direct customer communication if they are available. There are no dedicated staff for this function, as staff fulfills translations and interpretation as part of their general duties. When Capital Metro staff is assisting other calls or is not available, Language Line services provides interpretation.

Customer Service employees are trained on how to handle the Language Line transactions, which require that the customers be placed on hold, then added to a three-way call between the customer, the Customer Service staff and the language line interpreters. If the Customer Service staff can recognize the language, Spanish for example, the Customer Service employee can request that language from Language Line

operators prior to adding the customer to the call. For languages that are not recognized, Language Line staff speak directly with the customer to identify the language.

Both fixed route and paratransit customer service staff use Language Line service. While 65% of ADA trips booked per day are handled by customer service, there are times when Language Line services are required; when Spanish-speaking staff are not available, or when staff does not speak the language requested. The ADA customer service database of riders includes a note related to languages, so even languages that are not common can be addressed in an effective and efficient manner. Spanish speaking customers can also book trips using the automated system. Paratransit eligibility is typically handled by service representatives. However, contractors can provide functional assessments and the contractors are required to have at least one Spanish speaker to address language access.

Marketing and Planning typically provide language assistance when conducting public meetings, including holding meetings in Spanish or having Spanish/English simultaneous interpretation. Many outreach campaigns also include Spanish translations for targeted materials for service changes along with information documents such as the Destinations Schedules Book and MetroAccess Rider Guide. Capital Planning also includes both meetings in Spanish, as well as translated outreach materials in other languages intended to help the community understand the contemplated capital projects and the public's role in decision-making. These efforts include advertising the meetings in foreign language newspapers and social media posts that can be translated within the app.

Information campaigns can also include videos aimed at improving the rider's understanding of the service or program that have been translated into Spanish. There are a number of embedded videos in Spanish on Capital Metro's website, in addition to videos on YouTube that provide Spanish subtitles on a variety of subjects, including Project Connect, safety and other issues. There are also YouTube videos in English that provide Spanish subtitles on basic riding attributes (e.g. fare payment methods).

Spanish translations also are provided on Capital Metro bus stop signs, and occur within the Ticket Vending machines so that Spanish speaking riders can purchase tickets in their preferred language. Real time information signs located at stops and stations also include Spanish translations, as do the automated announcements on-board vehicles and at stations. Currently the Pickup mobile application includes Spanish translation.

Capital Metro Website

While Capital Metro primarily operates fixed route bus and rail service, and federally required complementary paratransit service, it also offers a number of other services that may have unique translation needs that should be considered. As a result, a review of the web-based forms and informational materials posted on the Capital Metro website was undertaken to help establish which documents would need to have appropriate translations.

The Capital Metro website currently uses Google Translate for a variety of languages that have historically been requested. While not as accurate as a translator, Google Translate provides cost effective methods of addressing the immediate needs of LEP populations that speak lightly used languages. It can also be used as a method of translating text in a rough manner that can then be corrected by native speakers, thereby saving time on translations.

The website does have some translation issues that are being corrected. For example, some text or picture buttons that navigate to other areas of the website are in English and are incapable of being translated using Google Translate. Additionally, the Google Translate bar with translatable languages is at the bottom of the

page, requiring users to scroll to the bottom to select the language. Moving the bar to the top and adding in the flag of the predominant country of the language will also help non-English speakers identify and use the translate function. Adding a text block in the mast head of the website that indicates the availability of free translation assistance along with the Customer Service telephone number that can connect to Language Line would provide an alternative to Google Translate and provide additional tools.

Additionally, some programs and some functions of the website have pdf fact sheets or participation guidelines that cannot be translated using the Google Translate function and would take multiple steps to translate with other third-party applications. One example is the “Report a Problem” and “Customer Contact Form”, which does not translate even after the user has selected a language. This is especially problematic, as customers may wish to report a Title VI complaint, but would be unable to unless they had additional assistance.

Another example is the MetroBike Shelter program, whose participation form does not translate using Google Translate. Similar issues exist with the Guaranteed Ride Home program in which pdfs related to how to register are not translated. As Capital Metro moves ahead with additional ground-breaking services, ensuring that all website applications and forms can be translated using Google Translate will help ensure that LEP populations have access to all of the Capital Metro services.

Frontline Staff Consultation

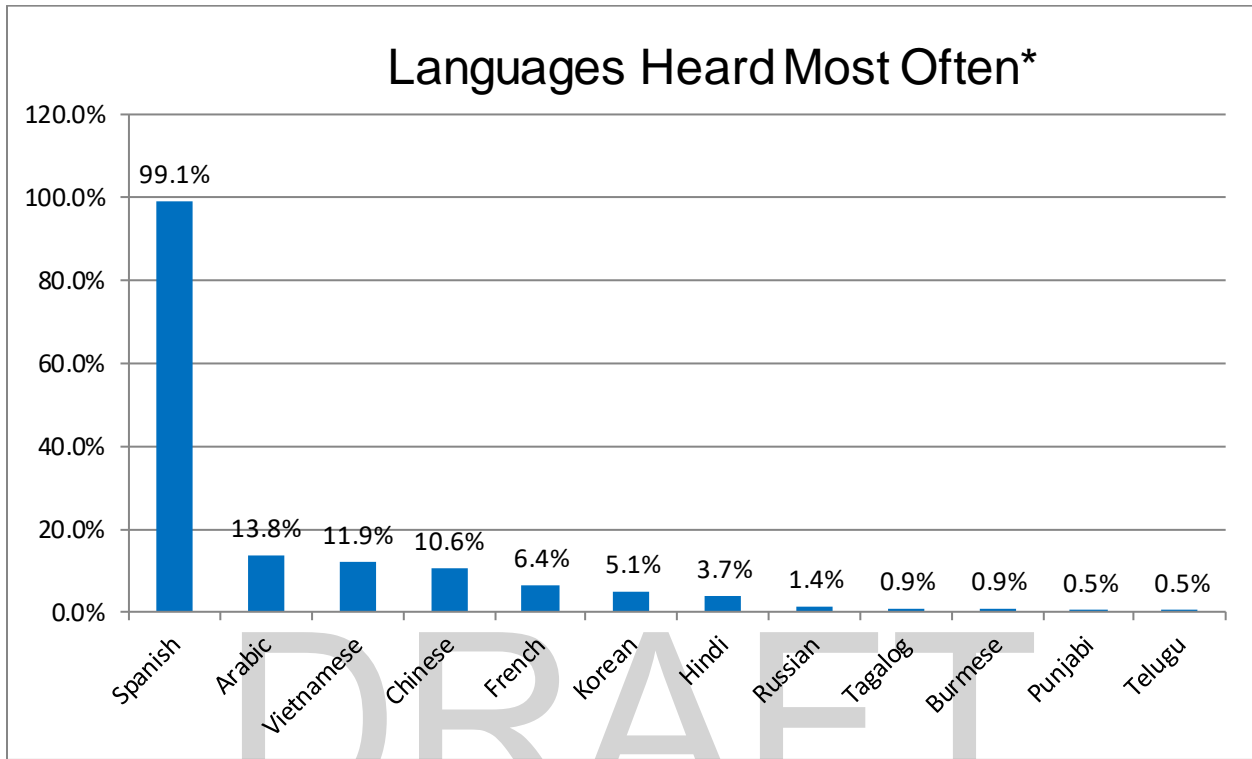
To better understand the languages that are most encountered by Capital Metro staff, both surveys and interviews were conducted. These surveys provided some broad understanding of the frequency of contact, while the interviews provided an in-depth look at the practices of those encountered and the language needs of the rider population and broader community. In addition to asking questions about language interactions and requests, the survey asked questions on methods that could improve Capital Metro’s outreach and communication to LEP communities.

The employee survey was posted online via SurveyMonkey.com to ensure that all employees would be able to participate. Capital Metro publicized and distributed the survey to Capital Metro staff, Austin Transit Partnership, contracted service providers and consultants. Capital Metro staff received the internal survey through an email and had verbal reminders during their team meetings. Contracted service providers received the internal survey via email, distributed via operator mailboxes, social media platforms, and via text. Promotional material was also available on the Timepoint TV which is a display of current bus operations located in the driver ready room. The full survey results are included in **Appendix A: LEP Public Involvement Summary**.

Approximately 229 surveys were conducted, representing about 10% of the employees surveyed. However, the departments having the most direct communication with the public had much better response rates, including 100% for customer service and community engagement employees. Even bus and rail operators supplied responses and comments, which is often hard to achieve for “in the field” employees.

The survey results found that Spanish was the predominant language most often heard when interacting with the customers or members of the public. This corresponds to the ACS data and on-board survey data discussed in Factor 1. Other languages from Factor 1 are also heard in significant numbers, including Chinese, Vietnamese, Korean, Punjabi, Telugu, Arabic, Hindi, French and Burmese. **Figure 1: Languages Most Often Heard** provides the survey results for the languages heard most often by frontline customers.

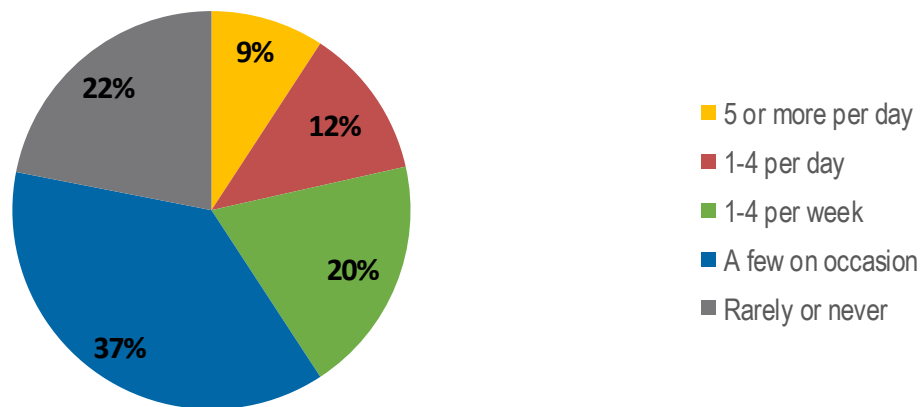
Figure 1: Languages Most Often Heard



Note: Does not add to 100%, as respondents could choose as many as applied.
 Source: Language Assistance Plan Agency Survey Results, 2021.

About 21% of the survey respondents indicate that they encounter LEP customers fairly frequently (between 1-4 per day, and 5 or more per day). However, the survey results show that a significant percentage (59%) of respondents rarely or never encounter customers and/or members of the public who are seeking assistance and are unable to communicate well in in English. About 20% indicate that they encounter LEP customers about 1-4 per week. **Figure 2: Frequency of LEP Customer Encounters** presents the frequency of contact with LEP customers.

Figure 2: Frequency of LEP Customer Encounters

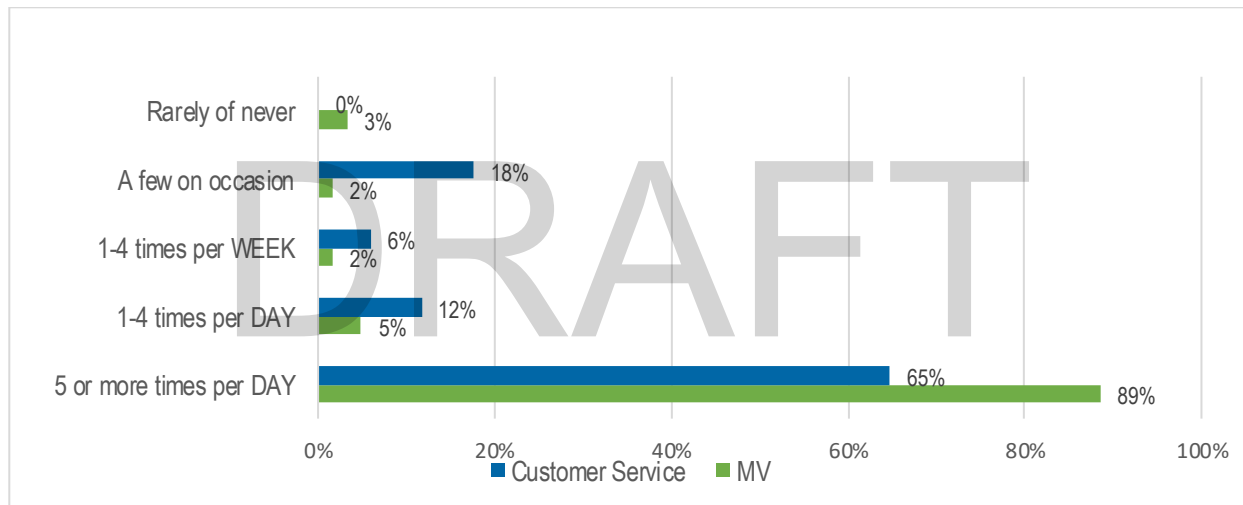


Source: Language Assistance Plan Agency Survey Results, 2021.

MV bus operators, Herzog rail operators, and Capital Metro Customer Service employees are the respondents who have the most public-facing interaction on a daily basis. To best serve the purpose of this survey, it was important to see if there was commonality in their experience. Only 3% of MV respondents Service staff indicated that they have little to no interaction with LEP individuals, while no Customer Service staff indicated that they have no LEP interactions.

89% of the MV respondents interact with customers and/or members of the public 5 or more times per day, compared to about 65% of the Customer Service staff. Respondents listed Spanish as the language most often heard by customers and/or members of the public, followed by Arabic, Chinese, and then Vietnamese. 5% of the MV respondents encounter LEP customers and/or members of the public 1-4 times per day, compared about 12% of Customer Service staff. **Figure 3: Customer Service Staff and MV Operators' Frequency of LEP Encounters**, presents the MV bus operators' and Customer Service representative's frequency of contact.

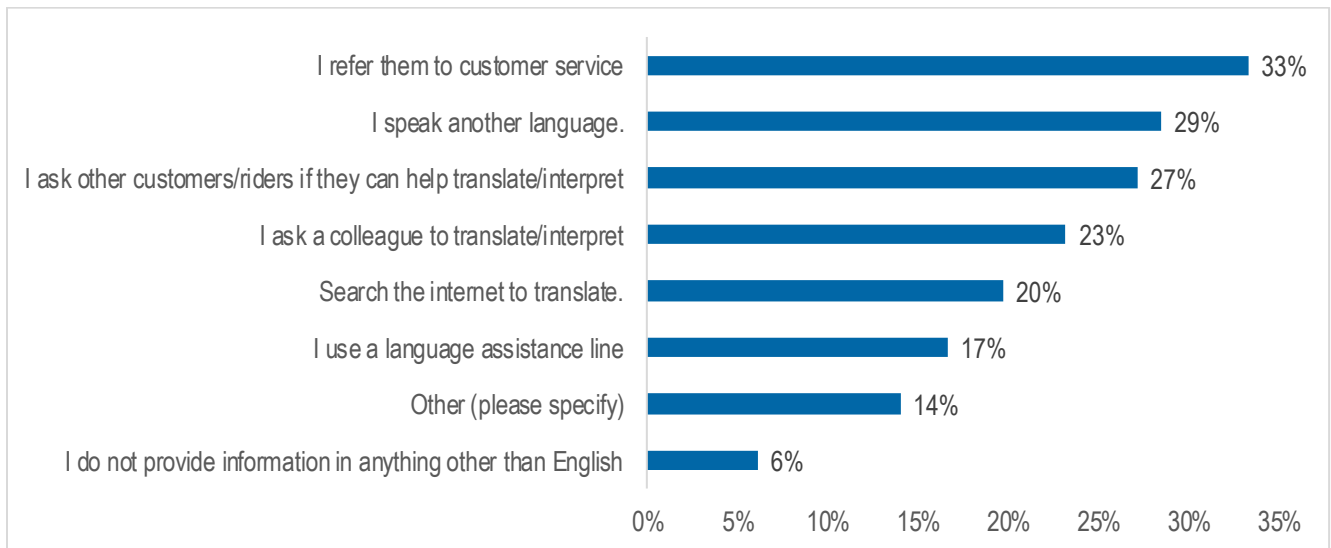
Figure 3: Customer Service Staff and MV Operators' Frequency of LEP Encounters



Source: Language Assistance Plan Agency Survey Results, 2021.

The employee survey also provided insight into how Capital Metro handles requests for language assistance which can help refine how Capital Metro can improve their language assistance measures. When asked about how they currently provide information to customers who do not communicate well in English, the vast majority of respondents indicate that they provide some level of direction so that customers can be helped. Only 6% indicated that they do not provide information in anything other than English, although these respondents could have also asked other riders for help or other methods to provide assistance. **Figure 4: Methods of Providing Information to LEP Customers** provides the survey responses for how employees provide information to LEP customers.

Figure 4: Methods of Providing Information to LEP Customers



Note: Does not add to 100%, as respondents could choose as many as applied.
Source: Language Assistance Plan Agency Survey Results, 2021.

Community Based Organization Consultation

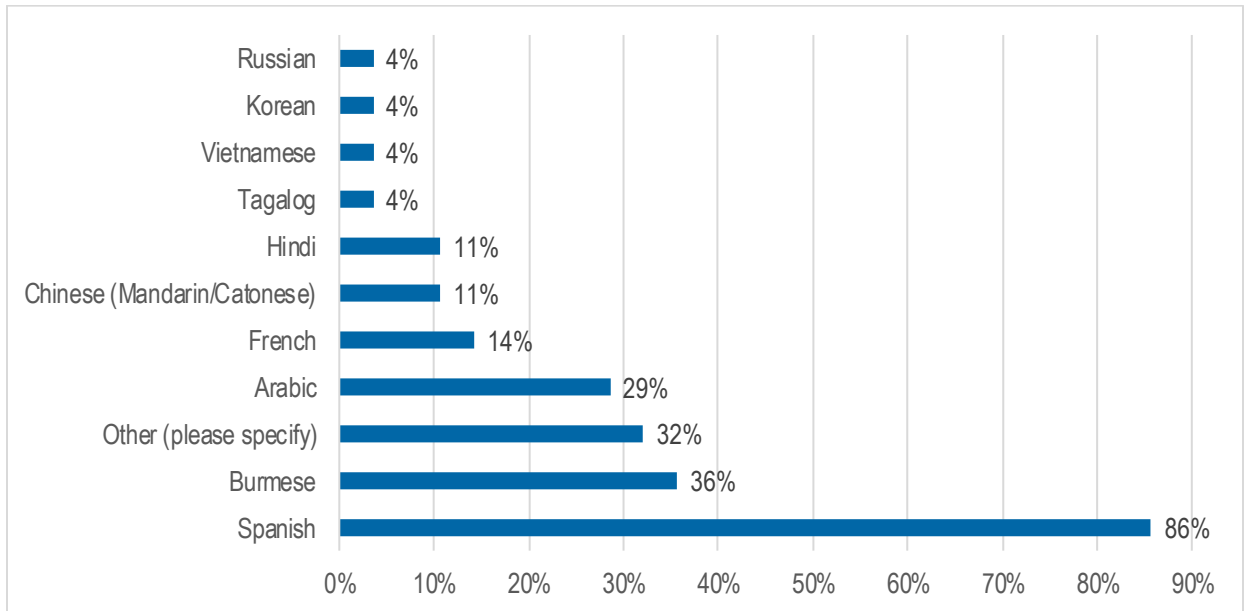
Feedback from employees was not the only feedback obtained as Capital Metro sought to update its LAP. Via an online survey, over 30 CBOs maintained in Capital Metro’s database were asked to speak for the communities they represent, and offer their insights about the needs of community members with LEP and how Capital Metro could better meet those needs. See **Appendix A: LEP Public Involvement Summary** for the CBO’s survey questions.

CBOs were also consulted so that Capital Metro could understand how their constituents both used Capital Metro services, the languages their constituents speak and what types of language assistance services would be useful. Due to COVID-19, it was not feasible to speak to LEP populations in person through focus groups or surveys. As a result, we relied on CBOs to represent their clients’ needs.

The survey was designed to include people representing non-profit organizations, such as those providing social services, immigration or legal information as well as other governmental agencies and educational and business organizations. In total, 28 representatives of 8 different CBOs completed the survey.

When asked which languages that the CBOs typically translate to provide information to their community, the overwhelming response was Spanish at 86%, followed by Burmese, Arabic, French, Chinese and Hindi. Other responses included Dari, Pashto, Swahili and Kinyarwanda. This corresponds with the Austin Independent School District English Learner data reviewed in Factor 1. **Figure 5: Translated Languages by CBOs** below, provides the full CBO responses.

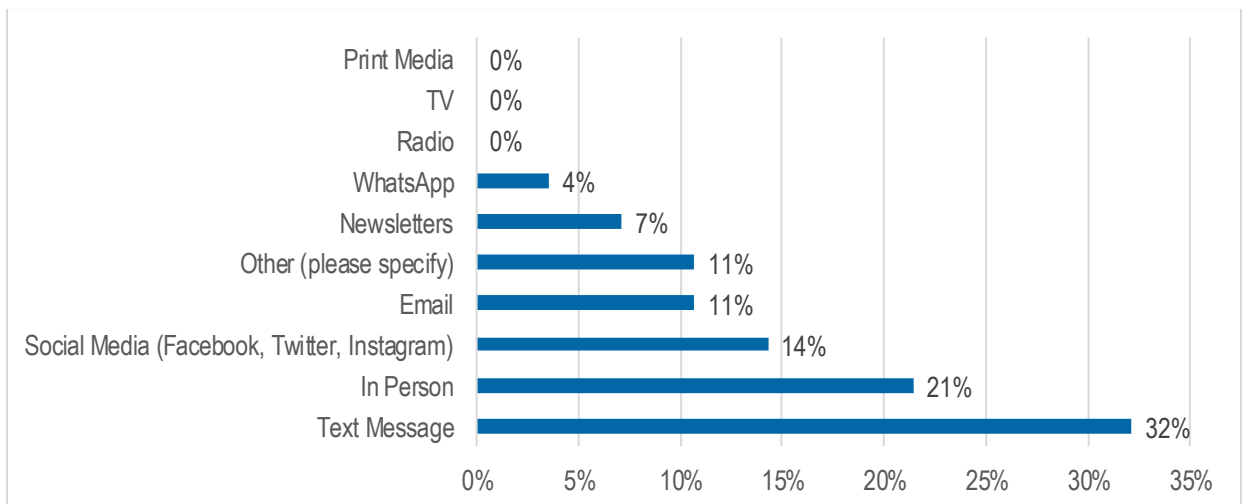
Figure 5: Translated Languages by CBOs



Source: Community Based Organizations Survey Results, 2021.

The CBO survey also provided insight into how their clients wanted to receive communications. As anticipated, the most common response was “text message”, at 32%, followed by “in person” at 21%. Those who responded “other” indicated that phone calls were preferred. Due to the popularity of online/electronic methods (social media, WhatsApp, text) the historical methods of communication that transit agencies have used (print, radio or TV) may not reach the LEP populations. **Figure 6: Preferred Method of Communication for LEP Clients** presents the preferred method of communication for LEP clients.

Figure 6: Preferred Method of Communication for LEP Clients



Source: Community Based Organizations Survey Results, 2021.

Language Line Data

Capital Metro reviewed Language Line call data for 2019 to 2020 to understand the languages that were requested within the last year and the frequency with which the service was used. Additional data will be

reviewed in Factor 4, as the costs and resources to provide this service will be considered. The Language Line data includes general customer service calls, trip planning for fixed route bus and paratransit trip scheduling. **Table 7: Language Line Calls November 2019 to October 2020** presents the Language Line usage for October 2019 to October 2020. The monthly totals show, a decrease in calls beginning in March 2020 due to COVID-19, as people were sheltering in place. However, the languages reflected similar concentrations regardless of the reduced use.

As expected, Spanish remains the predominant language, followed by Swahili and Arabic; languages that were not identified in any unique concentration in the ACS data. Further follow up with the Paratransit department has revealed that the calls in Swahili relate to one customer who uses the Language Line services regularly to schedule their trip.

Five languages were not represented in any significant concentrations in any of the other data reviewed: Tagalog, Farsi, Kinyarwanda, Urdu and Portuguese. For these several customers, Language Line may be the most efficient way to provide language assistance.

Table 7: Language Line Calls November 2019 to October 2020

Language	Minutes	Calls	Avg Length of Call	% Total (Minutes)	Avg Interpreter Connect Time (Seconds)
Spanish	20,459	2,543	8.0	94.0%	79
Swahili	465	27	17.2	2.1%	267
Arabic	60	2	30.0	0.3%	8
Kinyarwanda	30	4	7.5	0.1%	18
Vietnamese	41	4	10.3	0.2%	6
Farsi	2	1	2.0	0.0%	2
Tagalog	42	3	14.0	0.2%	8
French	503	33	15.2	2.3%	56
Korean	2	1	2.0	0.0%	1
Urdu	48	2	24.0	0.2%	249
Mandarin	89	4	22.3	0.4%	61
Portuguese	22	2	11.0	0.1%	4
Total	21,763	2,626	8.3	100.0%	759

Source: Capital Metro: LanguageLine Services Inc. Invoices, November 2019 – October 2020.

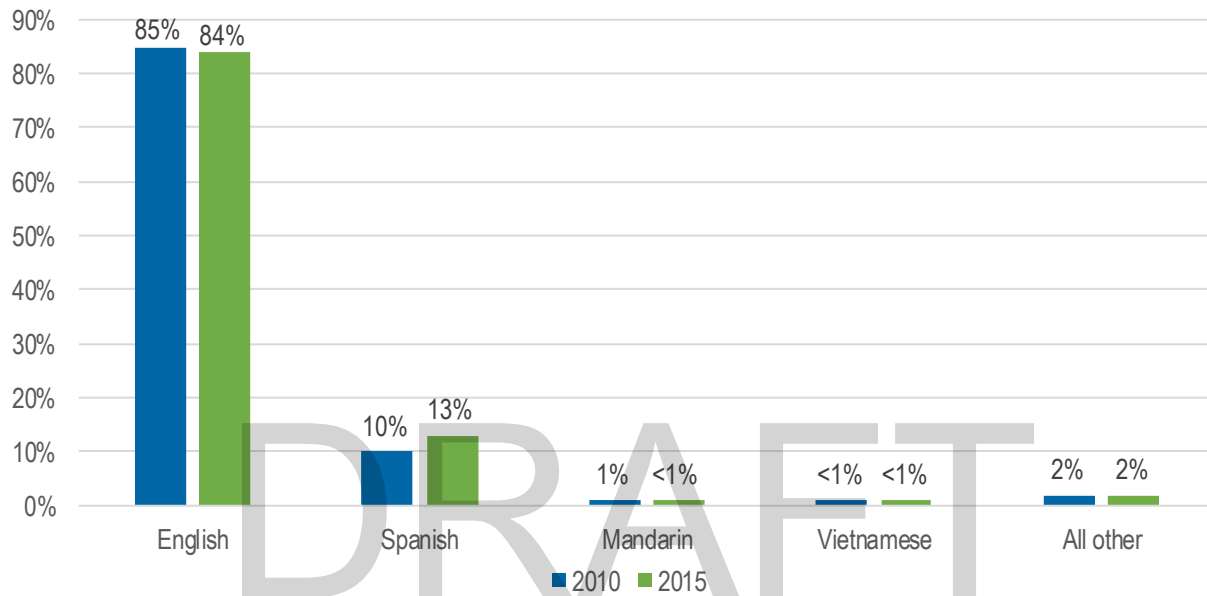
Origin and Destination Survey

The Origin Destination Survey conducted in 2015 provides a unique view of the ridership with regard to language and other characteristics that are useful to the Four Factor Analysis. Approximately 21,000 surveys were collected via intercept in the spring of 2015. The questionnaire was developed to determine riders' origins, destinations, fare payment and other information to develop models of travel patterns as well as profiles of the riders.

Question 19 of the survey asked riders to select the language they preferred to speak in the home. While not a surrogate for LEP status, it does provide a better understanding of the ridership of the system compared to the general countywide data contained in the ACS data.

Figure 7: Preferred Home Language 2010 and 2015 provides a comparison between 2010 and 2015 survey results, showing that approximately 13% of the rider population prefer to speak Spanish in the home, followed by about 1% of both Vietnamese and Mandarin. Spanish is up a few percentage points from 2010, which may signal that Spanish language needs may be growing.

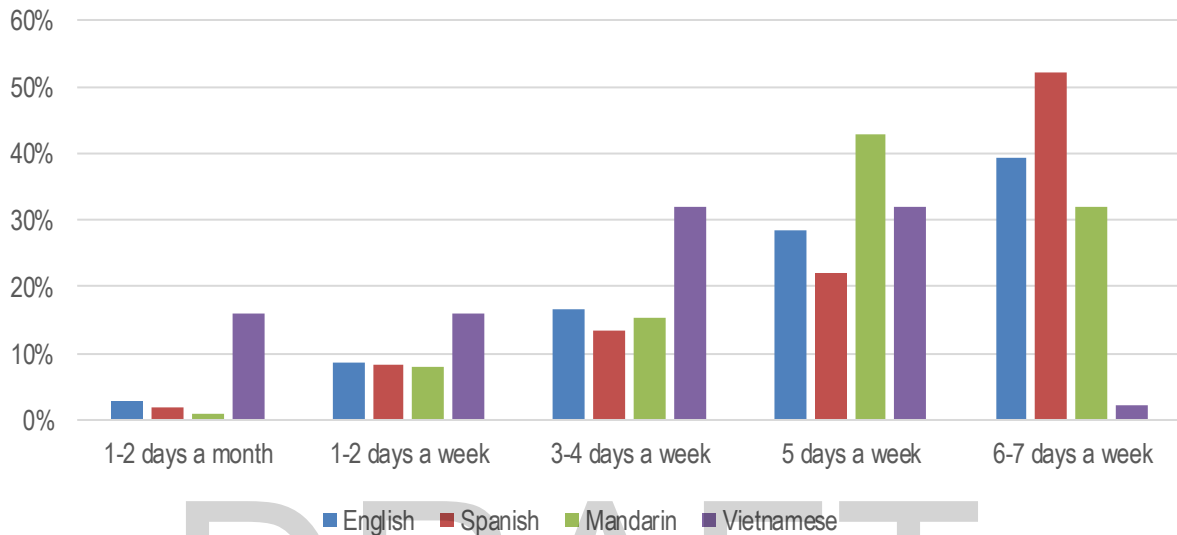
Figure 7: Preferred Home Language 2010 and 2015



Source: Capital Metro Origin and Destination Study Summary of Findings 2015; Creative Consumer Research

The Origin and Destination Survey also provided a snapshot of transit use among those who prefer to speak another language at home (see **Figure 8: Frequency of Transit Use by Preferred Language**). Question 22 asked how often users rode the system. This response was cross tabulated with those who prefer to speak another language at home. While not a surrogate for LEP status, Spanish speakers are frequent transit users of the systems with more than 50% indicating that they use the system 6-7 days a week. Over 30% of Chinese speaking riders also indicate they use the system 6-7 days per week and 30% of the Vietnamese speaking population indicate they use the service at least 5 days a week. This helps provide a better understanding of the importance of the transit system, as well as how frequently staff may encounter LEP riders on board their vehicles.

Figure 8: Frequency of Transit Use by Preferred Language



Source: Capital Metro Origin and Destination Study Summary of Findings 2015; Creative Consumer Research

2.3.1 Factor 2 Findings

Contact with people who do not speak English very well was assessed through the Factor 2 analysis, which confirms that the LEP community frequently uses Capital Metro services, and that Capital Metro employees often cross paths with persons needing language assistance. About eight in ten of all employees who responded to the survey have some level of contact with the public. More than a third of them also encounter people who do not speak English very well on a daily basis.

Asked what people with LEP are typically seeking, employees most often point to schedule information (55%), connections (53%), routes/wayfinding (34%) and fares (33%). Almost 40% of employees report LEP persons were seeking information about service changes or detours, which comports with changes associated with COVID-19 service changes.

The languages encountered by Capital Metro employees and contractors mirror those identified in the Factor 1 analysis: 99% say Spanish is one of the top languages spoken by people who do not speak English very well. All other languages rank between 13% and 3%, with several lightly spoken languages reaching only 1%.

CBO outreach also helped assess contact between the LEP population and Capital Metro, with about 57% indicating that their LEP clients sought information from Capital Metro at least monthly. The CBO input also provided corroboration for the addition of several languages, including Burmese, French and Pashto.

2.4 Factor 3 Overview

Factor 3 includes the nature and importance of the program, activity, or service provided by the recipient to people's lives. "The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed... An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment."⁷

While not a surrogate for LEP status, Spanish speakers are frequent transit users of the systems with more than 50% indicating that they use the system 6-7 days a week according to the Origin and Destination survey described in Factor 2. Over 30% of Chinese (Mandarin) speaking riders also indicate they use the system 6-7 days per week. This helps provide a better understanding of the importance of the transit system, as well as how frequently staff may encounter LEP riders on board their vehicles.

Several data sources were consulted in the development of this task, including ACS data, employee survey data and CBO survey data.

Capital Metro Services

While Capital Metro's services are predominantly fixed route bus service, there are a number of other services that must be considered when developing the LAP to ensure that language assistance is not a barrier to participation. This includes a thorough understanding of the programs and activities that Capital Metro operates, which includes fixed route services, MetroAccess ADA paratransit, Pickup demand responsive services, Metrobike, Vanpool, and the Guaranteed Ride Home program.

ACS Data

To understand the importance of public transit to the general population, ACS data was reviewed for LEP worker populations as well as for all workers over the age of 16. While this does not fully address the role that Capital Metro's service play in overall mobility, it does present a snapshot of those commuters who rely on public transit within the two counties to access their jobs. As presented in the **Table 8: Travis and Williamson County Transit Use** below, approximately 13% of the LEP population in Travis County use public transportation to commute to work, compared to almost 3% of the general population.

Table 8: Travis and Williamson County Transit Use

	Travis County Public Transit Use Percentage	Williamson County Public Transit Use Percentage
All Workers 16 years or over	2.6%	1.1%
Speak English Less Than Very Well	13.4%	0.0%

Source: ACS, 2019 one-year sample Table S0802

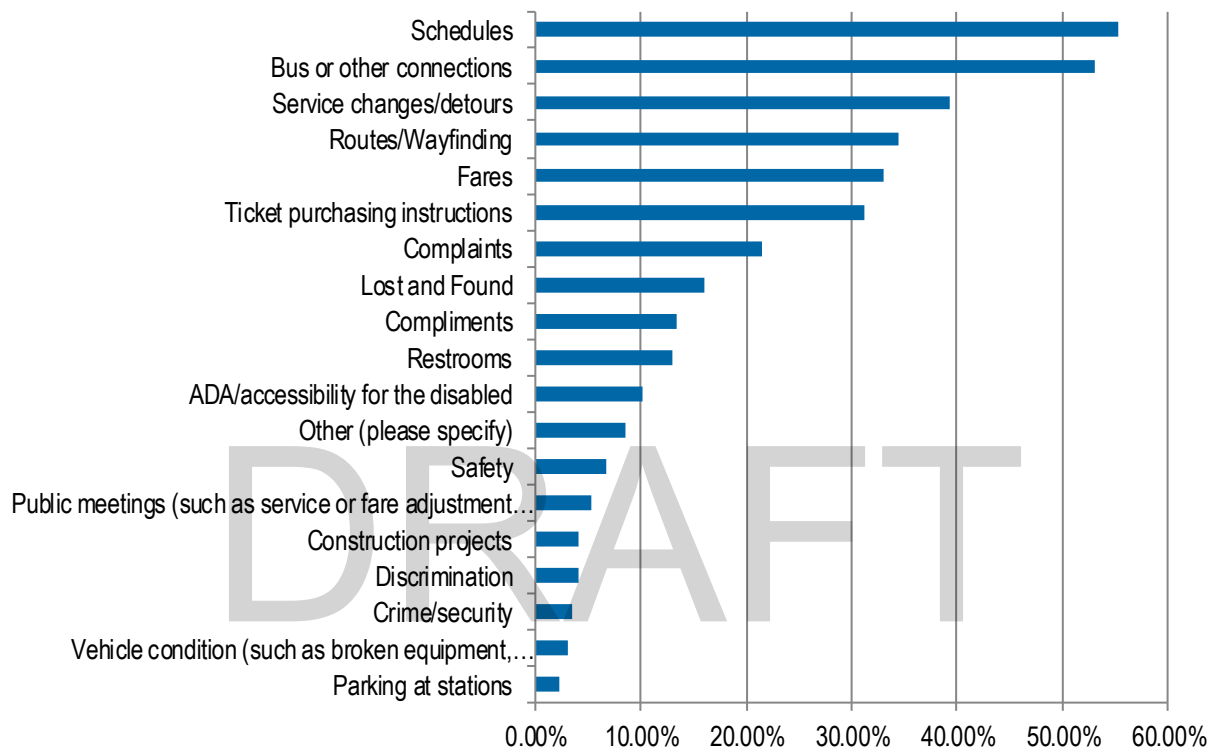
Employee Survey

Employees were asked what information was being sought by the LEP population which provides more clarity on how LEP riders may be interacting with the agency (see **Figure 9: Information Sought by LEP Customers**). Almost 60% of the respondents indicated that those who do not speak English very well are typically seeking information about schedules/routes/wayfinding followed by information on fares and ticket

⁷ Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons--A Handbook for Public Transportation Providers, 2007

purchasing. This signals that customers calling into the service were actually using the services and were likely to need service-related language assistance. (see **Appendix A: LEP Public Involvement Summary** for the Agency Survey Questions).

Figure 9: Information Sought by LEP Customers

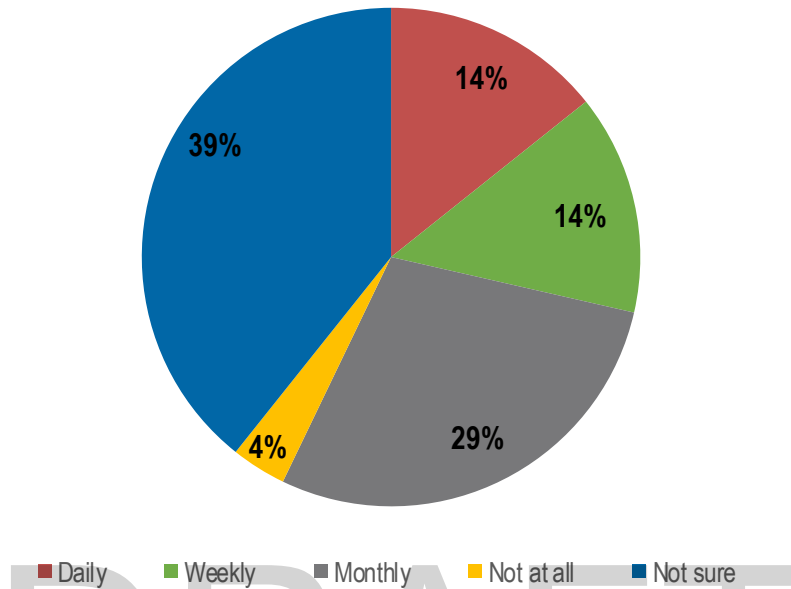


Source: Language Assistance Plan Agency Survey Results, 2021.

CBO Survey Results

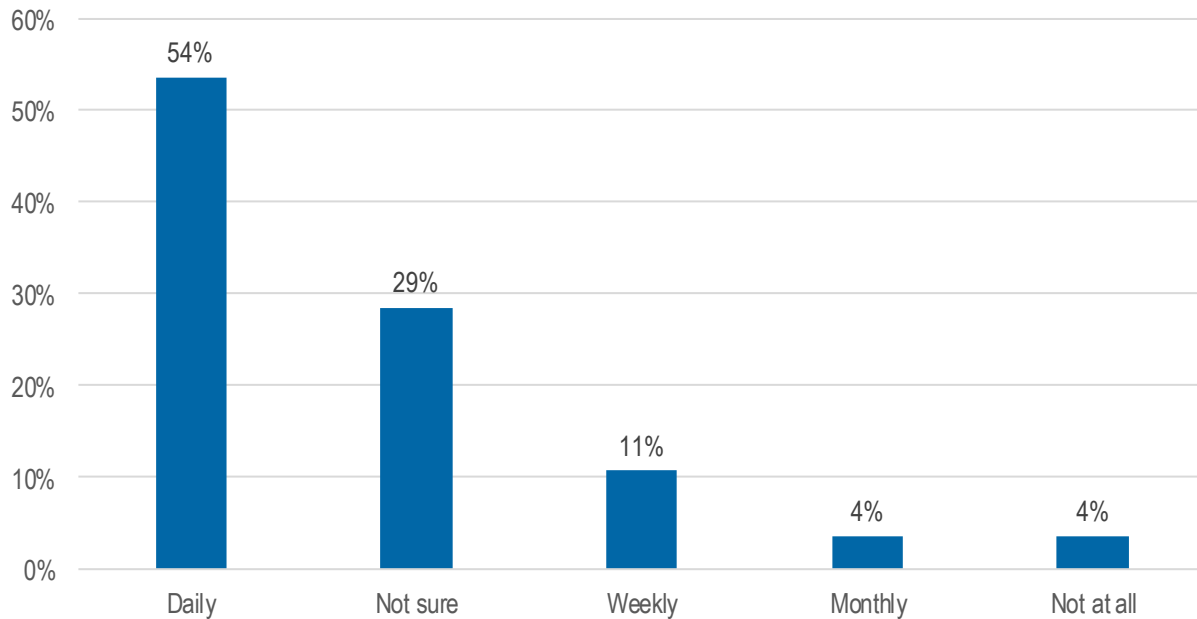
The CBOs also provided information about their clients use of the Capital Metro services that helps explain how important the services may be for them. Over 57% responded that their clients sought information about Capital Metro’s services at least monthly, with 14% seeking information daily (see **Figure 10: Frequency of Seeking Information**).

Figure 10: Frequency of Seeking Information



Source: Community Based Organizations Survey Results, 2021.

Figure 11: Frequency of Use of Capital Metro Services.



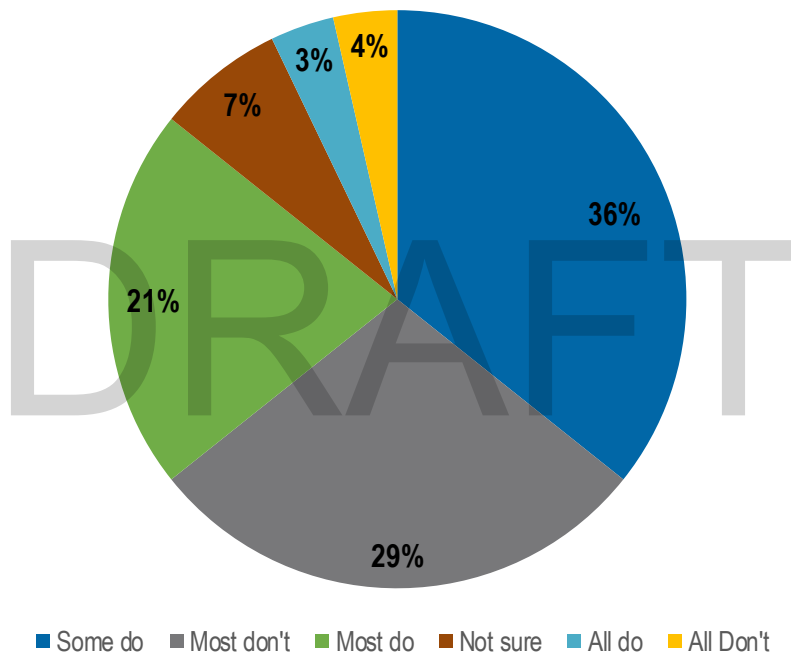
Source: Community Based Organizations Survey Results, 2021.

Even more crucial to our understanding of the LEP populations that the CBOs serve was how often their clients use Capital Metro service for general mobility (see **Figure 11: Frequency of Use of Capital Metro Services**). 54% indicate that their clients use the service daily, and 11% indicate at least monthly. This

signals that Capital Metro services are important to the LEP community that they serve and may represent the primary means of mobility.

CBOs also provided insight on auto availability and how important transit services might be to their community presented in **Figure 12: Auto Availability of CBO Clients**. Over 30% indicate that autos are mostly or not at all available to their clients. This is contrasted with 57% indicating that most or some of their clients do have an auto available. This may mean that most indicate that their clients used Capital Metro services daily, they may also have used a car for the trip.

Figure 12: Auto Availability of CBO Clients



Source: Community Based Organizations Survey Results, 2021.

2.4.1 Factor 3 Findings

Transit service is arguably an important public service for many riders. However, to LEP populations, Capital Metro is a vital service that provides both commuting options as well as general mobility. When asked, 30% of the CBO respondents indicated that most of their clients do not have a car available for their use. As the research underscores, Capital Metro service is a vital means of transportation for those who do not speak English very well. Employees and CBO leaders agree there is a need to ensure Capital Metro is able to communicate with those who do not speak English very well and that the LEP community is able to successfully navigate using the system without knowing English.

Providing critical information in languages most commonly used by the LEP community ensures that LEP riders can access the services and programs that Capital Metro provides. Frequent connection with CBOs serving these populations, with LEP riders themselves, and with the agency's own employees will provide feedback on Capital Metro's success in continuing to ensure all have equal access to the services and programs that Capital Metro provides.

2.5 Factor 4 Summary

The final step in the four-factor analysis is designed to weigh the demand for language assistance against current and projected financial and personnel resources. The DOT Guidance says, “A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, “reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.”

Annual costs associated with the current measures to provide services and information in other languages for the last fiscal years are estimated below. Capital Metro does not have a specific line item to capture the budgeted costs and expenditures that can be easily tracked. Language assistance services are not specifically called out in departmental budgets, but rather are seen as a necessary effort within the greater department’s operation. This is the case in the audible announcement program, whose costs include translations and interpretations as requested for up to 5 languages in addition to English. Additionally, translations or interpreting associated with the functional assessments of disabled individuals that are seeking ADA paratransit eligibility undertaken by a contractor are also included in that contractor’s budget. As such, these amounts are not the absolute costs, as some language assistance expenses are either included in other contractors’ budgets or are included in line items such as “Other Services.”

Additionally, no cost estimates exist for the translation or interpretation assistance that are provided by existing staff who speak other languages and provide ad hoc translation or interpretation services such as the Customer Service representatives that provide Spanish interpretation on wayfinding, schedules and other customer requests. While Spanish translation or interpretation is not the Customer Service representatives’ only function in the agency, it does represent a significant portion of their job and should be considered in the overall effort that Capital Metro expends to provide language assistance. Further, the translation and interpretation costs below do not take into consideration language assistance measures provided through Capital Projects contractors, which are internalized with the total contract costs and may be independently funded through grants. The greatest expense to the agency currently is associated with the provision of interpretation services through the third-party contract with Language Line services, indicated below. **Table 9: Estimated Translation Costs** and **Table 10: Language Line Costs** below, highlights the magnitude of costs associated with Spanish language assistance services that were provided by the service in comparison to the other languages that are served.

Table 9: Estimated Translation Costs

Expenses	FY 2020
Total Agency Expenses	294,020,916
Language Line Services	\$12,687.00
Marketing/Communications	\$7,351.00
Customer Service	\$1,673.00
Civil Rights	\$5,000
Total	\$26,711.00
% for Translations	0.01%

Source: Capital Metro, 2021.

Table 10: Language Line Costs

Language	Charges
Spanish	\$11,866.22
Swahili	\$292.95
Arabic	\$37.80
Kinyarwanda	\$18.90
Vietnamese	\$25.83
Farsi	\$1.26
Tagalog	\$26.46
French	\$316.89
Korean	\$1.26
Urdu	\$30.24
Mandarin	\$56.07
Portuguese	\$13.86
Total	\$12,687.74

Source: Capital Metro: Language Line Services Inc. Invoices, November 2019 – October 2020.

2.5.1 Factor 4 Findings

Capital Metro understands that reducing barriers to services and benefits of Capital Metro to the extent resources are available will reap symbiotic benefits for the LEP populations as well as the agency. With more LEP individuals using Capital Metro, revenue may increase as well, likely making more funds available for increased language assistance programs. Capital Metro commits to devoting resources – monetary and staff time – to enhance LEP persons’ use of the Capital Metro programs and services. Insofar as it is practical, ensuring that critical information is available in languages most commonly spoken within the Capital Metro service area is important to providing access to Capital Metro’s services for LEP populations.

It may be impossible to determine the true costs of language assistance services as many costs are unaccounted for or are included in line items that are hard to separate. Additionally, staff who currently speak another language and provide ad hoc language assistance are not accounted for in the agency’s total costs. However, while there are some costs that are included in other budgets within the agency’s operation, the agency has a relatively small translation budget associated with language assistance to LEP populations.

Having a separate line item for language services within the agency would help quantify the costs associated with additional assistance outside of providing staff-related translations or interpretations. This way, costs can be tracked in the departments that have on-going expenses related to language services and planning for larger scale translation efforts could be more easily estimated, such as those associated with service or fare changes. Additionally, contracts that include outreach or scoping efforts should ensure that translation and interpretation costs are budgeted and tracked through the life of the contract. This can be especially useful, as grant funds used for capital projects can help offset agency language assistance costs, particularly if grant funding is anticipated for projects included in the Project Connect Vision Plan.

2.6 Four Factor Findings and Strategies

The Four-Factor analysis provides clear support for Capital Metro’s approach to universal access to its services and system regardless of English language proficiency and language spoken. Among the highlights of this analysis are:

- **Factor One:** Over 15% of the population in the service area do not speak English very well and are considered to have Limited English Proficiency. One language—Spanish—remains the predominant LEP language in both counties, amounting to 9% of the population in Transit County and 5% in Williamson County. 10 languages are included as Safe Harbor languages including languages that were added for translations due to community and staff input. The languages are: Spanish, Arabic, Burmese, Chinese (Mandarin), French, Korean, Pashto, Punjabi, Telugu and Vietnamese.
- **Factor Two:** The LEP community frequently accesses Capital Metro services and information, and Capital Metro employees often cross paths with persons needing language assistance. About 20% of all surveyed employees encounter people who do not speak English very well on a daily basis, while almost 90% of MV bus operators and Customer Service staff regularly encounter LEP populations. Additionally, almost 60% of the CBOs responded that their clients frequently sought information for Capital Metro about their services and programs.
- **Factor Three:** Capital Metro's services are important to the LEP community. The LEP population either regularly uses Capital Metro, or uses it at least sometimes, according to the CBOs. Census data also shows that LEP populations use transit about 5 times more than non-LEP populations in Travis County. CBOs also indicated that about 1/3 of their LEP clients do not have a car available for their trip and must rely on Capital Metro for their general mobility.
- **Factor Four:** The analysis shows that Capital Metro plans for the myriad activities that they currently undertake to ensure that people who do not speak English very well are able to access the system as easily as the general population. While, Capital Metro only spends a little over 1/10th of the operating budget on language assistance services, this does not include the hidden costs associated with staff providing on-site and ad hoc translation and interpretation services. Recommended changes will help Capital Metro plan into the future to monitor and budget their activities to ensure they are cost effective and help those with the greatest need.

3. Language Assistance Plan Overview

The Department of Transportation (DOT) LEP Guidance recommends that recipients develop an implementation plan to address the needs of the LEP populations they serve. The DOT LEP Guidance notes that effective implementation plans typically include the following five elements: 1) identifying LEP individuals who need language assistance; 2) providing language assistance measures; 3) training staff; 4) providing notice to LEP persons; and 5) monitoring and updating the plan.

This plan represents a continuing approach to providing language assistance. While some language assistance measures are in place, other methods of providing language assistance are being implemented over time to ensure continued compliance with federal requirements. This plan also includes recommendations that would assist Capital Metro to reach best industry standards for providing language assistance for those needing to access Capital Metro programs and services

3.1 Identifying LEP Individuals Who Need Language Assistance

The Four Factor analysis considered a number of data sets to determine the languages that would require “Safe Harbor” consideration, in addition to languages predominantly used by Capital Metro riders. These data included Census data (American Community Survey 5-year sample 2015 for Williamson County and 1-year sample for Travis County), the Austin Independent School District English Learners data 2019 and the Capital Metro 2015 Origin and Destination Survey. A little over 10% of the population in Travis County and 5% of the population in Williamson County speak English less than “Very Well” and would be considered the LEP population.

Based on the Four Factor analyses, the most frequently encountered languages broken into two groups:

- Primary: Spanish represents the language spoken in the heaviest concentration within the service area
- Safe Harbor and additional languages: Arabic, Burmese, Chinese (Mandarin), French, Korean, Pashto, Punjabi, Telugu and Vietnamese.

3.2 Providing Language Assistance Measures

Capital Metro is committed to providing meaningful access to information and services to its LEP customers. Capital Metro uses various methods to accomplish this goal. Along with enabling persons who do not speak English very well to navigate the system with the same ease as the general population, it is necessary to provide a meaningful opportunity for LEP persons to participate in the public comment process for planning activities and major capital projects. Specific methods pertaining to outreach will be discussed in Capital Metro’s Public Participation Plan.

Currently, the Capital Metro primary language tools include the following:

- Providing Notice to Beneficiaries and Title VI complaint procedures and forms in all Safe Harbor Languages
- Providing Google Translate on the Capital Metro website, allowing translations for most content
- Providing bilingual customer service and marketing staff to provide on-site Spanish speaking translations and interpreting in a variety of settings
- Making Language Line services available for any staff, including Customer Service staff, to address language assistance needs for any language

- Holding public meetings in Spanish or with simultaneous English/Spanish translations
- Offering interpreters by request for public meetings, public hearings or board meetings
- Posting public meeting notices in foreign language newspapers to reach LEP populations
- Providing Spanish translations and pictograms on board vehicles, on Ticket Vending Machines, at bus stops and at stations
- Producing Spanish language video content
- Creating Spanish translations for some informational brochures and marketing materials
- Tapping into CBO assistance in outreach to LEP populations and language assistance.

The following are recommendations that would improve the level of service that Capital Metro provides to its LEP customers and that can be implemented over time as budget and staff permits. These activities are organized into four categories:

1. General, including such things as internal awareness and public outreach strategy
2. Materials and documents
3. Translation and interpretation tools and protocols
4. Employees, including training or incentives to empower employees to provide assistance

General Title VI and LEP Awareness

Title VI and LEP awareness are the cornerstone of the entire Title VI program and can further understanding within the agency. A number of recommendations may help to improve the practice:

- **Title VI Awareness Training:** integrate Title VI awareness into all activities of the agency
- **Public Engagement Needs and strategies:** draft a handbook with protocols and procedures for all departments that interact with the public including incorporating language assistance measures; consider designating a “Language Access Coordinator” to act as point person for implementation and monitoring of language assistance needs.
- **Project Charter:** develop a protocol to ensure that Title VI and/or LAP issues are acknowledged and addressed by each department’s project manager, including a form outlining the LEP strategy that is submitted to the Title VI office for approval.
- **Demographic analysis of new project areas:** consider the attributes of the new projects’ geography.
- **Eliminating English-only informational campaigns:** include “Free Language Assistance” text box at a minimum to ensure participation of LEP populations.
- **Develop or enhance relationships with Community Based Organization :** continue to expand the CBO database and engage CBOs to improve communication methods.
- **Contract compliance:** ensure that contract terms includes requirements for contractors to provide public information that complies with Title VI LEP guidelines.

Materials and Documents

- **Title VI Public Notice, Complaint Form and Procedures** (Vital Document): notice should be in all Safe Harbor languages on the website and posted on-board vehicles, in the Board room, at the General Office lobby, Transit Store, stations, or other public areas.
Notice of Free Language Assistance (Vital Document): notice of free language assistance should be located on the mast head of Capital Metro's website and included in all printed and digital materials; this should also be posted with the Title VI information in the Board room, at the General Office lobby, Transit Store, stations, on-board vehicles or any location where riders may congregate.
- **Legal Notices** (Vital Document); translations of legal documents should be translated upon request.
- **Registration Forms** (Vital Document): make sure that all registration forms on the website can be translated using online tools (Google Translate or others) and for printed materials, forms should be translated into Spanish with "Free Language Assistance" printed at the bottom of all forms for other Safe Harbor languages.
- **Fare and Service Change Information** (Vital Document): translate into Spanish with "Free Language Assistance" text box printed on all documents.
- **Safety and Security Information**: use pictographs as much as practicable.
- **TVMs, fareboxes, bus stops and onboard equipment**: translate into Spanish as needed and use pictographs onboard vehicles when applicable. Translate bus/train/station announcements into Spanish and other languages as budget permits.
- **General Promotional Materials**: Translate into Spanish as budget permits or as required by issue. Print "Free Language Assistance" on all promotional materials.
- **Construction, Detour, Stop Move, and Other Courtesy Notices**: translate into Spanish when feasible, and other languages as determined by analysis of location.
- **Website Materials**: make sure that all content (including navigation buttons) is in a form that can be translated using online tools; upload documents in original form and not scanned so documents can be translated. Use pictograms as necessary instead of printed text.
- **Rider Guides and Materials**: develop rider guides or other materials in Spanish and other languages as funding permits; incorporate illustration and pictograms as feasible; produce how to ride videos with translations, create "how to ride" curriculum for ESL schools in the area.

Translation Tools and Protocols

- **Language Line Service**; promote the use of service via "Free Language Assistance" text block that lists the Customer Service telephone number that can connect to Language Line services, including on the website, in all printed and digital material; investigate options to improve language recognition on phone tree when engaging calls.
- **Line Item for Translation and Interpretation**; use budget codes to monitor and plan for translation and interpretation expenses, including grant-funded capital projects that can be used to help fund necessary language assistance.
- **Public Hearing Protocol**: provide Spanish interpreter for all public hearings and offer other Safe Harbor interpreters with advanced notice.
- **Board Meeting Protocol**: provide requested interpreters with a 72-hour notice for all Safe Harbor languages.

- **Community Meetings Protocol**; provide Spanish interpreters for at least one meeting within the outreach subject matter (such as service changes or major project outreach); offer interpretation or translation of materials in advance of the meetings.
- **Simultaneous Interpretation Equipment**: consider simultaneous interpretation equipment to offer greater flexibility for language translation.
- **Language Identification Cards**: create and distribute language identification cards to all employees (and in operators' pouches) with Language Line phone and account numbers included for remote or emergency situations. Consider adding QR code that directs employees to Language Line.
- **Language Manual**: create language manual that includes common phrases used by riders in other languages that can be phonetically spelled out.
- **Digital Tools or Language Technology**: help employees take initiative to use new technology to provide language assistance for users; provide training on new apps and technology.
- **Mobile Apps**: ensure that new Capital Metro sponsored apps allow for interpretation and translations into Safe Harbor languages; ensure that existing apps such as required for Pickup can accommodate additional languages beyond the current Spanish translations.
- **Website Administration and Management**: move Google Translate to the top of the webpage and add all languages to the Google Translate function; Add "Free Language Assistance" in all Safe Harbor languages with the Customer Service telephone number that connects to Language Line or consider creating a Language Assistance page that can provide translated materials along with the Customer Service telephone to obtain translated materials or interpretation services; Remove pictures with text that cannot be translated; Add Google Analytics to determine how LEP users interact with the website.

Employees

- **New Employees** (and contractors): Include ability to speak another language as a desired qualification in hiring.
- **Bilingual Employees**: Identify jobs where bilingual ability is required or desired; Investigate the ability to pay a shift differential for employees who speak another language and whose job requires customer contact.
- **Employee and Contractor Training**: hold Title VI and LEP training for all new hires (both agency and contractors), including operator refresher training; conduct training for planning and marketing staff to integrate consideration of Title VI protected populations (including LEP) into planning.
- **Training for Title VI-Related Complaints for Employees and Contractors**: Expand diversity training for operators on the need to accommodate LEP populations to avoid Title VI related complaints.
- **Language Identification Cards**: Distribute language identification cards to operators or other employees; Consider adding QR code that directs staff users to Language Line.
- **Employee Tuition Assistance**: Promote the availability of tuition-reimbursement for all applicable employees who take a course to learn the primary languages in the Capital Metro service area.
- **Employee Shift Differential**: Consider offering monetary shift differential for positions that require frontline contact with LEP populations for those who speak a Safe Harbor language fluently.

3.3 Training Staff

Training staff on the protocols to provide language assistance and Title VI in general helps to ensure that employees understand the guidance and consider the needs of LEP individuals in the course of doing their job. Currently, only transit operators receive general Title VI training, which does not specifically describe how drivers are to provide language assistance if requested. Customer service staff are instructed on how to use the Language Line service but not on more general Title VI requirements and general language assistance measures. Other employees are not given formal Title VI training, nor are they given specific LEP training to help them understand the agency's role in language assistance.

It is recommended that both general Title VI training and specific LAP training occur within the following framework:

- **New Employee Orientation (Title VI):** all new employees should be provided an overview of the agency's Title VI responsibilities, including general information about language assistance measures that the agency provides.
- **LEP Training:** All frontline employees (and contractors) should attend LEP related training, with specific emphasis on elements under their job description at least upon orientation. Frontline employee classifications will be selected based on their likelihood of coming in contact with the public or being in departments that have broad community engagement activities. This will likely include Customer Service staff, bus and rail operators, Marketing and Communication staff, ADA paratransit staff and contractors, Planning and Capital Projects; however, there may be other positions that would qualify and should undertake the training. The training should be targeted to help the employees understand how to provide the language assistance measures that Capital Metro offers. This could include new tools, existing or new technology that is available, or methods to provide language assistance to ensure competency. This should also be job-specific so that participants will come away from the training with real world understanding of how to provide language assistance given Capital Metro's tools.
- **Refresher Training (Title VI):** Transit operators should attend Title VI training with an additional emphasis on providing language assistance as part of their normal refresher training series to address any questions that they may have regarding either encounters with LEP populations or how to provide language assistance. Training on technology or tools that are available to operators should be included.

Training can be accomplished using methods such as video learning, PowerPoint presentations, or small group learning so that the task associated with staff training does not become onerous to the agency. Videos on the subject can be produced in a cost-effective way that can be used in new employee orientation, contractor training or refresher training. This would be especially helpful when demonstrating new technology that may be available for language assistance.

3.4 Providing Notice to LEP Persons of Language Assistance Measures

As the most far reaching and important aspect of language assistance, providing notice to the public on the available language assistance is crucial. Consequently, ensuring that informing the public of how to seek language assistance plays a substantial role in the LAP. Web-based information has taken center stage in the last year, with most documentation about service disruptions, COVID protocols or other crucial information. As a result, changes to the website are being undertaken to ensure that notices of free language assistance can be front and center in the users' Capital Metro website experience. To ensure that notification

of language assistance is undertaken with a comprehensive view, there are number of recommendations that are being made to improve this practice.

One easy and effective method to provide notification of language assistance measures is to produce a text box that includes all the Safe Harbor languages, the phrase “Free Language Assistance”, and the customer service number that can be connected to Language Line. The text box can then be used on all printed materials and in the digital realm such as the example, below.

Free language assistance | Asistencia gratis en su idioma | Libreng tulong para sa wika | 免費語言幫助
 Hỗ trợ giúp thông dịch miễn phí | 무료 언어 지원 | शुल्क भाषा समर्थन | бесплатная языковая помощь

The establishment of vital documents also helps Capital Metro communicate the language assistance measures and translations that should occur given the importance of the documents. **Table 11: Vital Documents Guidance** lists both vital and non-vital documents, categories of documents, and identifies the language category into which they should be translated. As has happened in the past, Capital Metro may provide a summary of a vital document and/or notice of free language assistance for the “Safe Harbor” languages, rather than a word-for-word translation of each of the vital documents.

Capital Metro should not limit itself to these guidelines, intending to translate documents into more languages as circumstances dictate and resources allow. As necessary, Capital Metro may also rely on pictographs to communicate information regardless of language spoken.

Table 11: Vital Documents Guidance

Document	Languages	Vital Document?
Title VI Public Notice	All Safe Harbor Languages	Yes
Title VI Complaint Form and Procedures	All Safe Harbor Languages	Yes
Notice of Free Language Assistance	All Safe Harbor Languages	Yes
General Promotional Materials (such as FAQs or other materials that provide direction on how to access services and public meeting notices)	Spanish and Safe Harbor Languages as funding permits	Depends on content
Public Meeting and Hearing Notices	Spanish, with written notice in multiple languages that information will be translated upon request in all safe harbor languages	Yes
“Participation” or “Intake” forms (such as Americans with Disabilities Act (ADA) Determination letter and appeal forms, and incentive forms)	Spanish, with written notice in multiple languages that information will be translated upon request in all safe harbor languages	Yes
Ridership and/or Customer Satisfaction Surveys	Spanish, with written notice in multiple languages that information will be translated upon request in all safe harbor languages	Yes
Legal Notices, construction notices, or environmental findings notices	Spanish, with written notice in multiple languages that information will be translated upon request in all safe harbor languages	Depends on content

Source: Capital Metro, 2021.

3.5 Monitoring and Updating the Plan

Monitoring the LAP is an important element of keeping the plan not only up to date but relevant to the population being served. New immigrant populations with languages that were not originally identified may require additional consideration in the LAP.

Additionally, new technology changes our understanding of the best methods to use in establishing a comprehensive approach to language assistance. For example, smart phones were not as prevalent in prior years, and translation applications were not as commonplace. Social media applications like Facebook Live, YouTube live are more recent advancements to public engagement that have changed the landscape of communication. We have also seen LEP populations move away from receiving information in more historically standard formats (print, radio, TV) and opt for more text-based communications. All of these changes would not have been considered without a comprehensive review of the plan.

While a review of the LAP every three years to coincide with the Title VI update is standard, it is also important to monitor the language assistance measures periodically, along with how well the outreach activities are engaging LEP populations, so that if mid-course corrections are needed, they can be accomplished within the framework of the overall LAP. Keeping track of subtle changes in how LEP populations are engaging in outreach activities may also help understand new methods of assistance.

An annual review of the LAP would ensure that methods of outreach and communication consider small and large changes associated with the languages being requested for language assistance or to address changes in the most effective means of communicating.

This includes providing an opportunity for staff to provide feedback on the plan and the language assistance measures that may not be as effective. Informal “brown bag” sessions can provide an inviting forum that may encourage staff to become LEP experts and problem solvers for this serious concern. Community members may also play a role in the continual monitoring of the language assistance measures, as the broader community can often understand the issue in ways that the agency may not.

Informal focus groups can also be employed to help identify what language skills employees might have, how they might be able to employ them, and what activities they might best enjoy or be good at. These focus groups could include the general staff as well as job-specific as a way to further the LAP practice without significant cost.

Additionally, while the LAP provides guidance for how to approach LEP considerations in establishing new outreach campaigns, staff needs to be responsive to the community’s needs in providing language assistance. This may include a targeted outreach approach that reviews demographic changes in the area to anticipate language assistance needs.

DRAFT

Appendix A: LEP Public Involvement Summary

LEP Public Involvement Summary

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[Language Assistance Plan Public Engagement Summary](#)

Capital Metro used a community-based public involvement strategy to obtain input from stakeholders to inform the development of the Language Assistance Plan by coordinating with institutions and community-based organizations to reach members in the LEP communities.

[LAP Internal Outreach Summary](#)

This survey summary provides an overview of survey response received as part of Capital Metro's Language Assistance Plan study. The internal survey was available between Monday, March 1st 2020 through Wednesday, March 10th, 2020. The internal survey was publicized via different communication channels outlined in the survey distribution section. The survey included a range of questions designed to capture the communication needs of Capital Metro's riders who have a limited English proficiency, how we are currently serving these individuals, and capture ways we can improve our service to these communities.

[Outreach Material](#)

- Development (Items produced)
- Example Figures (Flyer)

[Survey Development](#)

Capital Metro and the Title VI project team developed an internal survey in order to better understand the communication needs of Capital Metro's riders who have a limited English proficiency. Questions and answer categories were designed to reflect surveys used by other transit agencies, making changes that provided choices that reflect Capital Metro services. The intent of question selection was to gather valuable information on the communication needs of riders and identify what staff needs to feel equipped with helpful language assistance tools. The goal is that answers to the questions will inform the team to develop recommendations for the language assistance plan update.

Survey Distribution

The survey was posted online via SurveyMonkey.com. Capital Metro publicized and distributed the survey to Capital Metro staff, Austin Transit Partnership, contracted service providers and consultants. Capital Metro staff received the internal survey through an email and had verbal reminders during their team meeting. Contracted service providers received the internal survey via email, distributed via operator mailboxes, social media platforms, and via text. Promotional material was also available on the Timepoint TV. The survey was open from Monday, March 1st – Wednesday, March 10th.

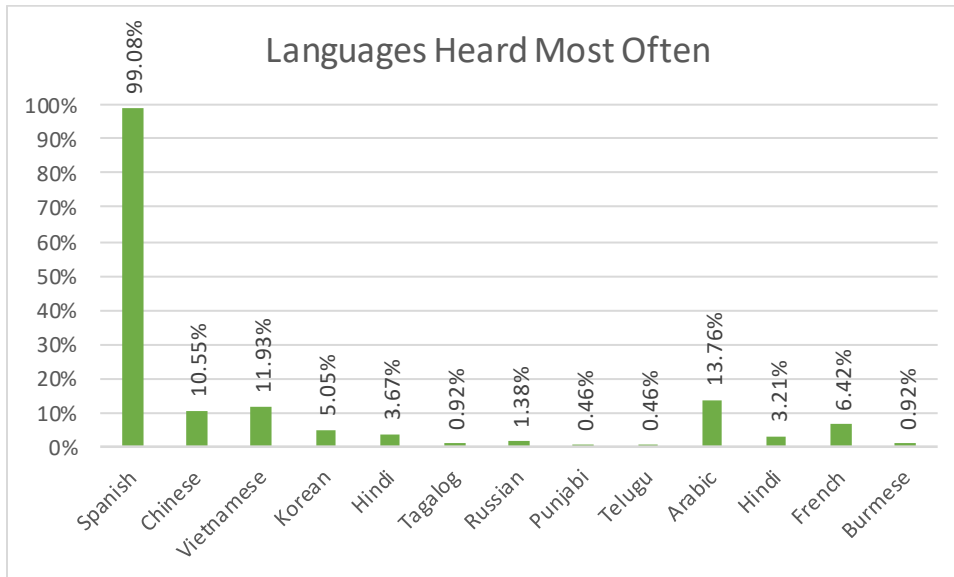
Survey Results

Capital Metro developed an internal survey, for public-facing employees and contractors. To encourage a large percentage of staff participation, Capital Metro conducted a drawing for an award available for employees who participated in the survey. A total of 229 responses were received during the survey period. Timeframe for the survey distribution was affected by the Winter Storm 2021 experienced in Texas. While an extension was offered to increase participation, the Winter Storm was a distraction. The internal employee and contractor survey aimed to identify:

1. The languages Capital Metro is regularly interacting with.
2. The frequency Capital Metro encounters individuals who speak each language.
3. The types of services Capital Metro provides to LEP communities (bus/rail service, customer service, wayfinding, etc.).
4. Methods for how Capital Metro can best reach LEP communities in Central Texas (etc. in writing, verbally, or through an interpreter).

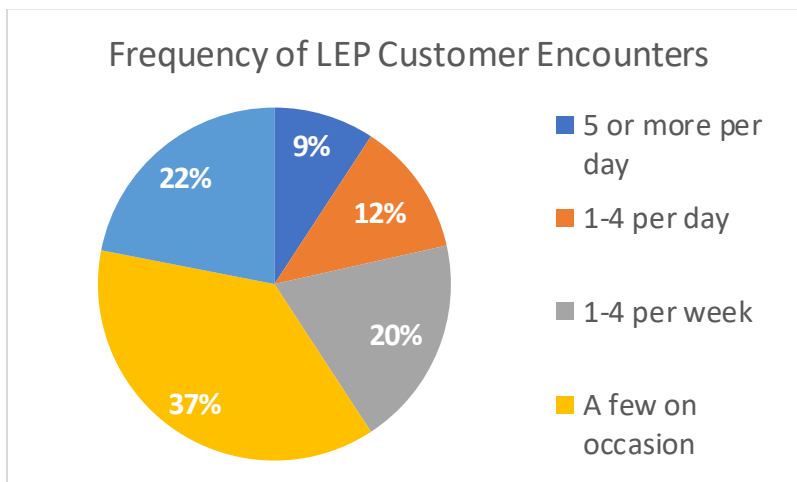
The survey found that respondents reported that Spanish is the language most often heard when interacting with customers or members of the public. Second language most often heard is Arabic, third is Vietnamese, and fourth is Chinese. Other languages that staff heard were French, Korean, Hindi, Russian, Burmese, and Tagalog, Figure 1.

Figure 1: Languages Heard Most Often by Capital Metro Staff



The survey results show that 40% (85) of respondents encounter customers and/or members of the public who are seeking assistance and are unable to communicate well in English a few on occasion. About 22% (50) people rarely or never encounter people seeking assistance in another language than English. About 19% (44) respondents encounter people seeking assistance in another language than English 1-4 times a week, Figure 2.

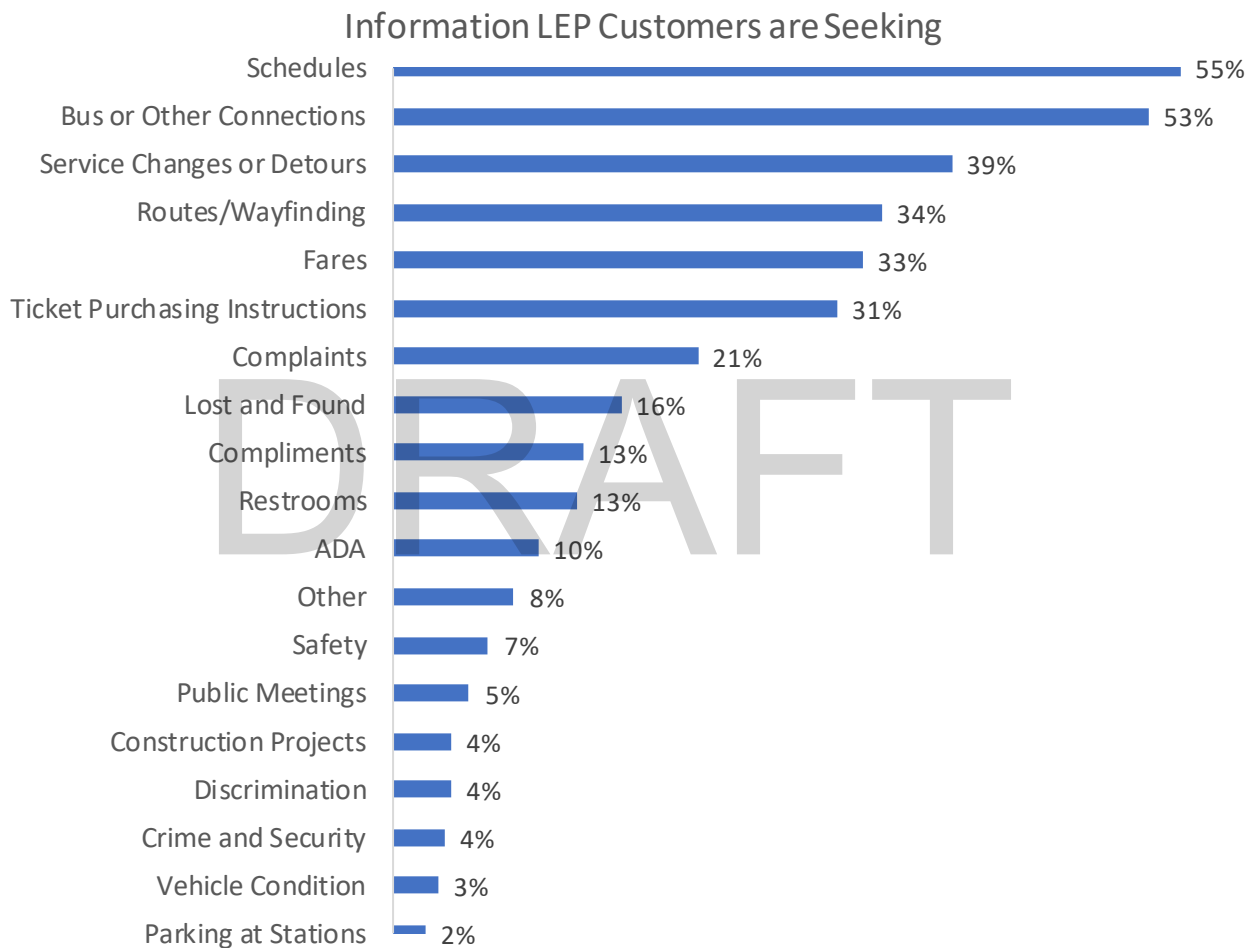
Figure 2: Frequency of LEP Customer Encounters



The survey results showed that when respondents select all the options that applied about the information customers are seeking, information regarding: schedules, bus or other connections, service change/detours, routes/wayfinding, fares, ticket purchasing instructions, complaints,

lost and found, compliments, and restrooms were the most prevalent. In the other options, some recurring themes covered questions about MetroAccess and PickUp services, along with questions about routes and destinations. There was only one response regarding a question about contact tracing for COVID-19.

Figure 3: Information LEP Customers are Seeking



Methods for how Capital Metro can best reach LEP communities in Central Texas (etc. in writing, verbally, or through an interpreter).

The following list is a summary of what was heard with the topics most suggested at the top of the list.

1. Provide Staff Language Education
2. Staff Translation App (Tablets)
3. Language Line
4. Quick Reference Guide for Transit Vocabulary in Other Languages

5. Produce Marketing Content in Other Languages
6. Sign Language Staff/Interpreters
7. Translate Capital Metro Website
8. Capital Metro Hire More Bilingual Personnel
9. Interpreters
10. More Languages on Intercom
11. Mobile Language Line
12. Capital Metro Social Media Translated
13. Capital Metro App Translated
14. CART Computer Aided Real Time Translation Device for Stops and Buses
15. Public Meetings offered in other languages
16. Capital Metro Spanish Speaking Dispatcher Available at All Times
17. Braille Reading Class
18. Provide Interpreters
19. Familiarity with Assistive Accommodating Devices
20. Material available in Chinese
21. Consider African Languages
22. Consider Farsi

LAP External Outreach Summary

This survey summary provides an overview of responses received as part of Capital Metro's Language Assistance Plan study. The external surveys were available between Monday, March 3rd 2021 through Friday, March 19th, 2021. To allow for open-ended survey questions, community conversations were held between Monday, March 3rd 2021 through Wednesday, March 31st, 2021. The external surveys were publicized via different communication channels outlined in the survey distribution section. The surveys included a range of questions designed to capture the communication needs of Capital Metro's riders who have a limited English proficiency, how we are currently serving these individuals, and capture ways we can improve our service to these communities.

Outreach Materials

- Development
- Example Figures

Community Conversations

Outreach

Capital Metro publicized the community conversations to 31 community-based organizations (CBO) that serve people who speak different languages via email communication. Community-based organizations were provided with three participation options. CBO's could ask staff to take the survey, host a community conversation with staff to allow time for open-ended questions and answers, and/or promote the translated individual survey with their community members. Questions were designed to expand on survey questions and allow for open-ended

answers and conversation on best translation and interpretation practices. The intent of question selection was to gather valuable on the communication needs of riders and identify what staff needs to feel equipped with helpful language assistance tools. The goal is that answers to the questions will inform the team to develop recommendations for the language assistance plan update. Community conversations with CBO's took place between Wednesday, March 3rd and Wednesday, March 31st.

Summary of Responses

A total of 2 responses were received during the community conversation period. Two community conversations took place with Austin Independent School District (AISD) departments. The two conversations were held with AISD's Refugee Family Support Office on Tuesday, March 23rd, 2021 and AISD's Office of Translation and Interpretation on Wednesday, March 31st, 2021. Recommendations included offering a language assistance line accessible to bus operators and public-facing employees. Training on how to use the language assistance line should be a recurring event through the year. A recommendation was to communicating a generic message in different languages such as "Bus is running late" is better than no communication at all. Both offices recommended setting up a partnership with community leaders who speak different languages to review translated material.

External Survey Survey Development

Capital Metro and the Title VI project team developed two surveys for the public to collect feedback on the communication needs of Capital Metro's riders who have a limited English proficiency. One survey targeted community-based organizations and the second survey targeted individuals. Questions and answer categories for both surveys were designed to reflect surveys used by other transit agencies, making changes that provided choices that reflect Capital Metro services. The intent of question selection was to gather valuable on the communication needs of riders and identify what staff needs to feel equipped with helpful language assistance tools. The goal is that answers to the questions will inform the team to develop recommendations for the language assistance plan update. The surveys were brief, optimized for accessibility, translatable to multiple languages, and mobile-friendly.

For the survey targeting individuals, Capital Metro coordinated with community-based organizations (CBOs) that work with LEP communities to respond to the survey. Capital Metro provided social media messaging to make it easy for CBO's to promote the survey in the targeted languages. The second survey was translated into Spanish, Hindi, Arabic, Chinese, Vietnamese, and Koren. Survey questions were drafted in English and a translation service was contracted to provide translations into these languages.

Survey Distribution

The survey was posted on online via SurveyMonkey.com. Capital Metro publicized and distributed the CBO survey to community-based organizations that serve people who speak different languages via email communication. Community-based organizations were provided

with three participation options. CBO's could ask staff to take the survey, host a community conversation with staff to allow time for open-ended questions and answers, and/or promote the translated individual survey with their community members. The translated individual survey was publicized via Capital Metro's social media channels and on the Capital Metro Title VI webpage. The English version of the individual survey was not publicized to allow feedback to come from directly from the targeted population. Both surveys were open from Wednesday, March 3rd – Friday, March 19th. Capital Metro provided grocery gift cards as an incentive to the community for their participation.

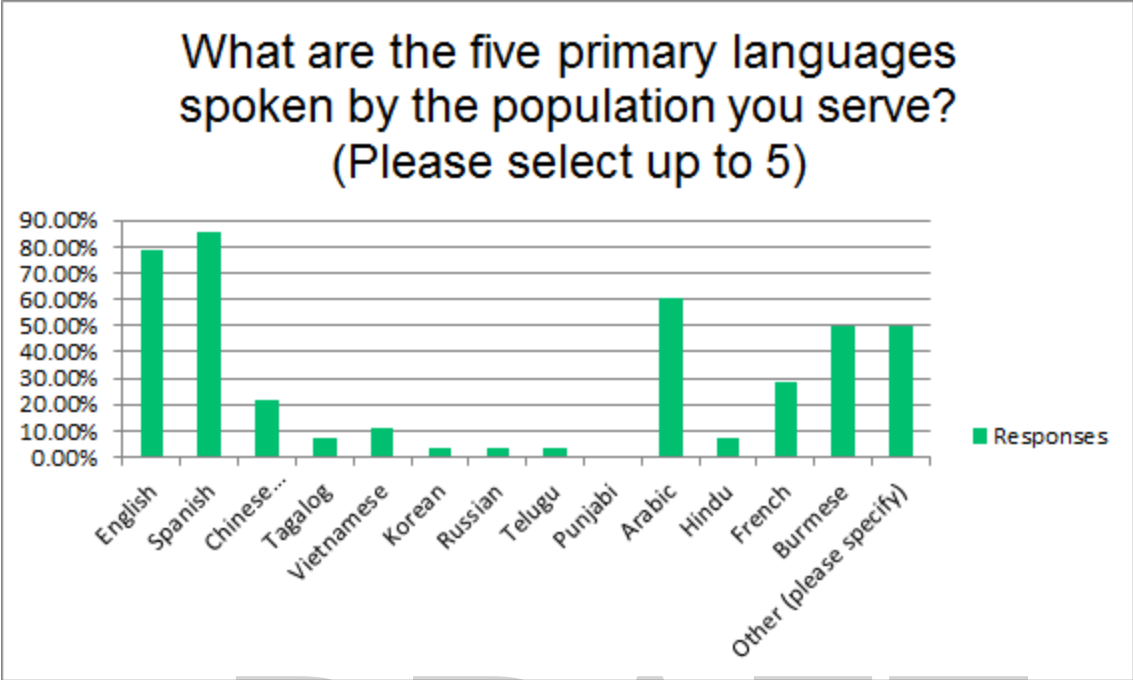
Survey Results:

Capital Metro developed two external surveys and hosted community conversations with community-based organizations. A total of 28 responses were received during the community-based organizational survey period. A total of 4 responses were received during the individual survey period for all translated surveys. Timeframe for the survey distribution was affected by the Winter Storm 2021 experienced in Texas. While an extension was offered to increase participation, the Winter Storm was a distraction. The public surveys aimed to identify:

- The languages Capital Metro is regularly interacting with.
- The frequency Capital Metro encounters individuals who speak each language.
- The importance of the Capital Metro service to the LEP customers.
- Methods for how Capital Metro can best to reach LEP communities in Central Texas (etc. in writing, verbally, or through an interpreter).

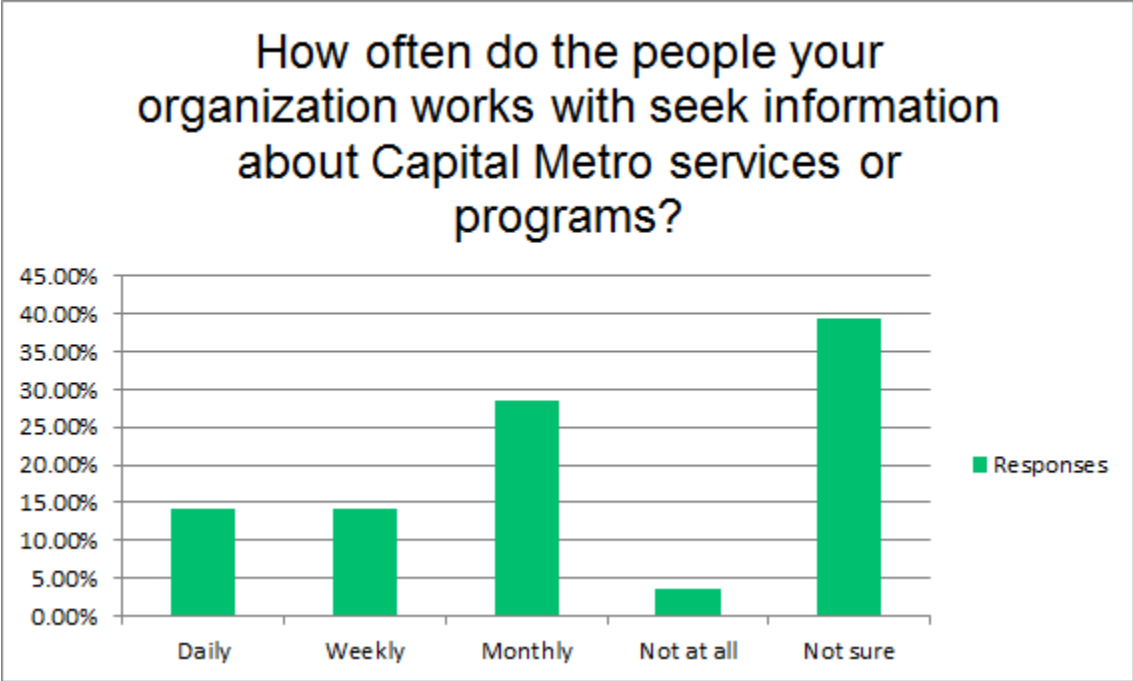
The survey found that respondents reported that Spanish is the language most often heard when interacting with their community members. Second language most often heard is English, third is Arabic, fourth is Burmese, fifth is French, and sixth is Chinese. The following languages had were selected by 1-3 respondents: Tagalog, Vietnamese, Korean, Russian, Telugu, and Hindi.

Figure 4: Languages Heard Most Often by Community-Based Organizations



The survey results showed that 82% (23) of respondents have had a community member inquire about how to access public transportation or expressed a need for public transportation service. This shows the importance of Capital Metro services to the LEP community. 60% of responded community members seek information about Capital Metro services or programs varying from daily, weekly, and monthly. 39% respondents said they were not sure how often community members sought Capital Metro services or programs.

Figure 2: Importance of Capital Metro services to LEP communities



Survey: Community-based organizations

Respondents recommended the following methods for how Capital Metro can best to reach LEP communities in Central Texas including having the website in different languages, having a language assistance line available to staff, in particular bus operators. Text messages sent in riders preferred language with general messaging such as “bus is running late” This generic messaging is better than no message at all. Additionally, training staff about the language assistance services available to them 8-10 times a year, with emphasis on frontline staff.

Survey Results: Individuals

Response from the individual translated service was low. The Spanish survey had 3 respondents and the Vietnamese survey had 1 respondent. All 4 respondents are users of Capital Metro services and are familiar with several services and programs including bus, train, PickUp, MetroBike, CARTS, Project Connect, Transit Store, Trip-planning, Transit Adventures, and Customer Service or Go Line.

No responses were received from the Arabic, Mandarin, Korean, and Hindi.

Title VI Program Update Public Involvement Summary: DIDB

Stakeholder Outreach

Capital Metro used a community-based public involvement strategy to obtain input from stakeholders to inform the development of the Title VI Program Update by coordinating with institutions and community-based organizations to reach members in the low-income and minority community. Over 52 Community based organizations who serve and advocate for people who are in the low-income and minority community were identified as promotional partners for the public meetings. Community-based organizations were provided with a flyer in English and Spanish for promotional use and were invited to host an informational meeting with the same presentation information as the public meeting for their community. The purpose for this is to meet people where they are and have a captured audience when presenting the information. Presentations were offered in English and Spanish.

Promotional material went out on Monday, April 26th, 2021 for the first public meeting on Monday, May 3rd, 2021. Promotional material for the second public meeting went out to community-based organizations on Thursday, May 6th, 2021 which took place on Wednesday, May 19th, 2021. Based on the feedback from the community, Capital Metro extended the public comment period from May 24th, 2021 to June 28th, 2021. Promotional partners who responded with their commitment included: Council Member Fuente’s office, One Voice, The City of Austin Equity Office, The City of Austin Economic Development Department, Foundation Communities, Communities in Schools, Austin Voices, Dress for Success, Dove Springs Proud, Community Resiliency Trust, and Austin Public Health. One Voice hosted a nonprofit forum via zoom on Friday, April 30th at 10 am for their members and promoted this meeting with the community. The presentation material was in English as participants were staff members from nonprofits. A total of 13 nonprofits had staff in attendance including, Woollard Nichols & Associates, Transit Empowerment Fund, Reentry Roundtable, Central Texas Food Bank, In Home Care for Meals on Wheels, Community First Village, Travis County Healthy and Human Services Department, Community

Advisory Network, Any Baby Can, Goodwill of Central Texas, and Drive a Senior. Feedback from the nonprofit forum was that the wording is difficult to follow and that we needed a slide to explain DIDB further.

To reach Capital Metro riders, at-stop outreach was conducted at selected stops to reach members in the low-income and minority community. At-stop outreach was conducted to promote the public meetings the week of Monday, April 26th – Friday, April 30th. A total of 443 Capital Metro riders were reached at the selected stops. Outreach took place during the morning and afternoon peak hours.

Outreach Materials

- Development

A bilingual flyer in English and Spanish was designed to include information about the public meeting. The language used on the flyer were chosen to make it clear that low-income and minority populations were the target audience. Flyers were distributed both digitally and in paper format.

A powerpoint presentation was create to provide background on the Title VI Program, DIDB Policy, and explain the national standards for DIDB. The presentation was in English and Spanish.

- Example Figures

Public Meeting

- Capital Metro hosted two virtual public meetings about Title VI policy updates on Monday, May 3rd at 6 pm and Wednesday, May 19th, at 6:00 pm via zoom webinar. The meetings were hosted in English and Spanish. Attendees were able to register for the public meetings. Interpretation services were available upon request. For accessibility to those who did not register in advance, the meetings were streamed live on Capital Metro’s Facebook page too. Close captioning was available in English. Live Spanish interpretation was available during the question and answer portion of the meeting. Meeting attendees could submit questions through the question and chat option in zoom, in the comment section of Facebook and YouTube, and to a phone line where a staff member could help take questions in English and Spanish.

The presentation provided background on the Title VI Program, DIDB Policy, and explain the national standards for DIDB. An email address was provided for participants to send comments during and after event. The virtual meeting was recorded and shared on social media to be viewed at any time.

The total number of registered participants for the meeting on Monday, May 3rd was 26. The total number of actual attendees was 3 on the zoom webinar. Participation on Facebook and Youtube had an average of 3 viewers, with a maximum of 9 at one point. Duration of the meeting was 41 minutes and 3 seconds. Questions and comments after this meeting presentation focused on what was the impact for accessibility for person with disabilities.

The total number of registered participants for the meeting on Wednesday, May 19th was #. The total number of actual attendees were 7 on the zoom webinar, 2 on Youtube and 7 on Facebook. Questions and comments after this meeting presentation focused on the program update threshold of 2% to 10% helps low-income and minorities. Specific question about routes and how this would help people who were impacted by Cap Remap were part of the conversation.

Question Report

2. Report on Virtual Meeting event location, date, time, the total number of participants, a summary, and the key themes from the feedback received.
3. Report on location, date, time of the public hearing, and a summary from the feedback received.
4. Report on location, date, time of the board meetings, and a summary from the feedback received.
5. Appendix: Marketing Materials
6. Appendix: Digital Marketing Records

- Example Figures

Public Hearing

- The public hearing took place on Wednesday May 12 at 12 p.m. Due to the COVID-19 pandemic, at this hearing Public Comment was allowed via telephone only. Advance registration was required via phone or email. Interested participants needed to give a name, email address and telephone number. The deadline to register was one business day in advance of the hearing (noon on Tuesday, May 11). Reasonable modifications and equal access to communications are provided upon request with at least two days notice in advance via phone or email. Two people signed up to comment.
- Example Figures

Board Meetings

- Development/Summary

FTA Coordination

- Summary

Appendix

- Appendix K: All Digital Marketing Records

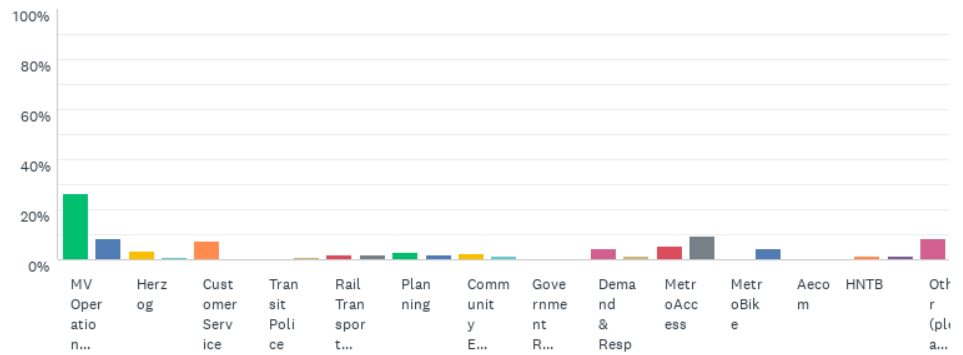
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Appendix A

Appendix B

Question 1: Which organization/department do you work in?

Q1 Which organization/department do you work in?

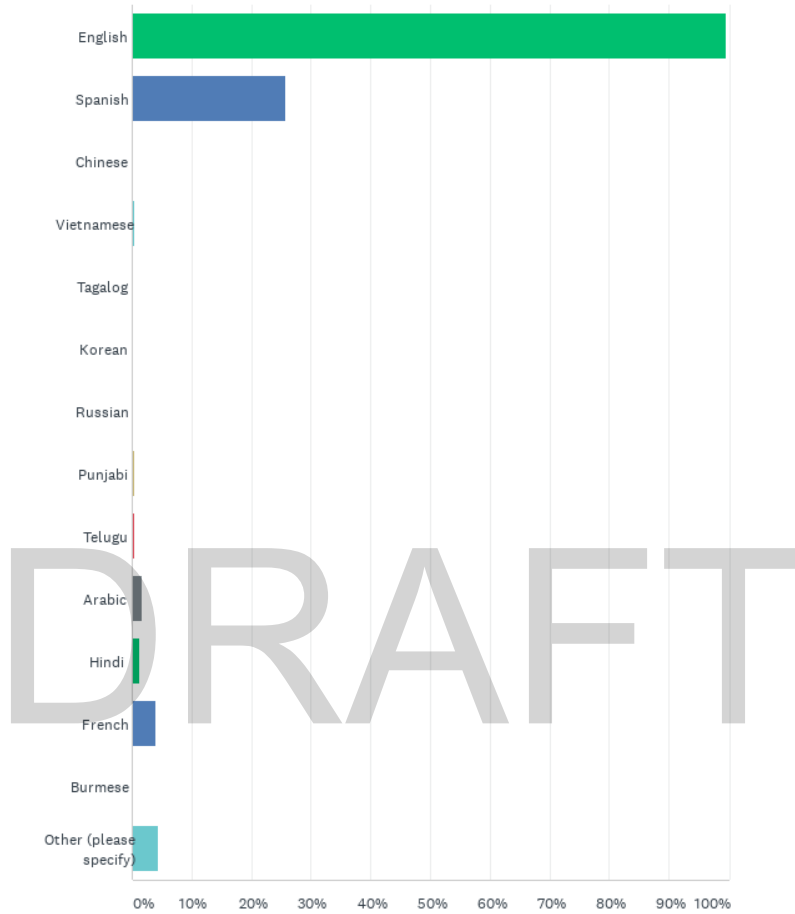


Q1 response summary:

There was a total of 229 respondents. The largest group of respondents were MV Operations/Bus Operators at a 27% response rate. Second highest response rate was from Operations and Maintenance at a 10% response rate, followed by Customer Service at 7% rate.

Question 2: Which languages do you speak? Please select the language(s).

Q2 Which languages do you speak? Please select the language(s).

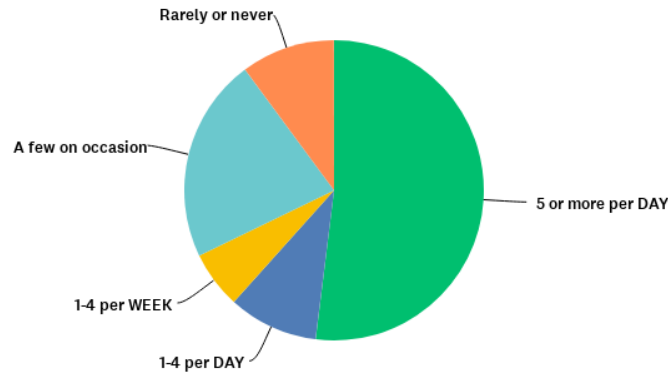


Q2 response summary:

All 229 respondents speak English. A total of 26% of the respondents speak Spanish, followed by 4% speaking French. There was a 4% response rate of people knowing a second language that were not listed as an option including Italian, sign-language, Yoruba, Igbo, Berber, Swahili, and Turkish.

Question 3: How many customers and/or members of the public do you interact with?
Please select one.

Q3 How many customers and/or members of the public do you interact with? Please select one.

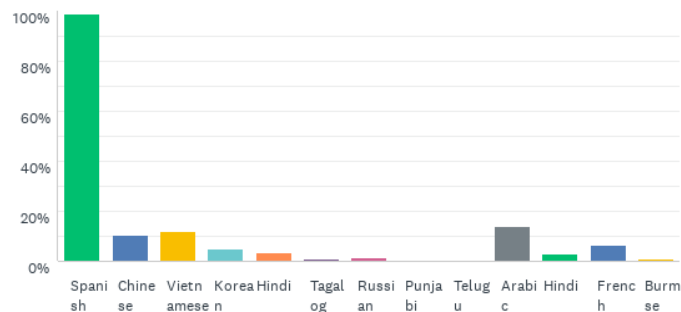


Q3 response summary:

A total of 227 respondents answered this question and two respondents skipped this questions. A total of 118 or 52% of the respondents interact with customers or members of the public who speak a different language other than English 5 or more times per day. A total of 50 or 22% of the respondents interact with customers or members of the public who speak a different language other than English a few on occasion.

Question 4: Besides English, what are the languages you hear most often by customers and/or members of the public you encounter? Please select all that apply.

Q4 Besides English, what are the languages you hear most often by customers and/or members of the public you encounter? Please select all that apply.

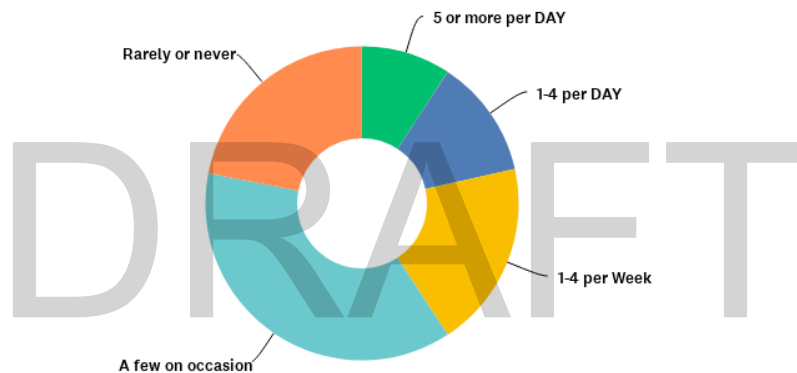


Q4 summary response:

A total of 218 survey participants responded and 11 skipped this question. Respondents selected Spanish as the language most often heard when interacting with customers or members of the public. Second language most often heard is Arabic, third is Vietnamese, and fourth is Chinese.

Question 5: How often do you usually encounter customers and/or members of the public who are seeking assistance and are unable to communicate well in English? Please select one.

Q5 How often do you usually encounter customers and/or members of the public who are seeking assistance and are unable to communicate well in English? Please select one.

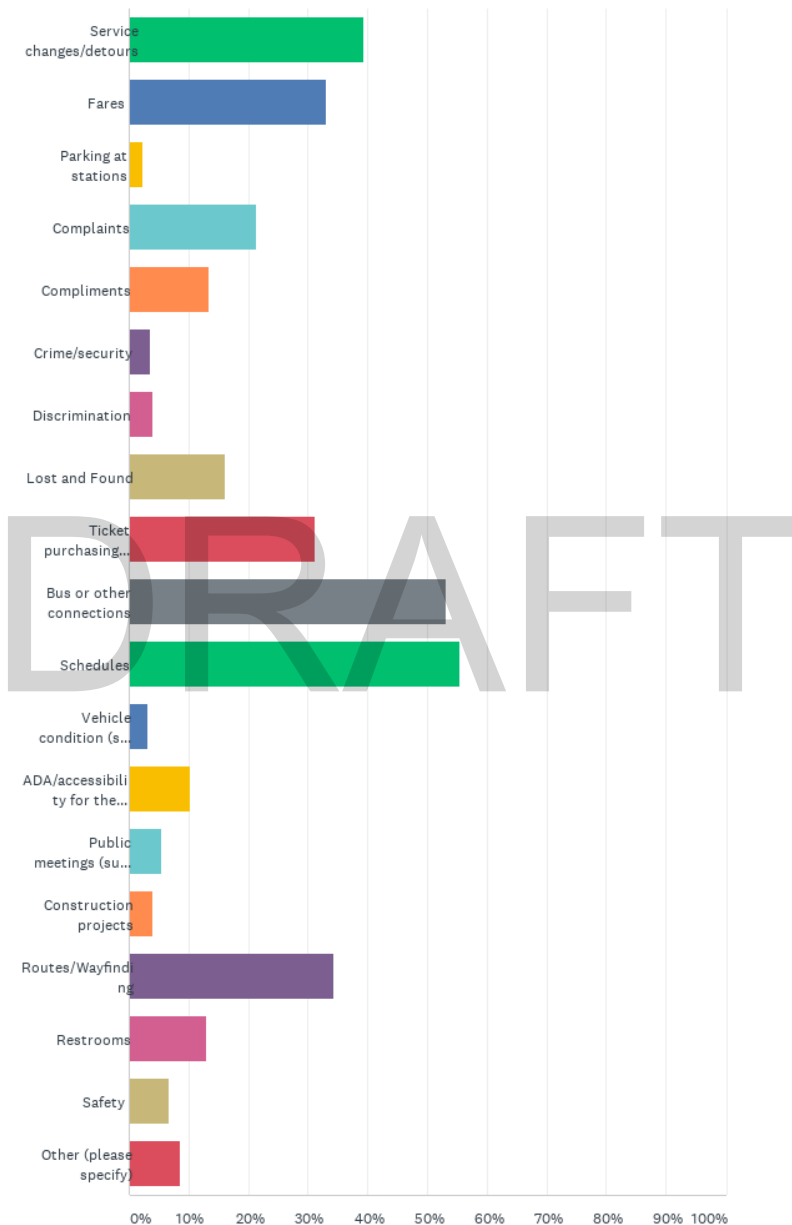


Q5 response summary:

There was total of 228 respondents and one person skipped this question. 40% (85) of respondents encounter customers and/or members of the public who are seeking assistance and are unable to communicate well in English a few on occasion. 22% (50) people rarely or never encounter people seeking assistance in another language than English. 19% (44) respondents encounter people seeking assistance in another language than English 1-4 times a week.

Question 6: What information are those customers and/or members of the public usually seeking? Please select all that apply.

Q6 What information are those customers and/or members of the public usually seeking?
Please select all that apply.



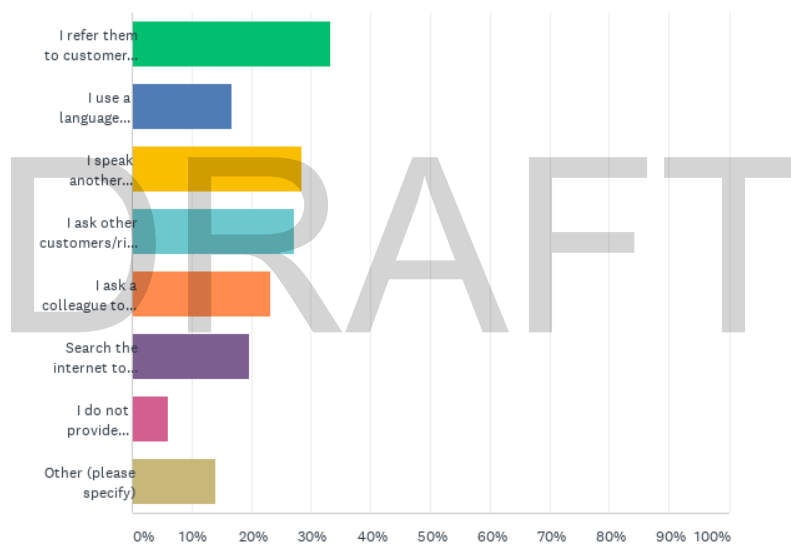
Q6 response summary:

A total of 224 individuals responded to this question and 5 people skipped this question. Respondents were asked to select all the options that applied to learn what information are those customers and/or members of the public usually seeking. A total of 124 selected schedules, 119 selected bus or other connections, 88 selected service change/detours, 77 selected routes/wayfinding, 74 selected fares and 70 lost and found, 48 selected complaints, and 30 compliments. All other items selected were lower than 29 and less. In the other

options, some recurring themes covered questions about MetroAccess and PickUp services, along with questions about routes and destinations. There was only one response regarding a question about contact tracing for COVID-19.

Question 7: How are you currently providing information to riders/customers of the public who are seeking assistance and are unable to communicate well in English? Please select all that apply.

Q7 How are you currently providing information to riders/customers of the public who are seeking assistance and are unable to communicate well in English? Please select all that apply.



Q7 response summary:

A total of 228 individuals responded to this question and 1 person skipped this question. Respondents were asked to select all the options that applied to learn how information is being provided to riders/customers of the public who are seeking assistance and are unable to communicate well in English. 76 respondents refer customers to customer service, 65 respondents speak another language and can directly answer questions if the customer is speaking the language they know. 62 respondents ask other customers/riders if someone can translate or interpret. 53 respondents ask a colleague to translate/interpret. 45 respondents use the internet translation. 38 respondents use the language assistance line. In the open ended answers, google translation was a recurring answer a tool used for language assistance.

Question 8: Are there any resources you need to help you assist you in communicating with customers? Please use the space below for suggestions to improve Capital Metro's communication or for any comments you may have. If you have a specific language in mind, please include it.

Q8 response summary:

A total of 145 respondents for this question and 84 skipped this question. A few themes for how Capital Metro can best reach Limited English Proficiency communities in Central Texas include these methods:

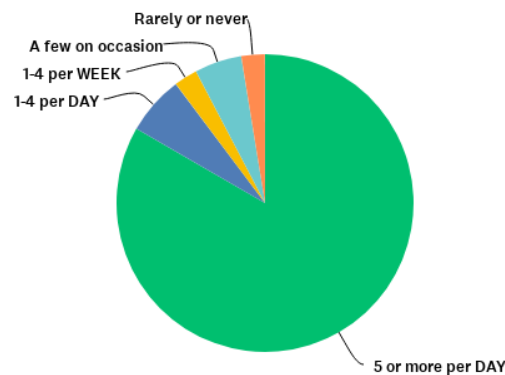
- Mobile Language Line
- Computer Aided Real Time Translation/
- Onboard system that's accessible in different languages
- Provide basic transit vocabulary to staff
- Include American Sign Language in all language plans and options

MV Operations and Customer Service results:

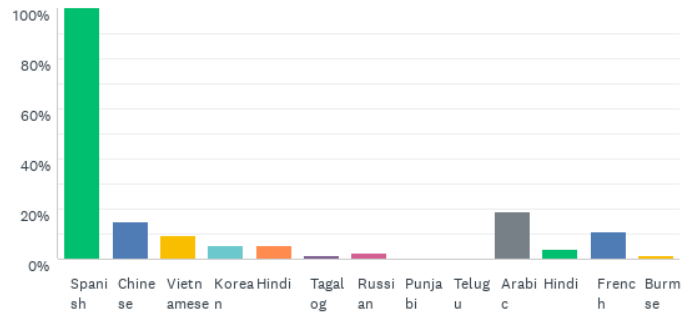
MV Bus Operators and Capital Metro Customer Service are the respondents who have the most public-facing interaction on a daily basis. To best serve the purpose of this survey, it was important to see if there was commonality in their experience.

Response Summary: 83% (65) respondents interact with customers and/or members of the public 5 or more per day. Respondents listed Spanish as the language most often heard by customers and/or members of the public, followed by Arabic, Chinese, and then Vietnamese. 29% of respondents encounter customers and/or members of the public who are seeking assistance and are unable to communicate well in English 1-4 times a week, followed by 23% of respondents with 5 or more encounters per day. See figures below:

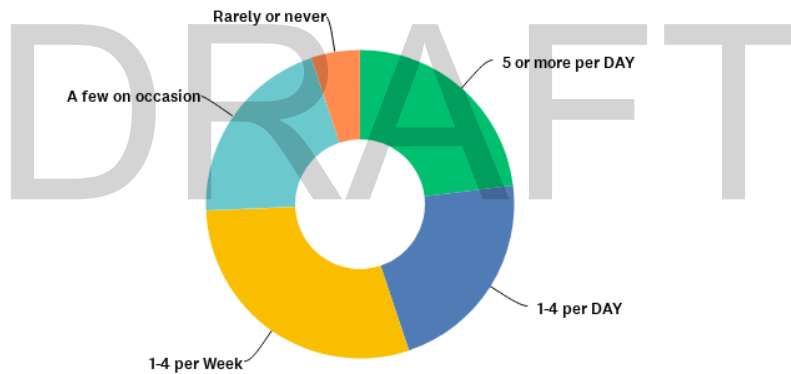
Q3 How many customers and/or members of the public do you interact with? Please select one.



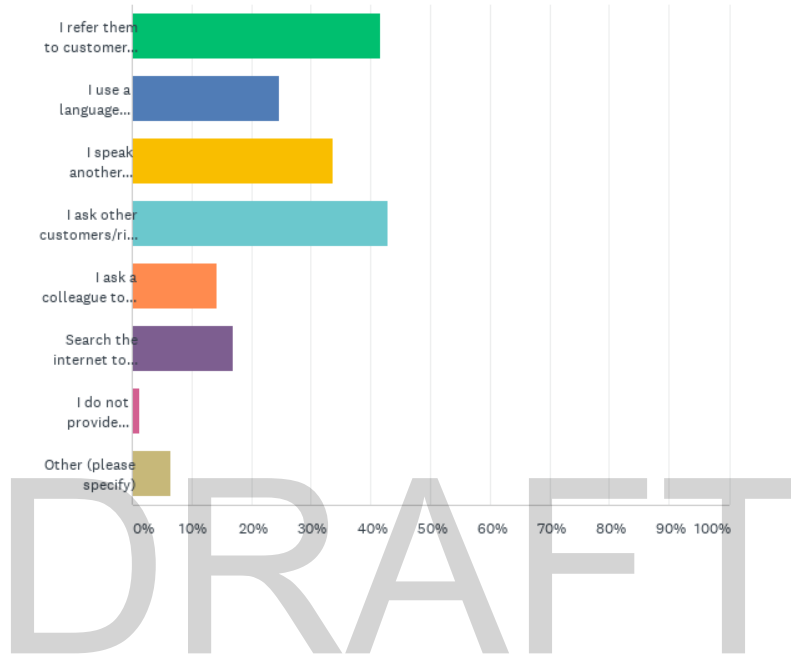
Q4 Besides English, what are the languages you hear most often by customers and/or members of the public you encounter? Please select all that apply.



Q5 How often do you usually encounter customers and/or members of the public who are seeking assistance and are unable to communicate well in English? Please select one.



Q7 How are you currently providing information to riders/customers of the public who are seeking assistance and are unable to communicate well in English? Please select all that apply.



Question 1:

Answer Choices	Responses	
MV Operations/Bus Operator	26.64%	61
MTM North/South	8.73%	20
Herzog	3.49%	8
Austin Transit Partnership	0.87%	2
Customer Service	7.42%	17
Central Control Facility Dispatcher	0.44%	1
Transit Police	0.00%	0
Security	0.87%	2
Rail Transportation	2.18%	5
Administration	2.18%	5
Planning	3.06%	7
Capital Projects	2.18%	5
Community Engagement	2.62%	6
Marketing and Communications	1.75%	4
Government Relations	0.44%	1
Legal	0.00%	0
Demand & Response	4.37%	10
People & Culture	1.31%	3

MetroAccess	5.68%	13
Operations & Maintenance	9.61%	22
MetroBike	0.00%	0
Information Technology	4.37%	10
Aecom	0.00%	0
Movitas Mobility	0.00%	0
HNTB	1.75%	4
Rifeline	1.31%	3
Other (please specify)	8.73%	20
	Answered	229
	Skipped	0

Other (please specify)
Internal Audit
Finance Dept Capital Metro
CMTA Property & Asset Management
Strategic Operations and Management
Transit Store
Finance
Risk & Safety
Finance
Procurement
Eligibility
Safety
Safety, Risk and Accessible Services
MTM Functional Assessment Contract
Real Estate
Property Asset Management
Finance
Safety
Transit Store
finance
Real Estate and Asset Management

Question 2:

Answer Choices	Responses	
English	99.56%	228

Spanish	25.76%	59
Chinese	0.00%	0
Vietnamese	0.44%	1
Tagalog	0.00%	0
Korean	0.00%	0
Russian	0.00%	0
Punjabi	0.44%	1
Telugu	0.44%	1
Arabic	1.75%	4
Hindi	1.31%	3
French	3.93%	9
Burmese	0.00%	0
Other (please specify)	4.37%	10
	Answered	229
	Skipped	0

4
Italian- some
Italian
little bit of sign
Yoruba
Igbo
Berber
Berber
Berber
Swahili
Turkish

DRAFT

Question 3:

Answer Choices	Responses	
5 or more per DAY	51.98%	118
1-4 per DAY	9.69%	22
1-4 per WEEK	6.17%	14
A few on occasion	22.03%	50
Rarely or never	10.13%	23
	Answered	227
	Skipped	2

Question 4:

Answer Choices	Responses	
Spanish	99.08%	216
Chinese	10.55%	23
Vietnamese	11.93%	26
Korean	5.05%	11
Hindi	3.67%	8
Tagalog	0.92%	2
Russian	1.38%	3
Punjabi	0.46%	1
Telugu	0.46%	1
Arabic	13.76%	30
Hindi	3.21%	7
French	6.42%	14
Burmese	0.92%	2
	Answered	218
	Skipped	11

Question 5:

Answer Choices	Responses	
5 or more per DAY	9.21%	21
1-4 per DAY	12.28%	28
1-4 per Week	19.30%	44
A few on occasion	37.28%	85
Rarely or never	21.93%	50
	Answered	228
	Skipped	1

Question 6:

Answer Choices	Responses	
Service changes/detours	39.29%	88
Fares	33.04%	74
Parking at stations	2.23%	5
Complaints	21.43%	48
Compliments	13.39%	30
Crime/security	3.57%	8
Discrimination	4.02%	9
Lost and Found	16.07%	36
Ticket purchasing instructions	31.25%	70

Bus or other connections	53.13%	11 9
Schedules	55.36%	12 4
Vehicle condition (such as broken equipment, cleanliness, etc.)	3.13%	7
ADA/accessibility for the disabled	10.27%	23
Public meetings (such as service or fare adjustment hearings, Board meetings, etc.)	5.36%	12
Construction projects	4.02%	9
Routes/Wayfinding	34.38%	77
Restrooms	12.95%	29
Safety	6.70%	15
Other (please specify)	8.48%	19
		22
	Answered	4
	Skipped	5

Other (please specify)
Benefits
Scheduling rides
Not sure
Booking ride to and from their destinations
How to use MetroAccess Services
Call to schedule rides or to cancel rides
General Information about MetroAccess Services; information about our App/purchasing tickets online; safety tethers for wheelchair securement
Scheduling trips with MetroAccess
COVID contact tracing messaging
MetroAccess services
new to this organization - no interactions yet due to Covid
None
For Cap Remap outreach, it was difficult to communicate with riders who did not speak English; most were Spanish speaking and many were hesitant to interact with us at all seeing us a "authority figures" that might question their immigration status.
How to get to where they want to go
Utilities crossing our Rail Line or those that have sidings on our Rail line to access freight or landowners with Private Crossings.
N/A
this was when i was working in a different department it is not my current experience
Asking for to expand the zones
Some have complained about waiting too long for PICK UP. Up to an hour wait sometimes. They are frustrated being late to work.

Question 7:

Answer Choices	Responses	
I refer them to customer service	33.33%	76
I use a language assistance line	16.67%	38
I speak another language.	28.51%	65
I ask other customers/riders if they can help translate/interpret	27.19%	62
I ask a colleague to translate/interpret	23.25%	53
Search the internet to translate.	19.74%	45
I do not provide information in anything other than English	6.14%	14
Other (please specify)	14.04%	32
	Answered	228
	Skipped	1

Other (please specify)
I get by with a little Spanish
NA
If all fails I use hand gesture
I'm usually contacted by Spanish speakers
use phone to help via google maps, for example
visuals
Google translate and usually refer to customer service.
I use my hands a lot and do the best I can.
n/a
I am a cap metro rider myself. Knowledgeable of routes and bilingual so I can easily assist!
I usually provide information to spanish speaking customers
I speak Spanish and know how to use the CapMetro app so am able to help them plan/explain their route
Preparing materials in Spanish and providing Spanish translators
Write in English to answer question
I know little Spanish to assist.
I use Google Translate.
Spanish(not fluent) I am usually able to translate/interpret, other language we have a language line to contact
Try using a system map to have point out there destination!!!
N/A (so far)
Translate on phone
i speak a little spanish so i try and communicate the best i can (not fluent)
Rely on translators provided by community orgs
Understand some spoken languages
I do speak intermediate Spanish.
I speak to internal employees only
very little Spanish but manage to give response to meet need.
I have not encountered this
Point to what is needed.

Although I'm not fluent in Spanish, I can get by with the Spanglish I know.
I provide a schedule booklet
Write down names of locations. Body language...pointing directions...pointing out other names buses and route headways
Try to explain slowly

Question 8:

Answered	145
Skipped	84

Responses	
Language class	
The language line we use is a very helpful tool. Not only does it assist our team with our Spanish speaking customers, there are other languages on the language line to choose from as well if needed.	
Shorter videos that are more engaging, technical descriptions of project connect tunnel and other engineering aspects of the project	
Interpreters	
various versions of materials	
If y'all could provide the public with a system in they units that they can look up routes, times, weekend schedules and where in a language that they speak.	
Google Translator	
None	
n/a	
I am taking the Rosetta Stone training in Spanish provided by Metro. It is very helpful.	
Sign language personnel	
Not at this time	
CMTA needs a basic transit vocabulary and easy phrases list for those of us that speak another language (e.g. Spanish). Something very simple. In addition a class on "conversation al-basic" is needed either internally or externally. I can assist.	
N/a	
N/A	
update Cap Metro/ Metro Access website to include information for Spanish speakers or other predominate language on rider's guide, detours, closures etc...	
Maybe lessons in different foreign languages. We try to make sure we send out people who speak the necessary languages to events but that isn't always the case.	
maybe a translator App for the very few people that might use another language besides spanish.	
N/A	
None	
NA	

I often find a lot of refugees from African countries speaking various languages that I'm not familiar with usually looking for the Trinity Center Downtown or For The City from paper work but I'm at a lost to direct them. I love the translate app if we could get a list of the various language for their region I would feel more able to assist them.
N/A
Language line is the only resource that I use to communication with non-English speaking clients
Language line works
I really don't know of any resources that could assist me.
Would it not be nice to have a translation app on the bus or operator could use?
no
N/A
not at this time
Would like to have some translated material in Chinese.
On-demand translation services, especially for written and web documents.
No
None that I can think of
N/A
Ensuring that maps/rerouting is available in Spanish - either at stops, on buses or the app is important. Making sure route changes are communicated through avenues that will reach individuals that may have limited capability to communicate in English. Now that at-stop outreach may be limited, maybe having MetroAlerts go out in different languages, or sharing route changes on Facebook or in a Facebook group,
App with common questions and answers
No
Drivers should have a translator app on their tablets to use when they're unable to communicate with clients.
To know whether we have interpreters available in the most commonly spoken languages in our community
Translation app
Yes if we can use a translator app on our phones!!!
Farsi
Language line
Point customers to the Spanish version of the CapMetro.org website.
None that i can think of
I would like schedules to combine with my route because there are routes that don't meet at my destination
n/a
Basic word Chart translator.
When completing in office appointments/interviews I used the language line for any non-Spanish speakers. Most common is Vietnamese, Mandarin, occasional Tagalog.
Spanish is most u need to communicate with
Maybe have have more than just English n Spanish come over the intercom n more pamphlets on the bus. To show more of diversity among capital metro. Because it is more than Hispanics, caucasian and African-American passengers. We need to be able to assist everyone in the community.

None
mobile language line
No
Cool to have on board lang translate
Translator device on buses would be nice
I have a booklet that Capital Metro gave me with the basic words of Spanish that I use so that's only resource I have gnats good enough thank you
Online language learning resources.
None
n/a
Make sure ALL the lecturer is in different languages. Make sure the announcements are in different languages also, and working. Maybe Supervisor can take some classes too. I know it was offered but hear nothing else about it.
More Spanish and other languages available for online learning
No
Quicker response from customer service
None
google translate works for me and some smart phones will take photos of signs and translate them which can help many people.
Would like to take a sign language class.
Would like to learn Spanish.
We also use text/whiteboards for individuals that are deaf/hearing impaired. We also utilize a lot of in-person sign language interpreters with our eligibility process.
Need to learn Spanish
Maybe a computer based program as well as a language line. I think having more than one option would be a good idea.
Language line. Someone familiar with assistive accommodating devices such as screen readers etc.
no
In Europe the busses speak more then 2 languages just like at the airport so maybe we should look to having our AVA system speak more then one language
Spanish
I would like to brush up on Spanish so that I can directly answer questions. CMTA should encourage us to take Spanish or other languages.
n/a
More langages in the cap metro maps
Just listen to them
Translator available over the radio
Can't think of anything
Instruction in spanish
The internet is great for translating, but I have to get off the bus to look it up. Maybe a translation book for Spanish which is most often the language to translate.
Taking a course to brush up on my Spanish would be a great tool to assist customer s.
None
I speak different languages and i understand foreign cultures

To have a Spanish or sign language class
No
The Language Line. Forward call to a bilingual rep. We could use resources to learn to speak Spanish to customers. It would be just basic language skills to ask people to hold and to wait for the translator.
I would like to go back to school to re-learn Spanish.
Language options at Bus stops-example customer could use enunciator in native language at Metro Rapid and Metro Rail stations.
None
n/a
no the language line is very useful
Customer Care offers the Language line
Can't think of any at this time
none
Having Cap Metro App in other languages would be helpful.
It would be nice to have a card with pre printed information for most asked questions in English and Spanish. This way I/we could assists the passengers better.
Spanish and Basic Sign Language
Need to include ASL- American Sign Language just as any other language as well as interpreter services and CART- computer aided real time translation as other languages/forms of communication.
language board with examples so a non-English speaker can find their language and point, and an English speaker can know what language/s to use to help them.
Having the Go Line written on most signage is very helpful. Sometimes I forget the number, but it is usually right there on the bus stop sign.
No additional resources needed that aren't already publicly available. Google Translate has been a useful tool.
If Capmetro website supports transforming Web pages into audio that may help. At least for top 3 to 5 languages and the top service functions
Yes the language line is helpful.
None
No
The Language Assistance line is a very good tool.
no comments
N/A
I've been taking Spanish classes for a couple years, paid by the agency. They're super helpful and I recommend the agency have other staff members take these classes too. In Spanish, Vietnamese, Chinese, etc.
all is good. I would use the metro app and show them visually and let them know what unit they need.
I speak Spanish but sometimes don't have all the information customers need. It would be helpful to know I am referring/transferring customer to a Spanish speaker.
na
none
N/A

Language of patience.
None
I think that Cap Metro need more bilingual personal.
MDT need and updated with specific tools for operators to communicate in spanish.
Maybe some pamphlets in different languages
A hand held translator would be nice. Just put the announcements on the train in more languages.
Add language app on the tablets
Braille reading classes and other classes to help!
There should be a Capital Metro dispatcher who speaks/understands Spanish available at all times.
Some of the info should be in a localized place and all drivers should be aware of it to tell clients.
Have translator on phone
Rosetta stone, Duo Lingo, and Basic Spanish for Transit Employees
Translator
Tranlation booklet
No, some of my Spanish speaking customers also can get by with their somewhat English. We can get our point across usually.
N/A
I believe that much is being done to assist, and more could be done to assure the assistance is be heard on every bus.
Yes, schedule booklets and pamphlets which are in other community languages spoken in the respective service regions.
No
Maybe a different layout of the bus system map. More information on the pocket schedules.
No
No
No
No
No
Being able to learn spanish
None that I can think of
There should be more stops in the routes
More info that I can Refer to. I didnt Know there was a language line. We need maps in other languages.
They can hire more people who speak foreign languages.

Appendix C

Community Conversation Q1: *Do you have any suggestions for communicating with your population? (Please be as specific as possible.)*

AISD Refugee Family Support Office. Meeting with Salimah Shamsuddin on Tuesday, March 23rd at 2:30 pm.

Translated surveys: we can't just copy and paste translations. They need to upload from a pdf because if not translation may be backwards. There are languages that read right to left.

Reach out to community leaders when you have information to give out. Connecting with them is possible through Refugee Roundtable.

AISD Office of Translation and Interpretation. Meeting with Jennifer Williams, Language Support Coordinator on Wednesday, March 31st at 2:00 pm.

- Most parents served are Spanish speaking. 7 additional languages recently added is Arabic, Vietnamese, Burmese, Pashto, Swahili, Dari, and Kinyarwanda. If African and Arabic interpreters are hard to find, at least translate into one.
- All information is always go in Spanish and English.
- Refugee families have different needs than Spanish speaking families. For refugee is only crucial information that is needed to know about AISD and resources.
- When it comes to translation we have to respect the register of the translation. We are trying to make it under stable in English at 8th grade level. The English needs to be clear, concise and at an 8th grade level. Avoid being wordy.
- Spanish written translation is done in-house. Helps with agreeing on word meanings. 20 approved vendors. Masterword is one of them, available 24 hours, with most languages for the prices. American International Translators is another. Owner is local, small business and is very responsive. Really useful for last minute request. Language USA is responsive and work well with longer projects. Able to translate PDF's.
- Interpretation: AIT is a good local vendors, helped with getting equipment to a location. Simultaneous interpretation if you can get equipment to public. For consecutive, meetings are longer.
- Burmese is really hard to translate. You need to have a Burmese font downloaded on keyboard. If you have a translation need always send in a PDF because word format will change the translation. Ask community organization who have an interpreter available to review. For surveys, have interpreter input the survey directly onto website to avoid issues with cut and paste.

Community Conversation Q2: How is Capital Metro currently communicating with the people you work with in regards to explaining access to services and communicating how to navigate the transit system?

AISD Refugee Family Support Office. Meeting with Salimah Shamsuddin on Tuesday, March 23rd at 2:30 pm.

Not sure how CapMetro is working with clients. But she gives them bus passes.

AIISD Office of Translation and Interpretation. Meeting with Jennifer Williams, Language Support Coordinator on Wednesday, March 31st at 2:00 pm.

N/A. Her department doesn't work directly with families. Kids ride free is helpful

Community Conversation Q3: Which public agencies – transit or other – do you think do a particularly good job of reaching your community? Why?

AIISD Refugee Family Support Office. Meeting with Salimah Shamsuddin on Tuesday, March 23rd at 2:30 pm.

Refugee Resettlement Services – translate all forms are in other languages, diverse staff. AIISD has website is in different languages. Language Line Solutions with 24/7 access. Teachers use it to call to parents. They are a pricey, but they are a good vendor because they are 24/7. AIISD sends text messages can be in their preferred language. School messenger is the platform used for this. But would need to have employees who can speak the language to record the message. It would be good to have some generic messaging to send out in different language like "Bus is running late" so that at least people know. Once you have tools in place, agency needs to do an employee training so everyone knows about the service and best practices. Salimah recommends training take place 8-10 times a year, include as part of new employee orientation too. Training should be for frontline and admin.

Austin Public Health Job and Community Clinics do a good job.

AIISD Office of Translation and Interpretation. Meeting with Jennifer Williams, Language Support Coordinator on Wednesday, March 31st at 2:00 pm.

The City of Austin – Houmma Garba. Who they look to when needing to provide translation in other languages than Spanish.

Community Conversation Q4: How well generally does your community read in their native language?

- Below basic
- Basic
- Intermediate
- Proficient
- Not sure

Q4 Summary Response: Respondents did not answer this question because they did not feel comfortable generalizing their community members into one question.

Community Conversation Q5: Question to Ask in CBO Conversation: How well do they read in English?
N/A

- Below basic
- Basic
- Intermediate
- Proficient
- Not sure

Q5 Summary Response: Respondents did not answer this question because they did not feel comfortable generalizing their community members into one question.

Appendix D

External Survey Results – Community-based organizations

Question 1: Organization Name

Answered	28
Skipped	0

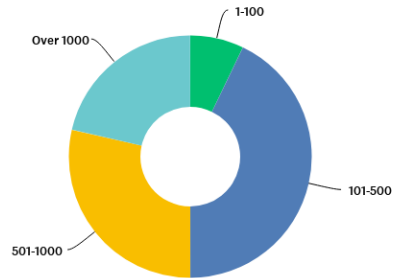
Q1 response summary: The public involvement included outreach to fifty contacts in thirty-two community-based organizations. A total of 28 respondents from eight organizations included:

- Workers Defense Project
- Austin Independent School District
- Refugee Services of Texas
- East Austin College Prep
- Caritas of Austin
- SAFE Alliance – Family Shelter
- Greater Austin Black Chamber of Commerce
- Greater Austin Asian Chamber of Commerce

Question 2: How many people were served by your organization?

Answer Choices	Responses	
1-100	7.14%	2
101-500	42.86%	12
501-1000	28.57%	8
Over 1000	21.43%	6
	Answered	28
	Skipped	0

Q2 How many people are served by your organization?

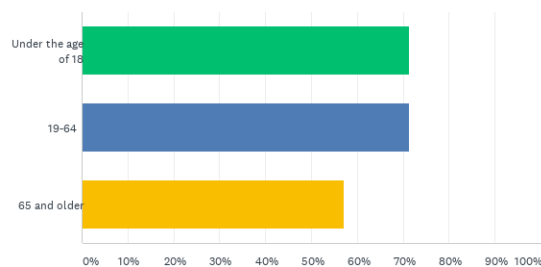


Q2 response summary: A total of twenty-eight individuals responded. Twelve organizations served 101-500 people, eight served 501-1000 people, six served over 1000 people, and two served 1-100 people.

Question 3: What age groups do you serve? (Please check all that apply)

Answer Choices	Responses	
Under the age of 18	71.43%	20
19-64	71.43%	20
65 and older	57.14%	16
	Answered	28
	Skipped	0

Q3 What age groups do you serve? (Please check all that apply)

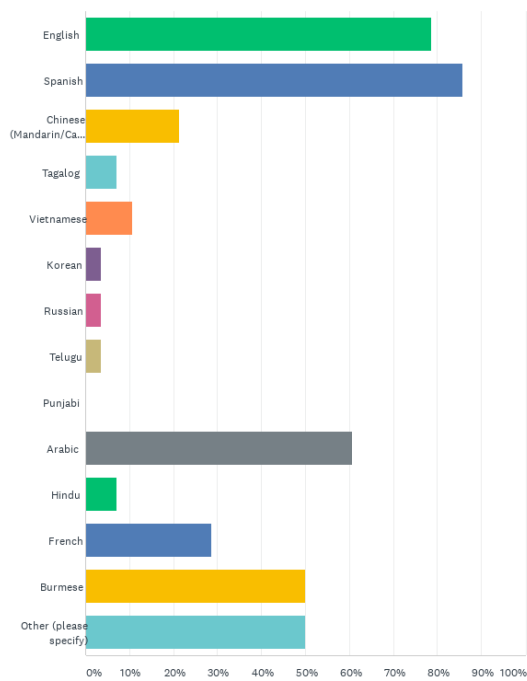


Q3 response summary: Twenty respondents listed their organization as serving youth under the age of 18, twenty respondents listed their organization as serving people aged between 19-64, and sixteen respondents listed their organization as serving people aged 65 and older.

Question 4: What are the five primary languages spoken by the population you serve?
(Please select up to 5)

Answer Choices	Responses	
English	78.57%	22
Spanish	85.71%	24
Chinese (Mandarin/Catonese)	21.43%	6
Tagalog	7.14%	2
Vietnamese	10.71%	3
Korean	3.57%	1
Russian	3.57%	1
Telugu	3.57%	1
Punjabi	0.00%	0
Arabic	60.71%	17
Hindu	7.14%	2
French	28.57%	8
Burmese	50.00%	14
Other (please specify)	50.00%	14
	Answered	28
	Skipped	0

Q4 What are the five primary languages spoken by the population you serve? (Please select up to 5)

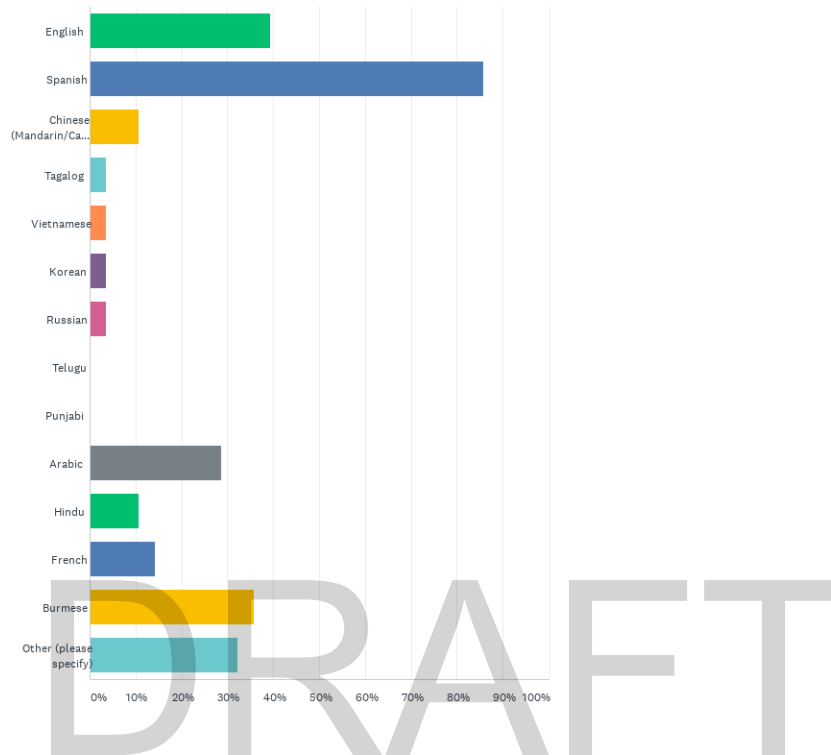


Q4 response summary: The top 5 languages spoken by the people the organizations serve are listed in the following order: Spanish (24 respondents), English (22 respondents), Arabic (17 respondents), Burmese (14 respondents), and other (14 respondents). In the other category, the languages listed included Dari, Pashto, Swahili, Kinyarwanda, Farsi, Kurdish, Persian, Urdu, Creole, American Sign Language, Tigrinya, Somali, Thai, and Yoruba. The remaining languages listed had responses ranging 0-8.

Q5: Which languages do you typically translate to provide information to your community?

Answer Choices	Responses	
English	39.29%	11
Spanish	85.71%	24
Chinese (Mandarin/Catonese)	10.71%	3
Tagalog	3.57%	1
Vietnamese	3.57%	1
Korean	3.57%	1
Russian	3.57%	1
Telugu	0.00%	0
Punjabi	0.00%	0
Arabic	28.57%	8
Hindu	10.71%	3
French	14.29%	4
Burmese	35.71%	10
Other (please specify)	32.14%	9
	Answered	28
	Skipped	0

Q5 Which languages do you typically translate to provide information to your community?

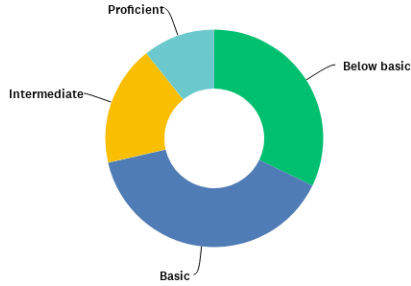


Q5 response summary: English was listed as the second highest language that information is translated into, however for the purpose of this summary, we will focus on the non-English languages. The top five languages other than English that information is translated into are Spanish (24 respondents), Burmese (10), Other (9), Arabic (8), and French (4). In the other category, the languages listed included Dari, Pashto, Swahili, and Kinyarwanda. The remaining languages had respondents from 0-3.

Question 6: How well do your clients or constituents speak English?

Answer Choices	Responses	
Below basic	32.14%	9
Basic	39.29%	11
Intermediate	17.86%	5
Proficient	10.71%	3
Not Sure	0.00%	0
	Answered	28
	Skipped	0

Q6 How well do your clients or constituents speak English?

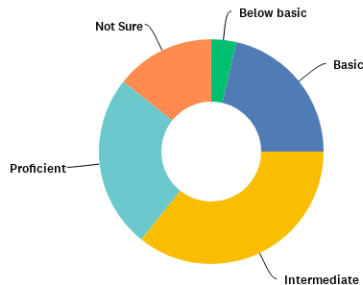


Q6 summary response: Eleven respondents said their clients or constituents speak English basic, nine said below basic, five intermediate, and three proficient.

Question 7: In general, how well does your community read in their native language?

Answer Choices	Responses	
Below basic	3.57%	1
Basic	21.43%	6
Intermediate	35.71%	10
Proficient	25.00%	7
Not Sure	14.29%	4
	Answered	28
	Skipped	0

Q7 In general, how well does your community read in their native language?

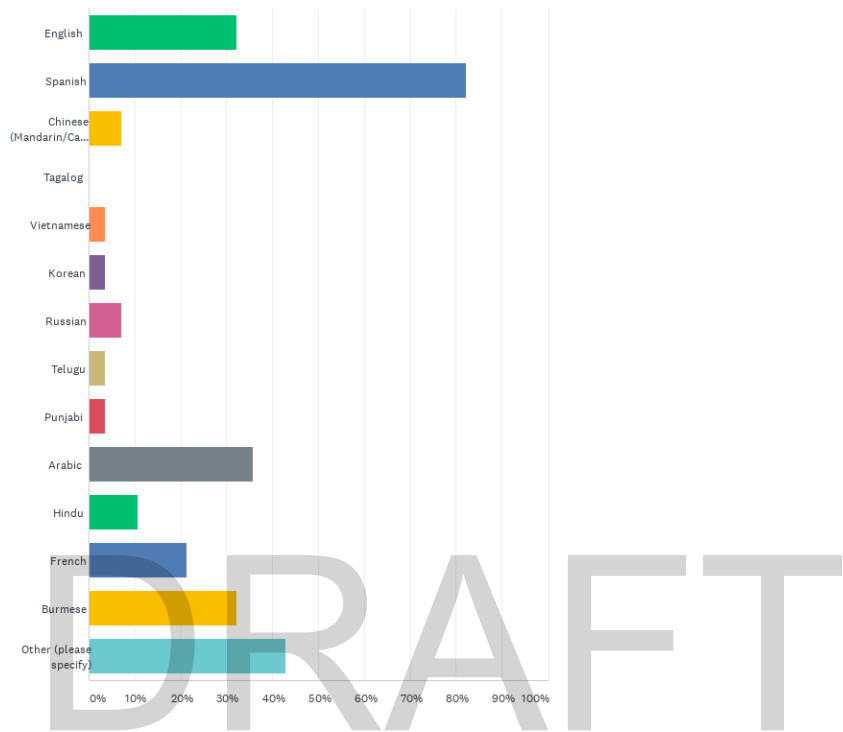


Q7 summary response: A total of 10 respondents said their community read at an intermediate level in their native language, 7 respondents said they read at a proficient level, six said below basic, four were not sure, and one said below basic.

Question 8: Which languages do you use interpreters for when hosting live or virtual events with your community?

Answer Choices	Responses	
English	32.14%	9
Spanish	82.14%	23
Chinese (Mandarin/Catonese)	7.14%	2
Tagalog	0.00%	0
Vietnamese	3.57%	1
Korean	3.57%	1
Russian	7.14%	2
Telugu	3.57%	1
Punjabi	3.57%	1
Arabic	35.71%	10
Hindu	10.71%	3
French	21.43%	6
Burmese	32.14%	9
Other (please specify)	42.86%	12
	Answered	28
	Skipped	0

Q8 Which languages do you use interpreters for when hosting live or virtual events with your community?



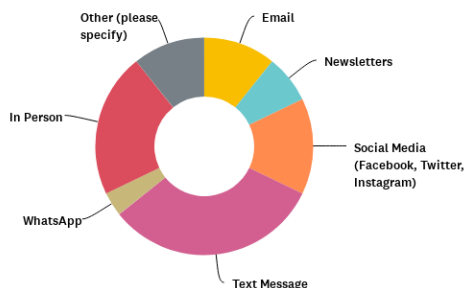
Q8 summary response: The top 5 languages community-based organizations hire interpreters for when hosting a live or virtual event with the community are listed as follows: Spanish (23 respondents), Other (12 respondents), Arabic (10 respondents), Burmese (9 respondents), French (6 respondents). English received 9 respondents but is not listed in the top five to best serve the purpose of this analysis. The languages listed in the other category include Dari, Pashto, Kinyarwanda, and Swahili.

Question 9: What is the preferred method of communication for your community?

Answer Choices	Responses	
Radio	0.00%	0
TV	0.00%	0
Email	10.71%	3
Newsletters	7.14%	2
Social Media (Facebook, Twitter, Instagram)	14.29%	4
Print Media	0.00%	0
Text Message	32.14%	9
WhatsApp	3.57%	1
In Person	21.43%	6
Other (please specify)	10.71%	3

	Answered	28
	Skipped	0

Q9 What is the preferred method of communication for your community?

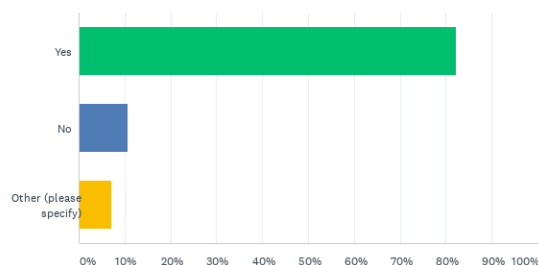


Q9 summary response: The preferred method of communication were listed in the following order: text message (9 respondents), in person (6 respondents), social media (4 respondents), other (3 respondents), newsletters (2 respondents), and WhatsApp (1 respondent). In the other category, 3 respondents listed phone calls.

Question 10: Has anyone your organization works with inquired about how to access public transportation or expressed a need for public transportation service?

Answer Choices	Responses	
Yes	82.14%	23
No	10.71%	3
Other (please specify)	7.14%	2
	Answered	28
	Skipped	0

Q10 Has anyone your organization works with inquired about how to access public transportation or expressed a need for public transportation service?

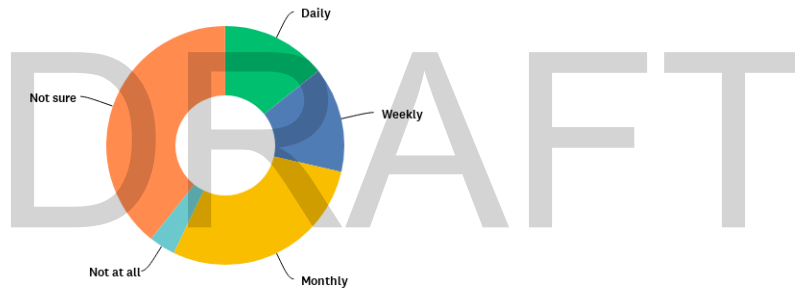


Q10 summary response: A total of 23 respondents said someone in their organization inquired about public transportation services, 3 respondents said no, and 2 respondents listed other. In the other category, respondents said they did not know.

Question 11: How often do the people your organization works with seek information about Capital Metro services or programs?

Answer Choices	Responses	
Daily	14.29%	4
Weekly	14.29%	4
Monthly	28.57%	8
Not at all	3.57%	1
Not sure	39.29%	11
	Answered	28
	Skipped	0

Q11 How often do the people your organization works with seek information about Capital Metro services or programs?

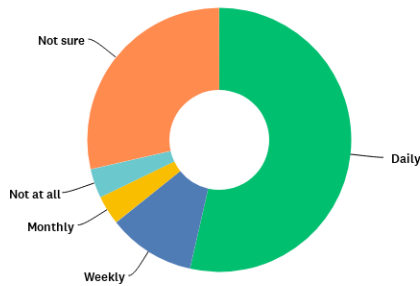


Q11 summary response: A total of 11 respondents said they were not sure how often people in their organization seek information about Capital Metro services or programs, 8 respondents said monthly, 4 respondents said daily, 4 respondents said weekly, and 1 respondent said not at all.

Question 12: How much do the people your organization works with use Capital Metro services to get around?

Answer Choices	Responses	
Daily	53.57%	15
Weekly	10.71%	3
Monthly	3.57%	1
Not at all	3.57%	1
Not sure	28.57%	8
	Answered	28
	Skipped	0

Q12 How much do the people your organization works with use Capital Metro services to get around?

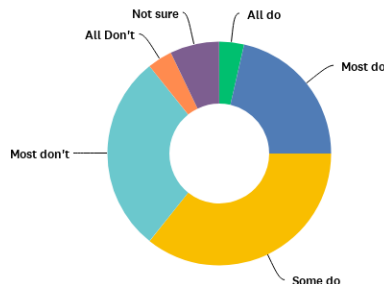


Q12 summary response: A total of 15 respondents said people in their organization use Capital Metro services to get around, 8 respondents said they were not sure, 3 respondents said weekly, 1 respondent said monthly, and 1 respondent said not at all.

Question 13: Do the people your organization works with have a vehicle available to them?

Answer Choices	Responses	
All do	3.57%	1
Most do	21.43%	6
Some do	35.71%	10
Most don't	28.57%	8
All Don't	3.57%	1
Not sure	7.14%	2
	Answered	28
	Skipped	0

Q13 Do the people your organization works with have a vehicle available to them?



Q13 summary response: A total of 10 respondents said some people in their organization have a vehicle available to them, 8 respondents said most don't, 6 respondents said most do, 2 respondents said not sure, 1 respondent said all do, and 1 respondent said all don't.

Appendix E

External Survey Results – Translated Surveys into Spanish, Hindi, Arabic, Vietnamese, Korean, and Chinese

No responses from the Mandarin, Hindi, Arabic, Korean surveys.

Question 1: Select your age group?

Q1 summary response: A total of 4 responses from individuals, 3 responded to the Spanish survey and 1 from the Vietnamese survey. All 4 respondents were between 19-64 years of age.

Question 2: What is your zip code?

Q2 summary response: 3 respondents from the Spanish translated survey were from 78748, 78750, and 78702, and the 1 respondent from the Vietnamese survey was from 78642.

Questions 3: How often do you ride Capital Metro to get around?

Q3 summary response: Each of the 3 Spanish survey respondents answered 3 different options including 6 to 7 days a week, 5 days a week, and never. The respondent from the Vietnamese survey responded 1 to 2 days a month.

Question 4: Which Capital Metro service(s) do you use? Select all that apply?

Q4 summary response: 2 of the Spanish survey respondents answered they use the bus, 1 respondent answered MetroBike. The respondent from the Vietnamese survey answered train.

Question 5: Which language(s) do you speak at home other than English?

Q5 summary response: The 3 Spanish survey respondents answered they speak Spanish at home, The Vietnamese respondent answered Vietnamese. No other languages were selected.

Question 6: How well do you speak English?

Q6 summary response: All 3 Spanish survey respondents answered they speak English very well. The Vietnamese respondent answered very well too.

Question 7: Does Capital Metro currently communicate with you in a language you know?

Q7 summary response: The 3 Spanish survey respondents answered yes, Capital Metro communicates with them in a language they know. The Vietnamese respondent answered no, Capital Metro does not communicate with them in a language they know.

Question 8: Have you heard of any of these Capital Metro Services and Programs? (Select all that apply)

Q8 summary response: The 3 Spanish survey respondents answered bus, then the following services and programs had 1 selection for the following options train, PickUp, MetroBike, CARTS, and Project Connect. The Vietnamese respondent selected all options available including bus, rail, MetroAccess, PickUp, MetroBike, MetroRideShare, CARTS, Project Connect, Transit Store, Trip-planning, Transit Adventures, and Customer Service or Go Line.

Question 9: Do you currently receive notices and news from Capital Metro?

Q9 summary response: 2 of the Spanish survey respondents said no, they do not receive notices and news from Capital Metro, 1 Spanish survey respondent said yes, they did. The Vietnamese survey respondents answered yes.

Question 10: Are these notices in English or other languages?

Q10 summary response: 2 of the Spanish survey respondents said their notices were in English, 1 skipped the question. The Vietnamese respondent responded other.

Question 11: Do you ever attend meetings sponsored by Capital Metro?

Q11 summary response: 2 of the Spanish survey respondents said yes, they did attend Capital Metro sponsored meetings and 1 Spanish survey respondent no. The Vietnamese survey respondent answered not sure.

Question 12: What is your preferred method of communication? (Please rank your top 3.)

Q12 summary response: 1 Spanish survey respondent selected email as their preferred method of communication, two Spanish survey respondents selected social media (Facebook, Twitter, and Instagram). The Vietnamese respondent selected email.

Question 13: Is there anything Capital Metro can do to communicate better with you? (Please be as specific as possible.)

Q13 summary response: There were no additional comments from any of the survey respondents to this question.

Appendix E

[Pending - To be added after ATP Board of Directors Approves Resolution]

DRAFT

ACTION ITEM 3:

Approval of a resolution electing ATP Vice Chair and appointment of Vice Chair as Board liaison to the Planning, Sustainability, Equity, and DBE Committee



Election of ATP Board Vice Chair and Appointment of Board Liaison to Planning, Sustainability, Equity, and DBE Technical Advisory Committee

SUBJECT: Approval of a resolution electing a Vice Chair to the Austin Transit Partnership Board of Directors and appointing a Board liaison to the Planning, Sustainability, Equity, and Diversity Business Enterprise Technical Advisory Committee.

FISCAL IMPACT: This item has no fiscal impact.

RESPONSIBLE DEPARTMENT: Legal

EXECUTIVE SUMMARY: The ATP Bylaws stipulate that the officers of ATP shall be the Chair, Vice Chair, Secretary, Treasurer, Executive Director, and such other officers as the Board may from time to time elect or appoint. Dr. Colette Pierce Burnette served as the Vice Chair of the Board, until she resigned her position from the ATP Board of Directors, effective June 30, 2022. Therefore, in accordance with ATP's Articles of Incorporation, a new Vice Chair must be elected or appointed.

The primary duties of the Vice Chair are to perform the duties and exercise the powers of the Chair upon the Chair's death, absence, disability, or resignation, or upon the Chair's inability to perform the duties of their office.

Dr. Burnette also served as the Board liaison to the ATP Planning, Sustainability, Equity, and Disadvantaged Business Enterprise Technical Advisory Committee, therefore a new Board liaison must also be appointed.

**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2022-008

COUNTY OF TRAVIS

**Election of ATP Board Vice Chair and
Appointment of Board Liaison to Planning,
Sustainability, Equity, and Diversity
Business Enterprise Advisory Committee**

WHEREAS, the Austin Transit Partnership (“ATP”) Articles of Incorporation adopted by the Austin City Council and the Capital Metro Board of Directors on December 18, 2020, and as amended on April 25, 2022 by the Capital Metro Board of Directors(Resolution No. AI-2022-409) and on May 5, 2022 by the Austin City Council (Resolution No. 20220505-033), state that the ATP Board shall elect or appoint Officers, including a Vice Chair, by a majority vote of Board members; and

WHEREAS, Dr. Colette Pierce Burnette served as the Vice Chair of the ATP Board of Directors until her resignation, effective June 30, 2022; and

WHEREAS, the Board desires to elect or appoint a replacement Vice Chair through December 31, 2022; and

WHEREAS, Dr. Burnette also served as the Board liaison to the ATP Planning, Sustainability, Equity, and Disadvantaged Business Enterprise Technical Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of ATP hereby elects _____ as Vice Chair of the Austin Transit Partnership Board of Directors, effective immediately, and appoints _____, or their designee, as the Board liaison to the ATP Planning, Sustainability, Equity, and Disadvantaged Business Enterprise Technical Advisory Committee, effective immediately.

Casey Burack
Secretary of the Board

Date: _____

ACTION ITEMS 4 & 5:

Approval of a resolution authorizing the negotiation and execution of an interlocal grant agreement with Capital Metro for Expo Center and Pleasant Valley MetroRapid bus projects capital funding in an amount not to exceed \$35,635,829.00

Approval of a resolution amending the ATP Fiscal Year 2022 Budget to provide funding for the Expo Center and Pleasant Valley MetroRapid bus projects in the amount of \$13,349,695.00

Operating Budget Amendment for Expo/PV

ATP FY 2022 Operating Fund Summary			
	Approved Budget	This Action	Amended Budget
Expenditures			
Transfer to Capital	266,500,000	9,163,341	275,663,341
Transfer to Anti-Displacement Investments Fund	42,000,000	-	42,000,000
Transfer for CMTA Operations	2,219,117	-	2,219,117
Operating Contingency	1,000,000	-	1,000,000
Administrative Expenses	1,052,909	-	1,052,909
Total Expenditures	312,772,026	9,163,341	321,935,367
Reserved for Future Project Commitments	9,163,341	(9,163,341)	-

- Utilizes \$9.2M in ending balance in addition to reallocating \$4.2M from the PMOR budget

Capital Budget Amendment for Expo/PV

ATP Capital Budget

Project Name	Approved Budget	This Action	Amended Budget
Light Rail	191,629,247	(4,186,353)	187,442,894
MetroRapid Expo Center	10,167,331	7,493,498	17,660,829
MetroRapid Pleasant Valley	12,118,803	5,856,196	17,974,999
Project Connect Facilities	17,612,122	-	17,612,122
MLS Rail Station (McKalla)	14,296,129	-	14,296,129
Other Project Connect Projects	27,523,583	-	27,523,583
Total	273,347,215	9,163,341	282,510,556

- Savings in FY22 due to timing of real estate purchases; \$60M budgeted



*Resolution Authorizing Negotiation and Execution of an Interlocal
Grant Agreement with Capital Metro for Expo Center and Pleasant Valley
MetroRapid Capital Funding*

SUBJECT: Approval of a resolution authorizing the negotiation and execution of an interlocal grant agreement with Capital Metro for Expo Center and Pleasant Valley MetroRapid bus projects capital funding in an amount not to exceed \$35,635,829.

FISCAL IMPACT: Funding for this item is available in the approved FY 2022 Budget.

RESPONSIBLE DEPARTMENT: Legal

EXECUTIVE SUMMARY: The ATP Board of Directors is being asked to authorize the Executive Director to negotiate and execute a grant reimbursement agreement to provide Capital Metro with funding for the Expo Center and Pleasant Valley MetroRapids bus projects in accordance with the Initial Investment and Sequencing Plan adopted by the City of Austin Contract with the Voters, Capital Metro Funding and Commitment Resolution, and the Joint Powers Agreement. Capital Metro is applying for funding from the Federal Transit Administration under the Small Starts Grant Application program for additional funding in conjunction with this funding.

**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2022-009

COUNTY OF TRAVIS

Authorization of Negotiation and Execution of an Interlocal Grant Agreement with Capital Metro for Expo Center and Pleasant Valley MetroRapid Capital Funding

WHEREAS, the Austin Transit Partnership (“ATP”) was created to finance, design, engineer, construct, implement, and to contract with Capital Metro to operate and maintain Project Connect assets, including new MetroRapids buses and supporting infrastructure, in accordance with the Initial Investment Map & Sequencing Plan approved by the City of Austin Contract with the Voters and Capital Metro Funding and Commitment Resolution; and

WHEREAS, ATP entered into a Joint Powers Agreement with the City of Austin and Capital Metro wherein Capital Metro is responsible for completing the MetroRapids projects and obtaining reimbursement from ATP; and

WHEREAS, this Interlocal Grant Agreement will provide the roles and responsibilities of each party and provide Capital Metro with funding for the completion of the Expo Center and Pleasant Valley MetroRapids projects (“MetroRapids”); and

WHEREAS, ATP and Capital Metro have agreed that ATP’s portion of the funding for the MetroRapids is \$17,974,999 for the Pleasant Valley bus line and \$17,660,830 for the Expo Center bus line for a total not to exceed \$35,635,829 (the “Interlocal Grant Agreement”); and

WHEREAS, this funding is available in ATP’s Fiscal Year 2022 budget and provided for in a companion resolution (ATP-2022-010;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ATP that the Executive Director of ATP is hereby authorized to negotiate and execute the Interlocal Grant Agreement, in an amount not to exceed \$35,635,829, substantially in accordance with the draft attached hereto as Exhibit A.

**Casey Burack
Secretary of the Board**

Date: _____

**INTERLOCAL COOPERATION GRANT AGREEMENT
BETWEEN
AUSTIN TRANSIT PARTNERSHIP AND
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY FOR
CAPITAL REIMBURSEMENT OF THE EXPO CENTER AND PLEASANT VALLEY
METRO RAPID PROJECTS OF THE PROJECT CONNECT SYSTEM PLAN**

THIS INTERLOCAL COOPERATION AGREEMENT (this "**Agreement**") is dated and entered into as of July 25, 2022 (the "**Effective Date**"), pursuant to Chapter 791 of the Texas Government Code, between AUSTIN TRANSIT PARTNERSHIP ("**ATP**") , a public nonprofit joint local government corporation formed pursuant to Chapter 431 of the Texas Transportation Code, and CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY ("**Capital Metro**"), a transportation authority and political subdivision for the State of Texas organized under Chapter 451 of the Texas Transportation Code. Each of ATP and Capital Metro are sometimes referred to herein individually as a "**Party**" and collectively, the "**Parties**". Capitalized terms used herein and not otherwise defined have the meaning given in the Joint Powers Agreement (defined below).

BACKGROUND

1. ATP was created by the City of Austin (the "**City**") and Capital Metro following the approval of a ballot measure by the voters of the City at the November 3, 2020 special election to provide dedicated funding to an independent board to oversee the implementation of the Project Connect System Plan ("**Proposition A**").
2. ATP was formed to aid and act on behalf of the City and Capital Metro to accomplish their governmental purpose, namely to implement the Project Connect System Plan ("**Project Connect**") as it is more particularly described in Capital Metro Resolution No. AI-2020-1273, City Resolution No. 20200610-02, and City Resolution No. 20200812-015 (such resolution more commonly known as the "**Contract with Voters**").
3. ATP has been designated by the City and Capital Metro to be the principal entity responsible for the financing, design, engineering, construction, and contracting with Capital Metro to operate and maintain assets funded by ATP for Project Connect in a manner independent of the City and Capital Metro.
4. Project Connect includes the addition of multiple MetroRapid bus lines; and the two which are the subject of this Agreement are known as the Expo Center and Pleasant Valley MetroRapid lines, as more particularly described as the Bus Rapid Transit ("**BRT**") projects in Capital Metro's submissions for the Federal Transit Administration ("**FTA**") Small Starts Capital Improvement Grant Applications (both singularly and collectively, "**SSGA**") (collectively, the "**MetroRapid Projects**").
5. In order to expedite the planning and design of Project Connect, Capital Metro and ATP have agreed on certain administrative and project-related services pursuant to that certain Interlocal Agreement between the Parties for Support Services and Project Implementation dated February 3, 2021 (the "**Initial Funding Agreement**").
6. Since entering into the Initial Funding Agreement, the City, Capital Metro and ATP have entered into a Joint Powers Agreement, effective December 17, 2021 (the "**Joint Powers Agreement**"), delineating the roles and responsibilities of the three parties and to confirm their commitment and support of Project Connect.

7. The Joint Powers Agreement contemplates that the parties will enter into various supplemental agreements relating to the implementation of Project Connect.
8. The Parties desire to enter into this Agreement to supersede and replace the Initial Funding Agreement specifically and solely as to any funding provisions related to the MetroRapid Projects and for the limited purposes of establishing the terms and conditions of payment by ATP and Capital Metro in order to encourage transparency and financial accountability, and to establish the terms and conditions for the reimbursement by ATP for certain capital costs incurred by Capital Metro for the planning, development, design, construction and equipping of the MetroRapid Projects. This Agreement does not affect either of the Parties' funding commitment in the Initial Funding Agreement other than those specifically identified in this Agreement.

ACCORDINGLY, in consideration of the mutual covenants and agreements set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confirmed, ATP and Capital Metro hereby enter into this Agreement and do hereby agree as follows:

Article 1

General Terms; Roles and Responsibilities; Purpose and Scope of this Agreement

Section 1.1 Defined Terms. Capitalized terms used in this Agreement and not otherwise defined have the meaning given in the Joint Powers Agreement.

Section 1.2 General Roles and Responsibilities of the Parties. The roles and responsibilities of the Parties are established in the Joint Powers Agreement and the Foundational Texts referenced in the Joint Powers Agreement.

Section 1.3 Purpose and Scope of This Agreement. This Agreement is one of multiple interlocal cooperation agreements intended to be entered between the Parties to supersede and replace the Initial Funding Agreement, in this case, specifically and solely as to the Expo Center and Pleasant Valley MetroRapid Projects as further described in this Agreement. The purpose and scope of this Agreement is to establish the terms and conditions for the payment and reimbursement of the Expo Center and Pleasant Valley MetroRapid Projects by ATP to Capital Metro as contemplated in Section 5 of the Joint Powers Agreement and as further described in this Agreement. This Agreement does not include any terms relating to other components of Project Connect or for the operation and maintenance of any Project Connect assets on completion; and the Parties acknowledge that these matters have been or will be separately addressed between the Parties in other interlocal cooperative agreements. The Parties agree that the Park and Ride and transit centers for the Expo Center and Pleasant Valley MetroRapid Projects, which are not included in the funding and reimbursement commitments of the Parties described in Article 2 and for which land acquisition costs are being finalized, shall be the subject of a separate capital reimbursement interlocal cooperation agreement between the Parties by which ATP reimburses Capital Metro for such capital costs. ATP agrees that the Park and Ride and transit centers for the Expo Center and Pleasant Valley MetroRapid Projects are necessary ancillary projects for completion of the MetroRapid Projects under the terms of the SSGA.

Section 1.4 Collaboration and Communication Between the Parties. Capital Metro and ATP agree to share any necessary financial and operating information, data, and reports to sufficiently account for the expenditure of public funds including the conditions and requirements applicable to the expenditure of the property tax revenue as authorized by the voters with the passage of Proposition A ("**Project Connect Tax Revenues**") and to support each Party's annual budgets, annual comprehensive financial reports, compliance with federal requirements under Section 3.4 of this Agreement, and ATP's issuance of debt obligations, including primary offering disclosure and continuing disclosure in accordance

with federal securities laws. Both Parties agree that their respective staff shall work to support any such request for this information, data, and reports.

Article 2

Funding and Reimbursement Commitments of the Parties

Section 2.1 Capital Metro's Funding Obligation. Capital Metro will complete the MetroRapid Projects, which are estimated to have a total development cost of \$101,240,085, as identified in the SSGA at the time of the execution of this Agreement. Capital Metro shall fund costs relating to the planning, development, design, construction and equipping of the MetroRapid Projects (collectively, the "**MetroRapid Capital Costs**") to the extent that Capital Metro receives funding by the FTA related to Capital Metro's SSGA for the MetroRapid Projects.

Section 2.2 ATP's Reimbursement Obligation. Subject to the terms and conditions set forth in this Agreement, ATP agrees to reimburse Capital Metro for the MetroRapid Capital Costs, currently projected to be \$101,240,085, subject to offset by any funding received by Capital Metro from the FTA related to Capital Metro's SSGA for the MetroRapid Projects (the "**ATP Reimbursement Obligation**"), as generally contemplated in Section 5 of the Joint Powers Agreement. For the purposes of this Agreement, the ATP Reimbursement Obligation is expected to be **\$17,660,830** for the Expo Center MetroRapid and **\$17,974,999** for the Pleasant Valley MetroRapid for a total amount not to exceed **\$35,635,829**, as further illustrated in the attached Schedule 1. The terms for the payment of the ATP Reimbursement Obligation and process for addressing additional costs incurred for the completion of the MetroRapid Projects are set forth in Article 4 hereof.

Section 2.3 Cooperation of the Parties. The Parties acknowledge their respective obligations and commitments to the Contract with Voters and the Joint Powers Agreement and their interdependence for meeting such obligations and commitments. In furtherance of the letter and spirit of the Contract with Voters and the Joint Powers Agreement, the Parties agree to cooperate in good faith to accomplish the completion of the MetroRapid Projects.

Article 3

Covenants and Obligations of Capital Metro

Section 3.1 Capital Metro General Responsibilities. Except as hereinafter provided, Capital Metro shall undertake all actions required for the procurement, design and construction of the MetroRapid Projects as more particularly described in the FTA SSGA for the MetroRapid Projects, including all required utility relocations and adjustments and including the design, construction and commissioning of all stations and facilities, unless otherwise agreed to by the Parties in writing. Capital Metro shall provide a project manager for each MetroRapid Project who will be responsible for the delivery of the project, including managing all aspects of the project and supervising and managing consultants, contractors and vendors providing services to Capital Metro for the construction of the MetroRapid Projects. Capital Metro shall comply with the FTA SSGA requirements for the MetroRapid Projects, including complying at all times with the terms of the Federal Transit Administration Master Agreement ("FTA MA") and any other documents or requirements incorporated into the applicable SSGA and otherwise with the terms of Section 3.4 of this Agreement. Capital Metro shall be fully responsible for all responsibilities as contained therein, including, but not limited to those outlined below:

- (a) ensuring that all environmental permits, issues, and commitments are addressed in its project design,

- (b) addressing field changes for potential environmental impacts and obtaining any necessary environmental permits, issues, and commitments for such field changes,
- (c) selection of consultants, construction managers, engineers, architects, surveyors, testing engineers and laboratories, inspecting engineers, geotechnical engineers and scientists, suppliers, contractors, subcontractors, vendors, insurers, and other parties retained in connection with the design or construction of the MetroRapid Projects,
- (d) commencement, sequencing and timing of design and construction activities and other work subject to the obligation to deliver the MetroRapid Projects in accordance with the milestone schedule and scheduled revenue service dates set forth in the SSGA other than any delays related to the acquisition of real property and installation of bus charging equipment for the MetroRapid Projects or any delays caused by ATP,
- (e) design of the MetroRapid Projects and all features thereof,
- (f) ensuring that all construction plans are signed, sealed and dated by a professional engineer duly licensed and registered by the Texas Board of Professional Engineers and Land Surveyors to engage in the practice of engineering in the State of Texas,
- (g) securing construction oversight and inspection, as well as materials testing, and for safety, safety inspections and any related certifications required by FTA,
- (h) quality control and quality assurance and the acceptance or rejection of work or other deliverables,
- (i) investigations and risk assessments, site safety and security,
- (j) negotiation, bidding, letting and management of contracts for the MetroRapid Projects,
- (k) resolution of any disputes under such contracts,
- (l) testing and commissioning of the MetroRapid Projects prior to commencement of revenue service,
- (m) public information requests and communications relating to the MetroRapids Projects,
- (n) complying with City of Austin utility requirements,
- (o) operational readiness of the MetroRapids Projects for revenue service, achievement of revenue operations and achievement of the levels of service committed under the SSGA, and
- (p) preparing and submitting reports to the extent required by the FTA and Project Management Plan.

Section 3.2 ATP Responsibilities. ATP shall be responsible for its reimbursement obligations under the terms and conditions of this Agreement and oversight of project controls as set forth in the Project Controls Plan. ATP will function in an advisory capacity with regard to FTA coordination or as needed on technical issues. ATP is providing oversight of the Quality process unless or until Capital Metro engages a Quality Manager that satisfies the qualifications for FTA Quality requirements as noted in the Quality Management Plan submitted to the FTA.

Section 3.3 Joint Responsibilities. Parties shall comply with, and Capital Metro cause its consultants, contractors and vendors performing services pursuant to this Agreement to comply with, all federal state and local laws, ordinances, statutes and regulations applicable to the MetroRapid Projects and the services performed pursuant to this Agreement and in effect at the time such services are performed.

Section 3.4 FTA Requirements. Capital Metro has submitted two SSGAs to FTA (one for each MetroRapid Project). With respect to each grant awarded, Capital Metro shall enter into a Project Construction Grant Agreement ("**PCGA**") for the capital funding of the relevant MetroRapid Project. Capital Metro shall comply with (and shall ensure that its consultants, contractors, and vendors comply with) the terms, conditions and requirements in the SSGA, PCGA and the FTA MA, the certifications and assurances applicable to the grant award that Capital Metro provides to the FTA, and any other documents or requirements incorporated into the SSGA or PCGA including any applicable guidance issued by the FTA. Capital Metro will be responsible for preparing and submitting reports to the extent required by FTA and the Project Management Plan ("**PMP**"). ATP will provide support to the extent set forth in the PMP. Capital Metro and ATP have developed a Document Management Plan which is included in the CCP. Capital Metro shall comply with all laws and other terms and conditions of its grant agreements.

Section 3.5 Required Program Compliance. Capital Metro hereby represents and warrants to ATP, and further covenants that all contracts entered into by Capital Metro for the planning, development, design, construction and equipping of MetroRapid Projects have, and shall at all times require compliance the following:

- (a) **Better Builder Program.** For all contracts for the performance of construction services, contractors shall comply with the Better Builder Program or similar program as required for Project Connect for all construction workers, including City of Austin hiring goals as allowed by federal law and regulations, completion of OSHA ten-hour training, workers' compensation, on-site monitoring independent of construction companies and their affiliates, and in compliance with all state, federal, and local laws.
- (b) **Disadvantaged Business Enterprise (DBE) Program.** Capital Metro shall include the Disadvantaged Business Enterprise Program (the "**DBE Program**") requirements in all procurement solicitations for future contracts for the implementation of Project Connect, and shall ensure that contractors comply with the terms and conditions of the DBE Program in accordance with 49 CFR Part 26, which are incorporated herein by this reference.
- (c) **Living Wage Program.** For all contracts for the implementation of Project Connect, contractors shall comply with the City of Austin Living Wage program or Davis-Bacon, whichever is higher, for wages and benefits for workers employed on the MetroRapid Projects.

Article 4

Payment of ATP's Reimbursement Obligation

Section 4.1 General. ATP agrees to pay or reimburse Capital Metro for the MetroRapid Projects, subject to and in accordance with the terms and conditions set forth in this Agreement.

Section 4.2 Concurrent Appropriation. Concurrent to this Agreement, ATP will make a budget appropriation for the entire ATP Reimbursement Obligation to be allocated to Fiscal Year 2022 with funds to be paid out to Capital Metro pursuant to this Agreement.

Section 4.3 [RESERVED.]

Section 4.4 [RESERVED.]

Section 4.5 Contingencies; Cost Overruns; Line-Item Reallocations. The Approved Annual MetroRapid Projects Budget shall be categorized into Expo Center MetroRapid Projects and Pleasant Valley MetroRapid Projects (the "**General Categories**") and shall be broken down into sufficient detail as to give the ATP Board a clear understanding of the MetroRapid Projects to be provided and their associated costs.

- (a) **Use of Contingency.** Each General Category shall include a reasonable contingency for the current Fiscal Year. The contingency for each General Category shall be available for the payment of cost overruns incurred for authorized MetroRapid Projects within such General Category. Capital Metro shall give prompt written notice to the ATP CFO of any actual or anticipated cost overruns, which notice shall include a general explanation of the causes of such cost overruns and efforts taken or proposed to mitigate the impact thereof, and should include a completed ATP Budget Request form. The total contingency included in the current budget should be managed in accordance with the Project Controls Plan.
- (b) **Cost Overruns and Project Governance.** For any design modifications to one or both of the MetroRapid Projects which are initiated or requested by either Party and which have the potential to or actually increase cost beyond the dollar amount included in the SSGA, including but not limited to those that cause delay or disruption in work, the Parties will work together in good faith to mitigate the impact of such cost overrun, ~~and~~ negotiate the use of contingency funding, and in the event the Parties mutually determine that the contingency funding is insufficient, the Parties may pursue an amendment to this Agreement, in accordance with Section 7.19, to increase the ATP Reimbursement Obligation.
- (c) **Line-Item Reallocations.** If the cost of approved MetroRapid Projects in any General Category exceeds the budgeted amount and available contingency therefor, the ATP CFO shall be authorized to reallocate budgeted amounts from another General Category to fund such cost overruns if the ATP CFO reasonably determines that available cost savings or contingency shall be sufficient therefor.

Section 4.6 Subordination. Capital Metro acknowledges and agrees that notwithstanding any present or future appropriation of funds by ATP to fulfill its payment obligations hereunder, all payment obligations of ATP to Capital Metro under this Agreement shall constitute unsecured contractual obligations of ATP payable from current funds, and shall be expressly subject and subordinate to any present or future pledge by ATP of its revenues securing any lien for the repayment of its public securities, credit or liquidity agreements or other debt obligations of ATP for the financing of all components or any component of Project Connect. Capital Metro agrees to deliver any additional instruments, estoppels or other assurances as may be reasonably required by ATP, any trustee, ATP investors or credit/liquidity providers to evidence timing or subordination constraints. In the event of any conflict between this Agreement and any Public Security Authorization, as defined in Section 1201.002(3) of the Texas Government Code, the Public Security Authorization shall prevail.

Section 4.7 Budget Shortfalls. ATP shall provide prompt written notice to Capital Metro of any actual or anticipated shortfalls in ATP's annual operating budget. Such notice shall specify in sufficient detail the expected impact of any such budget shortfall on the current Approved Annual MetroRapid Projects Budget. Upon the occurrence of any such event, the Parties agree to work in good faith to make any necessary amendments or modifications to the then current Approved Annual MetroRapid Projects Budget to mitigate the impact of such budget shortfall.

Section 4.8 [RESERVED.]

Section 4.9 Invoicing. The Invoicing process will depend on the financial system in use at time of expenditure by Capital Metro. Regardless of applicable process, the invoice submitted by Capital Metro shall have expenditures summarized by the MetroRapid Projects. The invoice should also include the appropriate ACH or wiring instructions (full Routing Number and last four digits of the Account Number).

- (a) ***While MicroSoft AX is in use.*** By the 15th of each month, Capital Metro shall provide to ATP a detailed list of the transactions from the prior month for which it is requesting reimbursement. ATP will review the transactions, verify that the transactions belong to ATP, and specify the accounting dimensions to which the expenses should be charged. The reviewed and completed file will be returned to Capital Metro with approval to submit an invoice.
- (b) ***After MicroSoft AX is retired from use.*** By the 15th of each month, Capital Metro shall provide to ATP an invoice with supporting documentation that provides the following information for each transaction covered by the invoice:
 - (i) Payee
 - (ii) Invoice number or journal ledger number
 - (iii) Date of payment
 - (iv) Period covered by payment
 - (v) Description of service provided
 - (vi) Amount of payment
 - (vii) Related Project, if applicable

Section 4.10 Invoice Corrections. In the event the amount charged to ATP is incorrect for any reason, the adjustment may be applied to the next invoice. Capital Metro may, but is not expected nor required, to issue a supplemental invoice for the adjustment amount.

Section 4.11 Processing Payments. ATP will process payment within 30 days of receipt of a complete and accurate invoice in accordance with Chapter 2251 of the Texas Government Code (the "**Prompt Payment Act**"). ATP shall make payments to Capital Metro using electronic funds transfer.

Section 4.12 Payment Method. ATP shall make payments to Capital Metro using electronic funds transfer.

Article 5
Additional Agreements of the Parties

Section 5.1 Provisions Relating to Third-Party Agreements.

(a) ***Contractor Records and Correspondence.*** Capital Metro shall require all contractors, consultants, and vendors providing services for the MetroRapid Projects to maintain accurate books and records relating to the services performed. Upon reasonable notice, at any time upon the request of the ATP CFO or their designee, Capital Metro shall cause its contractors to provide copies of its books, records, invoices, receipts, notices, and other correspondence with ATP and Capital Metro relating to the services performed.

Section 5.2 Insurance Requirements.

(a) Before any part of the services is commenced, Capital Metro and its contractors, consultants, and vendors providing services for the MetroRapid Projects shall, at their sole cost, cause to be issued and maintained, insurance policies providing for not less than the minimum levels of insurance coverage set forth below:

(1) Commercial General Liability (CGL)

Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability

Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Contractor has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

(3) Workers’ Compensation

Workers’ Compensation Insurance providing statutory limits in accordance with the Texas Workers’ Compensation Act and/or other State or Federal law as may be applicable to the work being performed under this contract. Employer Liability Insurance with minimum limits of One Million Dollars and No/100 Dollars (\$1,000,000).

(4) Professional Liability (Errors and Omissions)

Insurance appropriate to the Contractor’s profession, with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate.

(5) Crime Liability

Coverage in an amount of not less than \$2,000,000 to insure against loss of money, securities or other property which may result from employee dishonesty, forgery or alteration, theft, disappearance and destruction, computer fraud and burglary and/or

robbery. Coverage shall be extended to include “clients’ property” coverage and shall include a loss payee in favor of the ATP.

(6) Valuable Papers

Contractor shall carry Valuable Papers Insurance in an amount sufficient to assure the restoration of any documents relating to the work of Contractor on this contract, up to \$1,000,000 per occurrence. Such coverage shall name the ATP as a loss payee as its interest may appear.

(7) Electronic Data Liability

Contractor shall carry Electronic Data Liability Insurance with limits of not less than \$2,000,000 for each occurrence and an annual aggregate of \$2,000,000 covering claims involving electronic data incidents resulting in damage to, loss of, loss of use of, corruption of, inability to access, or inability to properly manipulate electronic data.

Section 5.3 Insurance Certificates. Capital Metro shall be responsible for maintaining copies of all insurance certificates and surety bonds required from its consultants, contractors and vendors, for the time period required pursuant to the FTA grant requirements.

Section 5.4 No Agency Relationship. Nothing in this Agreement shall authorize the officers, representatives, agents or employees of either Party to bind the other Party or to make any commitments or representations on behalf of the other Party.

Article 6 **Term and Termination**

Section 6.1 Term. The term of this agreement is from the Effective Date through September 30, 2024, which may be extended up to 12 additional months upon the mutual consent of both Parties.

Section 6.2 Termination for Cause. Either Party may terminate this Agreement in whole or any individual MetroRapid Projects, for cause if the other Party has committed an Event of Default that has not been cured within the required Cure Period. In the event of termination for cause, ATP shall reimburse to Capital Metro compensation for undisputed MetroRapid Projects rendered and amounts owed.

Section 6.3 Termination by Agreement. If the Parties mutually determine that it is in the best interest of both Parties, the Parties may mutually agree, in a writing signed by both Parties, to terminate this Agreement prior to the expiration of the Term for any cause or no cause whatsoever either immediately or within an agreed timeframe.

Section 6.4 Event of Default. A Party shall not be in breach or default under the terms of this Agreement for any act, omission, or failure to perform hereunder except as expressly provided in this Section.

- a. Prior to declaring an Event of Default against another Party hereunder, a Party must first deliver written notice to such other Party's Chief Financial Officer and General Counsel, specifying the events and circumstances regarding such alleged breach and specifying any action which the notifying party desires the receiving Party to take to remedy such alleged breach ("**Default Advisory Notice**"). The receiving Party shall work in good faith with the

notifying Party to resolve the matter within a reasonable amount of time but in any event no less than sixty (60) days.

- b. If after delivering a Default Advisory Notice, the alleged breach is not resolved to the reasonable satisfaction of the notifying Party within sixty (60) days, then the notifying Party may declare an Event of Default against the receiving Party by delivering written notice thereof to the defaulting Party (a "**Default Notice**"); provided, however, that no Party shall be authorized to deliver a Default Notice unless the governing body of the notifying Party has taken official action declaring the defaulting Party to be in material breach under the terms of this Agreement in an open meeting (an "**Event of Default**") and directing staff to deliver such Default Notice to the defaulting Party. After receiving a Default Notice, the defaulting Party shall have an additional sixty (60) days to cure such Event of Default or such additional amount time as may be reasonably necessary to cure such Event of Default, but only so long as such defaulting Party is diligently seeking to cure such Event of Default the ("**Cure Period**").
- c. **Remedies.** After providing a Default Advisory Notice and Default Notice and to the extent the material breach is not resolved during the Cure Period in accordance with this Article 6:
 - (1) Capital Metro agrees that ATP may suspend payments to Capital Metro under this Agreement if Capital Metro has materially breached, failed to comply with, or violated the terms of its respective Small Starts Grant Agreements for the Metro Rapid Projects until such time as such breach, failure, or violation has been cured to the satisfaction of the FTA. ATP's rights under this Section 6.4(c) are without prejudice to its right to terminate and other remedies under this Agreement and at law.
 - (2) Capital Metro reserves its right to pursue ATP for failure to reimburse Capital Metro under this Agreement if ATP has materially breached, failed to comply with, or violated the terms of this Agreement in addition to any other remedies under this Agreement and at law.

Section 6.4 Material Breach. The Parties agree that a breach, failure, or violation by Capital Metro with respect to the SSGA, the FTA MA and all other federal requirements set out under this Article 3 or otherwise under a grant agreement which cannot be cured and jeopardizes the delivery of the MetroRapids Project under the SSGA will be deemed a material breach for the purposes of Article 6 of this Agreement. Third-party delays such as with City of Austin zoning, platting and permitting, eminent domain process, and Chapter 26 processes shall not be considered a material breach for purposes of Article 6 of this Agreement. The MetroRapid Projects schedule and any related contingency is identified in the SSGA. Capital Metro shall provide immediate written notice to ATP: (a) if any change in circumstances or event adversely affects Capital Metro's ability to carry out its obligations under the SSGA, FTA MA or any other grant agreement; or (b) it receives notice from the FTA of a breach, failure, or violation under the SSGA, FTA MA, or any other grant agreement.

Article 7 **General Provisions**

Section 7.1 Obligations Subject to Appropriation. Any payment obligations of either Party under this Agreement may be subject to appropriation from year to year in accordance with State law. The Parties further acknowledge and agree, notwithstanding anything else in this Agreement to the contrary, that ATP's obligation with respect to the MetroRapids Projects reimbursement compensation is subject to, and governed by, Article 11, Section 5 of the Texas Constitution and must be paid only out of ATP's current

revenues or any other funds lawfully available therefore (and appropriated for such purpose) in accordance with Article 11, Section 5 of the Texas Constitution. ATP must make the described payments from current revenues available to ATP. Neither Party will be entitled to a refund of amounts previously contributed or owed in the event of a termination of this Agreement for lack of funding.

Section 7.2 No Violation of Prevailing Law. Neither Party shall be required to perform any act or refrain from performing any act under this Agreement if that performance or non-performance would constitute a violation of the constitution or laws of the State of Texas or federal law or regulation.

Section 7.3 Governmental Purpose Statement. ATP is entering into this Agreement in its capacity as a public, nonprofit local government corporation organized by the City and Capital Metro to accomplish the governmental purposes of the City and Capital Metro pursuant to Chapter 431 of the Texas Transportation Code, as amended and in accordance with ATP's articles of incorporation. Capital Metro is entering into this Agreement in its capacity as a transportation authority and political subdivision for the State of Texas organized under Chapter 451 of the Texas Transportation Code, as amended.

Section 7.4 Audit and Inspection Rights. Upon reasonable prior written notice, ATP shall have the right to review and inspect all data and work relevant to the expenses billed to ATP by Capital Metro. ATP shall have the right, at its cost and expense, to have the books and records of Capital Metro related to this Agreement:

- (a) reviewed by ATP from time to time during the Term; and
- (b) audited by a nationally or regionally recognized independent certified public accountant, under appropriate confidentiality provisions, for the purpose of verifying the accuracy of all fees and cost calculations under this Agreement; provided, that any such audit shall be conducted no more than once per budget year (a "budget year" being defined as October 1 through September 30) and shall be conducted, in each case, upon at least 30 days' advance written notice; provided further, that no review or audit shall be conducted outside of normal business hours or in a manner that interferes unreasonably with Capital Metro's business.
 1. The results of any such audit by the independent certified public accountant shall be reduced to writing and delivered to each Party. Any underpayment or overbilling determined by ATP pursuant to the review referenced in clause (a) above shall, upon the agreement of Capital Metro (or if there is a dispute, then upon resolution of such dispute pursuant to Section 7.11, promptly be paid by ATP or refunded by Capital Metro, as applicable. Any underpayment or overbilling determined by independent certified public accounting firm pursuant to the audit referenced in clause (b) above shall, upon the agreement of ATP and Capital Metro (or if there is a dispute, then upon resolution of such dispute pursuant to Section 7.11, promptly be paid by ATP or refunded by Capital Metro, as applicable. The Parties shall retain all records created or maintained under this Agreement for a period of three years after final payment on this Agreement or until all audit and litigation matters that the Parties have brought to the attention of the other Party are resolved, whichever is longer.

Section 7.6 Records Retention. Capital Metro shall manage all files pertaining to the MetroRapid Projects regardless of the format in accordance with its Records Retention Schedule and applicable FTA requirements. At a minimum, Capital Metro shall maintain records required under the terms of this Agreement in accordance with 49 CFR 18.36(i), which requires project-related documents to be retained for 3 years following project completion.

Section 7.7 Ownership of Work Product. Capital Metro contracted with third-party vendors for the MetroRapid Projects for Project Connect and will be reimbursed by ATP through the invoicing process outlined in this Agreement. Ownership of the assets will reside with Capital Metro; and Capital Metro will operate and maintain these assets in accordance with a separate agreement to be executed subsequently with ATP. Such ownership does not create a gift of public funds because this Agreement is entered into in furtherance of, and for the fulfillment of, the purpose for which ATP was created, namely, to deliver Project Connect.

Section 7.8 Limitation on Liability. To the extent allowed by Texas law, the Parties agree that each Party is responsible for its own proportionate share of any liability for the negligent or grossly negligent acts or omissions of its employees, agents, contractors or subcontractors arising out of, connected with, or as a consequence of its performance under this Agreement. **THE PARTIES ACKNOWLEDGE AND AGREE THAT THE AGGREGATE LIABILITY OF THE PARTIES FOR ANY CLAIMS ARISING UNDER THIS AGREEMENT SHALL BE LIMITED TO THE AGGREGATE AMOUNT OF REIMBURSEMENT COSTS ACTUALLY OWED. FURTHERMORE, NEITHER PARTY SHALL BE LIABLE FOR PUNITIVE, CONSEQUENTIAL, INCIDENTAL, OR SPECIAL DAMAGES IN ANY FORM OR AMOUNT TO THE OTHER PARTY FOR CLAIMS ARISING UNDER THIS AGREEMENT.**

Section 7.9 Effect on Other Agreements. Subject to the provisions of Section 7.15, neither Party shall be justified or otherwise permitted, by virtue of an Event of Default of the other Party hereunder, to withhold performance, or suspend performance of its obligations or responsibilities under this Agreement or any other agreement between the Parties, including without limitation, the Joint Powers Agreement.

Section 7.10 No Waiver of Sovereign Immunity. Neither Party waives or releases its rights and privileges, if any, it may have in any proceeding before any court or tribunal in any jurisdiction to assert the affirmative defense of sovereign immunity based upon their status as a governmental entity with respect to the adjudication of any claim arising or relating to this Agreement, including but limited to any breach of this Agreement.

Section 7.11 Resolution of Disputes. Upon request of either Party, an informal attempt shall be made to negotiate a resolution of any dispute arising under this Agreement. Such request shall be in writing and shall seek a meeting between representatives of each Party within 14 calendar days after receipt of the request or such later period as agreed by the Parties. Each Party shall provide for the meeting, at a minimum, one senior level individual with decision-making authority regarding the dispute. The purpose of this and any subsequent meeting is to attempt in good faith to negotiate a resolution of the dispute. If, within 30 calendar days after such meeting, the Parties have not succeeded in negotiating a resolution of the dispute, they shall proceed directly to mediation as described below. Informal negotiation may be waived by a written agreement signed by both Parties, in which event the Parties shall proceed directly to mediation as described below.

- a. The mediation shall take place in Austin, Travis County, Texas. The Parties shall select a mediator within 30 calendar days of the written waiver, or within sixty 60 calendar days of the informal negotiation meeting. The Parties agree to act in good faith in the selection of the mediator and to give consideration to qualified individuals nominated to act as mediator. Nothing in this Agreement prevents the Parties from relying on the skills of a person who is trained in the subject matter of the dispute. If the time period for selecting the mediator has expired with no agreement on the mediator, the mediator shall be selected by the Travis County Dispute Resolution Center (DRC). The Parties agree to participate in mediation in good faith for up to 30 calendar days from the date of the first mediation session. The Parties will share the costs of mediation equally.

- b. Nothing in this Section 7.11 shall limit either Party's right to terminate this Agreement for cause; provided, however, this Section 7.11 shall survive termination of this Agreement.

Section 7.12 Waiver of Attorneys' Fees. The Parties do hereby knowingly and intentionally waive their rights to attorney's fees under §271.153, Texas Local Government Code, in any administrative proceeding, alternative dispute resolution proceeding, or litigation arising out of or connected to this Agreement.

Section 7.13 Notices. Any notice, demand, statement, request or consent made hereunder shall be in writing and may be personally served or sent by mail or courier service and shall be deemed to have been given when delivered by mail or by courier service to the addresses set forth below. Notices delivered by email to the Parties' designated representatives shall also be deemed to have been delivered only if receipt is expressly and personally acknowledged in writing by the recipient.

- a. **ATP Address.** The address of ATP for all purposes under this Agreement and for all notices:

Diane Siler (or their successor)
Interim Chief Financial Officer
203 Colorado Street
Austin, Texas 78701
Email: Diane.Siler@atptx.org

With additional copy to:

Casey Burack (or their successor)
General Counsel and Chief Administrative Officer
203 Colorado Street
Austin, Texas 78701
Email: Casey.Burack@atptx.org

- b. **Capital Metro Address.** The address of Capital Metro for all purposes under this Agreement and for all notices:

Catherine Walker (or their successor)
Chief Financial Officer
2910 E. 5th Street
Austin, Texas 78702
Email: Catherine.Walker@capmetro.org

With additional copy to:

Vickie Leady (or their successor)
Chief Counsel
2910 E. 5th Street
Austin, Texas 78702
Email: Vickie.Leady@capmetro.org

- c. **Change of Address.** Each Party may change the address for notice to it by giving written notice of the change. Any change of address by a Party, including a change in the Party's authorized representative, must be reported to the other Parties within twenty (20) days of the change.

Section 7.14 Waiver. Any claim or right arising out of a breach of the Agreement cannot be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or renunciation is in writing signed by the aggrieved Party. No waiver by either Party of any one or more events of default by the other Party shall operate as, or be construed to be, a permanent waiver of any rights or obligations under the Agreement, or an express or implied acceptance of any other existing or future default or defaults, whether of a similar or different character.

Section 7.15 Excusable Delay/Force Majeure. Neither Party shall be in default because of any failure to perform under the terms of this Agreement if the failure arises from causes beyond the control and without the fault of the Party. Examples of these causes are: (1) acts of God or of the public enemy, (2) acts of the state or federal government in either their sovereign or contractual capacity, (3) fires, (4) floods and/or hurricanes, (5) epidemics and/or pandemics, (6) quarantine restrictions, (7) unforeseen strikes or labor shortages, (8) freight embargoes, (9) unusually severe weather, (10) court orders (*i.e.*, those causes generally recognized under Texas law as constituting unforeseeable and impossible conditions), (11) supply chain disruptions, and (12) extended and unusual delays caused by third parties, such as the City of Austin regarding permit approvals or right-of-way agreements (“**Excusable Delay/Force Majeure Event**”). Each Party will endeavor to notify the other Party of an Excusable Delay/Force Majeure Event within 10 calendar days of the occurrence of the event. Capital Metro shall continue to receive progress payments from ATP if there is an Excusable Delay/ Force Majeure Event and Capital Metro is able to continue performing.

Section 7.16 Governing Law and Venue. This Agreement is governed by the laws of the State of Texas and all obligations under this agreement are performable in Travis County, Texas. Venue for any cause of action arising under the terms of this Agreement shall be exclusively in the federal and district courts of Travis County, Texas.

Section 7.17 Binding Effect, Successors and Assigns. This Agreement shall be binding upon and shall inure to the exclusive benefit of, Parties and their respective successors and assigns, if applicable. There are no third-party beneficiaries to this Agreement. Neither party may assign any part or all of its rights, interests or obligations under this Agreement without the prior written consent of the other Party, and any assignment made by either Party without the prior written consent of the other Party or against applicable law shall be null, void and of no force or effect.

Section 7.18 Severability. If any agreement, condition, covenant or term hereof or any application hereof should be held by a court of competent jurisdiction to be invalid, void or unenforceable, in whole or in part, all agreements, conditions, covenants and terms hereof and all applications thereof not held invalid, void or unenforceable shall continue in full force and effect and shall in no way be affected, impaired or invalidated thereby.

Section 7.19 Entire Agreement; Amendment; Controlling Language. This Agreement represents the final, entire agreement among the Parties and supersedes any and all prior commitments, agreements, representations and understandings, whether written or oral, relating to the subject matter hereof and thereof and may not be contradicted or varied by evidence of prior, contemporaneous or subsequent oral agreements or discussions of the Parties hereto. There are no unwritten oral agreements among the parties hereto. The provisions hereof may be amended or waived only by an instrument in writing signed by the Parties. To the extent that any provisions of this Agreement contradict or are not in alignment with the Joint Powers Agreement or the Contract with Voters, the language of the Joint Powers Agreement and ultimately the Contract with Voters controls.

Section 7.20 Counterparts; e-Signatures. This Agreement may be signed in as many counterparts as may be convenient or required. It shall not be necessary that the signature and acknowledgment of, or on behalf of, each party, or that the signature and acknowledgment of all persons required to bind any Party, appear on each counterpart. All counterparts shall collectively constitute a single instrument. It shall not be necessary in making proof of this Agreement to produce or account for more than a single counterpart containing the respective signatures and acknowledgment of, or on behalf of, each of the Parties hereto. Any signature and acknowledgment page to any counterpart may be detached from such counterpart without impairing the legal effect of the signatures and acknowledgments thereon and thereafter attached to another counterpart identical thereto except having attached to it additional signature and acknowledgment pages. The Parties agree that digital or facsimile signatures shall be given the same legal effect as original signatures, and the Parties hereby agree to accept delivery of digital signatures by e-mail in "pdf" form, or via DocuSign, Adobe Sign, or any similar means of digital delivery.

(Signature Page Follows)

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed as of the date first set forth above.

CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY

By: _____
Dottie Watkins
Interim President and Chief Executive Officer

Date: _____

AUSTIN TRANSIT PARTNERSHIP

By: _____
Greg Canally
Interim Executive Director

Date: _____

SCHEDULE 1

MetroRapid Line	Project Cost (not including Related Park & Ride and Transit Centers) (\$)	Requested Federal SSGA Funding by CapMetro (\$)	ATP Reimbursement to be Paid to CapMetro (\$)
Expo Center	48,516,358	30,855,528	17,660,830
Pleasant Valley	52,723,727	34,748,728	17,974,999
Total	101,240,085	65,604,256	35,635,829



*Resolution Amending the ATP FY22 Budget for Expo/Pleasant Valley
MetroRapid Capital Funding*

SUBJECT: Approval of a resolution amending the ATP Fiscal Year 2022 Budget to provide funding for the Expo Center and Pleasant Valley MetroRapid bus projects.

FISCAL IMPACT: Funding for this item is available in the approved FY2022 Budget's unappropriated reserve.

RESPONSIBLE DEPARTMENT: Project Controls

EXECUTIVE SUMMARY: The ATP Board of Directors is being asked to approve the full allocation of funding for the Expo Center and Pleasant Valley MetroRapid bus projects in Fiscal Year 2022 to support Capital Metro's Small Starts Grant Application with the Federal Transit Administration.

**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2022-010

COUNTY OF TRAVIS

**Adoption of Amendment to the ATP
FY22 Budget for Expo Center and
Pleasant Valley MetroRapids
Capital Funding**

WHEREAS, the Austin Transit Partnership (“ATP”) was created to finance, design, engineer, construct, implement, and to contract with Capital Metro to operate and maintain Project Connect assets, including new MetroRapids buses and supporting infrastructure, in accordance with the Initial Investment Map & Sequencing Plan approved by the City of Austin Contract with the Voters and Capital Metro Funding and Commitment Resolution; and

WHEREAS, ATP entered into a Joint Powers Agreement with the City of Austin and Capital Metro wherein Capital Metro is responsible for completing the MetroRapids projects and obtaining reimbursement from ATP; and

WHEREAS, ATP allocating the full capital funding for the Expo Center and Pleasant Valley MetroRapids (“MetroRapids”) will help Capital Metro secure funding from the Federal Transit Administration under their Small Starts Grant Application (“SSGA”) program; and

WHEREAS, the ATP Board of Directors desires to provide coordination and cooperation to ensure Capital Metro is successful in receiving SSGA funding; and

WHEREAS, ATP and Capital Metro have agreed that ATP’s portion of the funding for the MetroRapids is approximately \$17 million per route; and

WHEREAS, this funding is available in ATP’s Fiscal Year 2022 budget;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ATP that the ATP Fiscal Year 2022 budget is hereby amended in accordance with the budget amendment attached hereto as Exhibit A.

Casey Burack
Secretary of the Board

Date: _____

ATP FY 2022 Operating Fund Summary

	Approved Budget	This Action	Amended Budget
Balance from Prior Year	143,787,820	-	143,787,820
Revenue			
Prop A Property Tax	154,781,877	-	154,781,877
Capital Metro	23,365,670	-	23,365,670
Total Revenue	178,147,547	-	178,147,547
Expenditures			
Transfer to Capital	266,500,000	9,163,341	275,663,341
Transfer to Anti-Displacement Investments Fund	42,000,000	-	42,000,000
Transfer for CMTA Operations	2,219,117	-	2,219,117
Operating Contingency	1,000,000	-	1,000,000
Administrative Expenses	1,052,909	-	1,052,909
Total Expenditures	312,772,026	9,163,341	321,935,367
Reserved for Future Project Commitments	9,163,341	(9,163,341)	-

ATP Capital Budget

Project Name	Approved Budget	This Action	Amended Budget
Light Rail	191,629,247	(4,186,354)	187,442,893
MetroRapid Expo Center	10,167,331	7,493,499	17,660,823
MetroRapid Pleasant Valley	12,118,803	5,856,196	17,974,999
Project Connect Facilities	17,612,122	-	17,612,122
MLS Rail Station (McKalla)	14,296,129	-	14,296,129
Other Project Connect Projects	27,523,583	-	27,523,583
Total	273,347,215	9,163,341	282,510,556

ITEMS FROM THE BOARD:

UPDATE ON EXECUTIVE DIRECTOR RECRUITMENT AND HIRING PROCESS

ATP Executive Director Recruitment

April 20, 2022 Board Action:

“BE IT FURTHER RESOLVED THAT, the ATP Board Chair and Board Member Elkins, working with ATP administrative staff, shall bring back a recommendation to the ATP Board on how to pursue a search for a permanent Executive Director;”

Executive Director Recruitment Committee:

- Chair Veronica Castro de Barrera; Board Member Tony Elkins
 - ATP Staff Liaison: Casey Burack, Chief Administrative Officer

ATP ED Recruitment: Proposed Steps

1. Conduct procurement to select recruiter/search firm for Executive Director recruitment (3 quotations)
2. Schedule interviews with identified search firms and committee members inform Board of selected search firm; contract with selected firm
3. Search firm conducts informational meetings with entire ATP Board of Directors to develop recruitment candidate profile and recruitment strategy
 - including community engagement plan in accordance with JPA
4. Attract and evaluate candidates
5. Present most qualified candidates for interviews with ATP Board; continue community engagement in accordance with community engagement plan
6. Complete the Search

**AUSTIN
TRANSIT
PARTNERSHIP**

THANK YOU!