



OFFICE OF CIVIL RIGHTS

Department of Transportation
Two Capitol Hill
Providence, RI 02903

Office 401-563-4498

www.dot.ri.gov

Investigative Report TVI 21-01

I. COMPLAINTANT(S) NAME AND ADDRESS

John Flaherty
Deputy Director - Grow Smart RI
144 Westminster Street
Providence, RI 02903

Dwayne Keyes
President - South Providence
Neighborhood Association
391 Pine Street #3
Providence, RI 02903

II. RESPONDENT(S) NAME AND ADDRESS

RI Department of Transportation (RIDOT)
Two Capitol Hill
Providence, Rhode Island 02903

III. APPLICABLE LAW

Title VI of the Civil Rights Act of 1964

IV. BASIS

Race, Color, National origin

V. LEGAL THEORIES AND ELEMENTS OF PROOF FOR TITLE VI COMPLAINT

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.

RIDOT affirms its full commitment to Title VI of the Civil Rights Act of 1964, and pledges that it does not and will not exclude from participation in, deny the benefits of, or otherwise subject to discrimination any persons on the grounds of race, color, national origin (including limited English proficiency), and sex from its programs or activities, whether or not such programs and activities are federally assisted.

Title VI and regulations promulgated thereunder bar policies and practices that have a discriminatory impact.

VI. FINDINGS

Issue #1:

Complainants allege that systemic racism has played a role in the decision making for this plan that would result in a lower level and quality of transportation service for transit riders who are a majority minority population.

Analysis of Evidence:

Mass Transit Hub Infrastructure Bond (Question 6) was on the November 4, 2014 ballot in Rhode Island. This legislatively referred bond question was approved to provide enhancements and renovations to mass transit hub infrastructure throughout Rhode Island. The funds, provided to the Rhode Island Department of Transportation, will improve access to multiple intermodal sites, key transportation, healthcare, and other locations.

RIDOT hired Vanasse Hangen Brustlin, Inc. (VHB) to collect data “mapping, ridership projections, environmental review, etc.”.

Conclusion:

The Transit Hub bond was a decision made by Rhode Island state voters through a bond approval.

The Title VI evaluation and transfer analysis being conducted by VHB is not yet available. Therefore, currently, there is insufficient evidence to substantiate a Title VI violation.

Issue #2

Complainants allege that the RIDOT plan to dismantle the central bus hub in Kennedy Plaza and disperse those bus stops and transfer points among several downtown mini hubs will impose additional and unnecessary transfers, longer commute times and system confusion for thousands of riders and that many more passengers would be required to wait for buses without cover from the elements or access to an indoor terminal with public bathrooms.

Analysis of Evidence:

Respondent states RIDOT and RIPTA have been coordinating together on the project since 2014 and have been continually modifying concepts based on the needs of the transit riders, public input, and stakeholders.

The respondent further states that RIDOT's team is comprised of design consultants with expertise in mass transit projects in large urban environments across the nation. Two of our lead Project Managers are certified Project Management Professions (PMP). Input from these design teams has and will continue to be integral to the design of the Multi Hub system to make sure that the needs of the transit riders are met. The needs of transit riders and various stakeholders are and will continue to be a primary focus for the project. RIDOT's project description webpage depicts a proposed multi-hub bus plan that was developed in partnership with RIDOT, RIPTA, The Governor's office and the City of Providence (<http://www.dot.ri.gov/projects/MultiHub/index.php>).

Conclusion:

A final plan has not been identified for this project therefore there is presently no Title VI violation.

Issue #3

Complainants allege that RIDOT failed to promote full and fair participation to those who will be adversely impacted by this plan.

Analysis of Evidence:

Respondent states that the schedule for Public meetings will follow all Title VI requirements and that these hearings will start in late Spring 2021. The respondent further states that final times and venues have yet to be determined but multiple days, times, and methods of submitting questions will be available. RIDOT's responses (including potential plan changes) will be compiled and published for public review.

Respondent stated that numerous public outreach meetings have occurred over the last several years. In addition to these meetings, coordination meetings with the City of Providence and their consultant have taken place to ensure that the overall conceptual location of each new hub would work. Based on these new proposed hub locations, RIDOT and RIPTA have outlined the resulting operational changes and are currently performing a Title VI Analysis.

On July 16th, 2020, select community stakeholders were invited to view and comment on the most recent multi bus hub plan.

Conclusion:

RIDOT's public participation for this project will be starting in late Spring of 2021. Currently, there is insufficient evidence to substantiate a Title VI violation.

Issue #4

Complainants allege that the plan unnecessarily delays transportation benefits to minority and low-income populations while prioritizing improvements for more powerful economic interests.

Analysis of Evidence:

RIDOT hired Vanasse Hangen Brustlin, Inc. (VHB) to collect data "mapping, ridership projections, environmental review, etc."

Conclusion:

The transfer analysis and the Title VI evaluation is not yet available from VHB. Presently, a Title VI violation is not evident.

Issue #5

Complainants assert that there has been no meaningful outreach about the proposed changes to persons with limited English Proficiency (LEP).

Analysis of Evidence:

Respondent stated that the schedule for public meetings will follow all Title VI requirements. These hearings will start in late Spring 2021 and will be available at multiples times and days (including virtual participation), as well as multiple methods for submitting questions. RIDOT responses (including any potential plan changes) will be compiled and published for public review.

Respondent stated that two meetings were held in the summer of 2019 and twelve additional meetings were held spanning between the summer and fall of 2020, where RIDOT presented initial plans for this project.

Conclusion:

The public participation plan for this project is not yet available. RIDOT's public participation plan for this project will be starting in the Spring of 2021. No evidence exists currently to warrant a Title VI violation based on exclusion of participation.

VII. RECOMMENDATIONS

1. It is recommended that the respondent informs the public of the results of the VHB Title VI analysis and once completed, make the report available.
2. It is recommended that respondent develop a more specific public meetings calendar for this project and advertise these meetings as soon as possible, to ensure that the public at large can plan accordingly, attend and express their opinions and suggestions.
3. It is recommended that updated plans for this multi-hub project are made readily available to the public, including plans for the interim bus hub. This would eliminate any confusion regarding whether there will be cover from the elements for riders and if there will be public facilities available.

4. The above recommendations should be implemented immediately so that information is readily available, and the public has the opportunity to provide feedback.
5. Finally, due to the complaint being submitted prior to this project's public participation plan being developed and implemented, it is recommended for complainants to re-submit their complaint, should they observe any Title VI violations later in this process.



DIVISION CHIEF, PROGRAM OPERATIONS DIVISION

04/13/2021

DATE