

**STAFF REPORT FOR CALENDAR ITEM NO.: 8.4**  
**FOR THE MEETING OF: November 9, 2023**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Approve the TJPA Board Policy No. 023: Civil Rights Policy.

**SUMMARY:**

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service, or activity that receives federal assistance. Specifically, Title VI assures that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Nondiscrimination prohibitions have been further broadened and supplemented by related statutes, regulations, and executive orders.

As a recipient of both Federal Transit Administration (FTA) funds as well as Department of Homeland Security (DHS) funds, TJPA must ensure that services are provided to the public without discrimination in accordance with the following federal acts and implementing regulations:

- *Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d, et seq.*, and its implementing regulations that provide that no person shall be subjected to discrimination on the basis of **race, color, or national origin** (as referenced in the TJPA Title VI Notice to Beneficiaries).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

While TJPA’s current Title VI program (2022-2025) includes a non-discrimination policy and procedures related to Title VI protections, and Board Policy No. 004 has non-discrimination workplace protections, a policy confirming TJPA’s adherence to non-discrimination in public services associated with disability, sex, age and religion are also required by DHS. To meet these requirements, TJPA is required to develop a Civil Rights Policy, and update the current Title VI notices, forms and procedures to include these additional protections.

Once adopted, the attached Civil Rights Policy will become the basis for the Civil Rights/Title VI Notice to Beneficiaries, complaint forms (in English, Spanish and Chinese) and complaint procedures to reference the additional prohibitions. At this time, only minor changes are anticipated to these documents in order to clarify the more expansive civil rights protections.

**RECOMMENDATION:**

Staff recommends that the Board of Directors adopt TJPA Board Policy No. 023: Civil Rights Policy.

**ENCLOSURES:**

1. Resolution
2. TJPA Board Policy No. 023: Civil Rights Policy

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

**Resolution No. \_\_\_\_\_**

WHEREAS, The Transbay Joint Powers Authority (TJPA) is a joint powers agency organized and existing under the laws of the State of California to design, build and operate the Transbay Transit Center Program (Program); and

WHEREAS, As a recipient of federal funding for the Program, the TJPA must ensure that it complies with federal nondiscrimination requirements under Title VI of the Civil Rights Act of 1964, which provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance; and

WHEREAS, In addition to non-discrimination requirements under Title VI, as a recipient of federal funding with the Department of Homeland Security (DHS), the TJPA must ensure that it complies with federal civil rights laws associated with disability, sex, age and religion in the provision of services to the public; and

WHEREAS, Recipients are required to develop a policy that describes their commitment to non-discrimination in the provision of services and addresses how the public can file complaints of discrimination; and

WHEREAS, The TJPA has prepared a Civil Rights Policy, presented herewith, that states its commitment to non-discrimination based on race, color, national origin (including language), disability, sex, age and religion; and

WHEREAS, The Federal Transit Administration (FTA) and DHS require the board of directors or appropriate governing entity responsible for policy decisions to review and approve the recipient's Civil Rights Policy; now, therefore, be it

RESOLVED, That the TJPA Board of Directors approves the TJPA Board Policy No. 023: Civil Rights Policy.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting on November 9, 2023.

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Secretary, Transbay Joint Powers Authority

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# TRANSBAY JOINT POWERS AUTHORITY

Board Policy No. 023

Category: Financial Matters

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## CIVIL RIGHTS POLICY

### 1. Civil Rights Protections

The Transbay Joint Powers Authority (“TJPA”) is committed to providing its programs and service without discrimination in accordance with all of the following:

- *Title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d, et seq.*, and its implementing regulations that provide that no person shall be subjected to discrimination on the basis of **race, color, or national origin** (as referenced in the TJPA Title VI Notice to Beneficiaries).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

It is the policy of TJPA to ensure that:

- TJPA manages the Transbay Program without regard to race, color, national origin (including language), disability, sex, age, or religion.
- Any person who believes they have been discriminated against on the basis of race, color, national origin (including language), disability, sex, age, or religion by TJPA may file a Civil Rights complaint by completing and submitting the agency’s Civil Rights Complaint Form.
- TJPA will not tolerate intimidation, threats, coercion, or discrimination against any individual or group for the purpose of interfering with any right or privilege guaranteed under law or regulations, or because the individual has filed a complaint or has testified, assisted, or participated in any way in an investigation, proceeding, or hearing or has opposed any TJPA action or decision in accordance with the above federal authorities.

## 2. Filing a Complaint

If someone believes they have been unlawfully discriminated in the provision of TJPA services based on race, color, national origin (including language), disability, sex, age, or religion, they can file a complaint with TJPA by submitting the agency's Civil Rights Complaint Form to the agency, below. TJPA investigates complete complaints received no more than 180 days after the alleged incident. Complaint instructions and forms are posted on the agency website in English, Chinese and Spanish.

TJPA  
Attn: Civil Rights Complaint  
425 Mission Street, Suite 250  
San Francisco, CA 94105  
[TitleVIcomments@tjpa.org](mailto:TitleVIcomments@tjpa.org)

A person may also file a Title VI Complaint regarding discrimination based on race, color or national origin directly with the Federal Transit Administration through the Office of Civil Rights:

Federal Transit Administration  
Office of Civil Rights  
Attention: Complaint Team  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

A person may also file a civil rights complaint with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch, Mail Stop #0190  
2707 Martin Luther King, Jr. Ave., SE  
Washington, D.C. 20528  
E-mail: [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)  
Fax: 202-401-4708