



# **TITLE VI PROGRAM**

**2021-2023**

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# Complaint Procedures

This section outlines the Title VI complaint procedures related to providing programs, services and benefits. However, it does not deny the complainant the right to file formal complaints with the City of Fort Smith, Equal Employment Opportunity Commission or the Federal Transit Administration, or seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance.

## **GENERAL**

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin as noted below may file a written complaint with the City of Fort Smith, Transit Department, 6821 Jenny Lind, P.O. Box 1908, Fort Smith, AR 72902-1908. Comments, concerns or complaints may also be sent to by e-mail [transit@fortsmithar.gov](mailto:transit@fortsmithar.gov) or through website link. Complainants have the right to complain directly to the appropriate federal agency. Every effort will be made to obtain early resolution of complaints. The option of informal meeting(s) between the affected parties and the Transit Director and the Human Resources Director may be utilized for resolutions.

## **PROCEDURE**

1. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s). In cases where complainant is incapable of providing a written statement, a verbal complaint may be made. The Transit Director will interview the complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.
  - b. Include the date of the alleged act of discrimination, date when the complainants became aware of the alleged act of discrimination, or the date on which that conduct was discontinued or the latest instance of conduct.
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.
  - d. Federal law requires complaints be filed within 180 calendar days of the alleged incident.
2. Upon receipt of the complaint, the Transit Director will determine its jurisdiction, acceptability, need for additional information, as well as assign the complaint to the Human Resource Department to investigate the merit of the complaint.
3. The complainant will be provided with a written acknowledgement that Fort Smith Transit has either accepted or rejected the complaint.
4. A complaint must meet the following criteria for acceptance:
  - a. The complaint must be filed within 180 days of the alleged occurrence.

- b. The allegation must involve a covered basis such as race, color or national origin.
  - c. The allegation must involve a FST service of a federal-aid recipient, sub-recipient or contractor.
5. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
6. Once FST and Human Resources agrees to accept the complaint for investigation, the complainant will be notified in writing of such determination.
7. In cases where FST and Human Resources Department assumes the investigation of the complaint, within 90 calendar days of the acceptance of the complaint, FST staff will prepare an investigative report for review by the Transit Director and Human Resources. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
8. The investigative report and its findings will be reviewed by the Transit Director and Human Resources Director. In some cases the investigative report and findings will be reviewed by the City Attorney. The report will be modified as needed.
9. The Transit Director and Human Resources Director will make a determination on the disposition of the complaint. Dispositions will be stated as follows:
  - a. In the event FST is in noncompliance with the Title VI regulations, remedial actions will be listed.
10. Notice of the Transit Director's determination will be mailed to the complainant. Notice shall include information regarding appeal rights of complainant and instructions for initiating such an appeal. Notice of appeals are as follows:
  - a. FST will reconsider this determination if new facts come to light.
  - b. If complainant is dissatisfied with the determination and/or resolution set forth by FST, the same complaint may be submitted to the FTA for investigation. Complainant will be advised to contact the Federal Transit Administration, Office of Civil Rights, 819 Taylor St. Rm. 14A02, Fort Worth, TX 76102, or by phone (817) 978-0550.
11. A copy of the complaint and FST investigation report/letter of finding and Final Remedial Action Plan, if appropriate, will be issued to FTA within 120 days of the receipt of the complaint.
12. A summary of the complaint and its resolution will be included as part of the Title VI updates to the FTA.

**RECORD KEEPING REQUIREMENT**

The Transit Director will ensure that all records relating to FST's Title VI complaint process are maintained with department records for five (5) years.

Records will be available for compliance review audits.

# Title VI Complaint Form Fort Smith Transit (FST)

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

The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact Fort Smith Transit by calling (479) 783-6464. The completed form must be returned to Fort Smith Transit Director, P.O. Box 1908, Fort Smith, AR 72902-1908.

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

Phone Number: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Person(s) discriminated against (if someone other than complainant) – Name(s):

\_\_\_\_\_  
\_\_\_\_\_

Street Address, City, State & Zip Code of all persons (Attached additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_

Date of the Incident: \_\_\_\_\_

Which of the following best describes the reason for the alleged discrimination took place? (Circle one)

- Race
- Color
- National Origin (Limited English Proficiency)

Please describe the alleged discrimination incident. Provide the name and title of all FST employees involved if available. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

YES / NO

If so, list agency/agencies and contact information below:

Agency: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Street Address, City, State & Zip Code:

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

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Complainant

Date Received: _____
Received By: _____



## **Active Investigations, Complaints, and Lawsuits**

There are currently no active investigations, lawsuits, or complaints against FST that alleges discrimination on the basis of race, color, or national origin.

# Improving Access for People with Limited English Proficiency (LEP)

## Four Factor Analysis

Fort Smith Transit (FST), a department of the City of Fort Smith Arkansas has conducted the following analysis to address the requirements under Title VI of the Civil Rights Act of 1964, which seeks to improve access to services for persons with Limited English Proficiency (LEP). The purpose is to ensure that no person on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance from the Federal Transit Administration (FTA).

FST has conducted the following analysis using the four factors identified in the Department of Transportation (DOT) LEP guidance:

### **Factor 1: The number and proportion of LEP persons served or encountered in the eligible service population**

#### Task 1, Step 1: Examine prior experiences with LEP individuals.

FST serves a diverse community. Fort Smith is adjacent to the military base Fort Chaffee. From 1975 to 1976, Fort Chaffee was a processing center for refugees from Southeast Asia following the Vietnam War. Many of the 50,809 Asian refugees ultimately resided in the United States and some in Fort Smith. FST operators and staff interact daily with LEP persons to provide information necessary to access and navigate the system services and obtain information regarding program activities. Often times English speaking family members or friends are available to help translate individual needs and FST also employs a bilingual dispatcher who routinely assists LEP persons when needed.

#### Task 1, Step 2: Become familiar with data from the U.S. Census.

The 2015 Census data describes the languages spoken in Fort Smith, other than English, and number speaking each language as follows:

Spanish	10,100
Vietnamese	1,929
Laotian	1,582
Arabic	575
German	219
Urdu	162
Portuguese	89
Chinese	185
French	82

The most significant non-English language populations speak Spanish, Vietnamese and Laotian. More detailed information shown by census tract is available in Appendix 1.

Task 1, Step 2 A: Identify the geographic boundaries of the area that your agency serves.

FST's service area is defined by the city limits of Fort Smith. A map is available showing the boundary of FST's service area in Appendix 2.

Task 1, Step 2 B: Obtain Census data on the LEP population in your service area.

Appendix 3 contains census data on English proficiency in Fort Smith, Arkansas. The data list population by language of origin and the numbers of those speaking English *very well and less than very well*.

Task 1, Step 2 C: Analyze the data you have collected.

Non-proficiency is determined by those who speak English other than very well.

In Fort Smith, Arkansas, a total of 7,334 persons are identified with limited English proficiency.

Among the Spanish-speaking population 4,860 persons are not proficient with English.

Among the Vietnamese-speaking population 1,311 persons are not proficient with English.

Among the Laotian-speaking population 887 persons are not proficient with English.

There is a population of 276 remaining that speak languages other than English.

Of the total Fort Smith population (86,924), 8.4% are persons with limited English proficiency. The largest percentage 5.6% speaks Spanish. The second largest non-English speaking population at 2.5% speak Vietnamese and Laotian.

Task 1, Step 2D: Identify any concentrations of LEP persons in your service area.

Population concentrations identified in Step 2, C: are located within Fort Smith Transit's service area.

Task 1, Step 3: Consult state and local sources of data.

Arkansas' statistics on LEP mirror that of Fort Smith's, as seen in Appendix 4, showing the largest non-English speaking population to be Spanish and the second to be Asian and Pacific Island languages. Appendix 4.A, indicates 3,844 LEP students out 14,711 total students in twenty-six (26) Fort Smith public schools. As seen in Appendix 4.B, are 10 schools in Fort Smith containing the most significant LEP students which reside in a concentrated area near the fixed route service corridor.

- Northside
- Sunnymead
- Kimmons
- Sutton
- Spradling
- Darby
- Pike
- Tillis
- Howard
- Trusty

Task 1, Step 4: Community organizations that serve LEP persons.

FST has current associations with the University of Arkansas, Adult Education Center, and the Parker Center (a subsidiary of Fort Smith Public Schools), both of which provide service for persons speaking limited English.

Task 1, Step 4.A: Identify community organizations and obtain information.

**University of Arkansas Fort Smith (UAFS)** is a host institution and affiliate partner school in the ELS network which has more than 50 study locations around the United States and is the largest network of campus-based English language instruction centers around the world. UA Fort Smith operates the **ELS Language Center** to provide an opportunity for students not only to learn English, but to be a part of campus life from the first day they arrive in Fort Smith.

**The Parker Center** is known for its Student Achievement and Accountability (SAA) which provides a wide array of services designed to assist those students who exhibit a variety of needs. Identifying the individual needs of students provides the basis for Student Achievement and Accountability programs. Specially trained teachers, paraprofessionals, and volunteers guide students through programs and initiatives such as Title I, Parents as Teachers, Arkansas Better Chance (ABC) preschool services, Title VII Indian Education, Migrant Education, District Literacy Plan, District Math Plan, services for students experiencing homelessness, and Title III English Language Acquisition; all of these ultimately helping students achieve. SAA generally includes a number of state, local and federal programs under one umbrella. SAA has been known by many different titles through the years with funding from federal, state and local governments.

**The Adult Education Center** offers classes to adults that speak English as a second language.

**Common destinations** for LEP persons in FST's service area is not limited to residential neighborhoods but also various businesses such as hotels, restaurants, department stores, medical facilities and educational facilities.

**Common difficulties** for LEP persons include understanding specific policies beyond the basic steps of navigating the transit system. Fatigue is another recognizable trait of LEP persons which at times creates a barrier in communication while scheduling.

**Factor 2: The frequency with which LEP individuals come into contact with your programs, activities, and services**

Task 2, Step 1: Review the relevant programs, activities, and services you provide.

As identified in Task 1, LEP individuals inquire about use and are affected by the services that FST provides on a daily basis. Operational services include fixed route service, ADA paratransit service, downtown shuttle, and UAFS campus shuttles. LEP individuals also come into contact with FST by calling our dispatch center, the administrative office, and the Citizen's Action Center, as well as using the web site.

Task 2, Step 2: Review information obtained from community organizations.

UAFS and the Adult Education Center indicate daily use, especially during the Fall and Spring semesters of campus shuttle services and fixed routes.

The Adult Education Center has ELS classes throughout the year.

Spanish-speaking LEP persons ride campus shuttle service and fixed route buses throughout the community. Concentrations of Hispanic/Latino persons exist mainly in ward 1 and ward 2, Appendix 5.

Task 2, Step 3: Consult directly with LEP persons.

The approved fiscal year 2019-2020 Unified Planning Work Program (UPWP), Appendix 6, stated the Metropolitan Planning Organization will work with FST staff and passengers to develop and disseminate a survey to identify barriers as it relates to accessing the bus system. The survey revealed no communication barriers prohibiting access to transit services and information. The survey yielded a customer satisfaction rating in the ninety percentile range (90%). Appendix 6 includes the 2019-2020 UPWP transit planning activities.

**Factor 3: The importance to LEP persons of your program, activities, and services**

Task 3, Step 1: Identify your agency's most critical services.

Using public transportation is important to LEP persons. FST's most critical services are:

- Fixed Route Services
- ADA Paratransit Services
- Downtown Shuttle

If limited English is a barrier to using these services then the consequences for the individual(s) are serious, including limited access to obtain health care, education, or employment. Critical information from FST which can affect access includes:

- Route and schedule information
- Fare and payment information
- System rules
- Information about how to ride
- Public service announcements
- Safety and security announcements
- Comment and complaint forms
- Communication related to transit planning
- Information about ADA paratransit services

Task 3, Step 2: Review input from community organizations and LEP persons.

Concentrations of Hispanic/Latino riders use FST fixed routes in northern Fort Smith. Northside routes, Midland and Grand, have high concentrations of Spanish-speaking riders as shown in Appendix 2.

**Factor 4: The resources available to the recipient and costs**

Task 4, Step 1: Inventory language assistance measures currently being provided, along with associated costs.

FST has provided the following language assistance measures to date:

- Translation services from a bilingual (Spanish-speaking) driver/dispatcher when needed. The bilingual driver/dispatcher was required to pass the Bilingual Proficiency Exam.
- All messages regarding bus service, schedules and meeting are posted in Spanish/English on the interior electronic messaging sign on each bus.

The following information is currently translated into Spanish and additional information is available upon request:

- Translation of critical printed information
- Translation of critical web site information
- Translation of safety and security related announcements
- Translation of ADA paratransit information

FST maintains a software program called SDL Desktop Translator than can translate any Word document in order to translate all our pertinent information for the Spanish speaking public. In addition to translation of public information, FST also provides translations on signage inside of transit stations, shelters, and vehicles.

Finally, issues related to LEP persons are included in the training of bus operators as well as dispatch and administrative staff.

Cost of these measures has been less than \$1,500 annually.

Task 4, Step 2: Determine what, if any, additional services are needed to provide meaningful access.

No additional barriers to language services have been identified at this time.

Task 4, Step 3 Analyze your budget.

Like most public agencies, FST's budget is constrained by several factors, and staff resources are also limited causing staff to divide job tasks. FST believes it adapts well to budget constraints so as not to affect language services.

FST devotes resources in the printing and advertising/promotional budgets to LEP implementation measures. In addition, capital budget increases for signage inside of transit facilities and vehicles have been adjusted to acquire more technical methods of language delivery.

Task 4, Step 4: Consider cost effective practices for providing language services.

FST collaborates with the community organizations identified in Task 1 to provide cost effective practices. FST collaborates with these organizations to provide:

- Help with translation of printed and online information.
- Travel training
- Training assistance on transit policies and procedures
- Educational opportunities to help improve access

## **Implementation Plan**

Fort Smith Transit (FST) has adopted the following implementation plan to meet requirements under Title VI of the Civil Rights Act of 1964, which seeks to improve access to services for persons with Limited English Proficiency (LEP). The purpose is to ensure that no person 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 from the FTA.

### **Plan for Implementation**

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

Research and field work completed in the four factor analysis indicates that a large proportion of Spanish-speaking LEP persons reside in Fort Smith. Of the total Fort Smith population (86,924) 8.4% are persons with Limited English proficiency. The largest percentage 5.6% speaks Spanish. The second largest non-English speaking population at 2.5% speak Vietnamese and Laotian.

Research among bus operators and customer service staff indicate that the frequency of contact with LEP persons speaking Spanish is daily.

#### **II. Language assistance measures**

The following resources will be used to provide language assistance:

##### **a. Written language:**

- The language translation services available through Microsoft Word software
- Bilingual driver/dispatcher

##### **b. Oral language:**

- Bilingual driver/dispatcher

All phone calls from LEP persons that cannot be interpreted by a seasoned dispatcher are transferred to our bilingual driver/dispatcher.

It may be difficult for a non-bilingual bus operator to provide assistance to an LEP person who boards the vehicle and requests information. In such circumstances, the bus operator could ask if another passenger on the bus could serve as a translator, or the driver could provide the phone number for dispatch (783-6464) for translation assistance. In some instances the LEP person provides the bus operator with hand written prominent landmarks to illustrate their desired destination.

FST's interpreter must maintain his/her competency as a condition of his/her language incentive pay.

### III. Training staff

FST employees are likely to come into contact with LEP persons. These include bus operators, dispatchers, supervisors, and any other front-line employees.

Training on FST's responsibility to serve LEP persons is implemented by the following means:

- Orientation and initial training for new bus operators, and ongoing training, will include information on serving LEP persons, with retraining at least one time per year.
  - The Driver Supervisor will conduct periodic research on and implement training resources (videos, handouts, presentations, etc.) described in the DOT guidance on LEP implementation.
- Dispatchers, management and front-line employees will take part in ongoing training, with at least one training session per year on the topic of serving LEP persons.

### IV. Providing notice to LEP persons

FST incorporates a variety of methods to communicate with transit users and the public. These include printed schedule information, electronic message signs inside the vehicles and the downtown transfer station, websites, time and temperature/information line, news releases, community meetings and informational booths during community events.

FST will use the same methods to notify LEP persons of the availability of language assistance and when applicable to notify customers of the availability of translated documents.

### V. Monitoring and Updating the LEP Plan

Ongoing outreach efforts will include a process to obtain feedback on FST's language assistance efforts. Based on the feedback received, FST will make alterations necessary to improve access for LEP persons to prevent barriers for transportation.



# Fort Smith Transit Title VI Notice

The following notice is displayed in every FTS bus:



Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance (42 U.S.C. Section 2000d).

**FST is committed to practicing non-discrimination. If you believe you have been subjected to discrimination, you may file a complaint with the Transit Director**

*For more information, visit us on the web at [fortsmithar.gov](http://fortsmithar.gov) & click on Transit Services or call the Transit Director at (479) 783-6464.*

**Title VI notices are also displayed at the FST transfer station and administrative offices.**

## Minority Representation on Planning & Advisory Bodies

The following are members of the Transit Advisory Commission in 2020. Members are appointed by the Mayor.

<b>Member</b>	<b>Sex/Race/Disability</b>	<b>Term Expiration</b>
Dustin Perceful	Male/Caucasian/NA	Current Member
Dr. Kathleen Cates	Female/Caucasian/NA	Current Member
Betty McSwain	Female/Caucasian/NA	Current Member
Catlin Smithson	Female/Caucasian/NA	Current Member
Melissa Woodall	Female/ Caucasian/NA	Current Member

## **Providing Assistance and Monitoring of Subrecipients**

Fort Smith Transit does not extend FTA financial assistance to any subrecipients.

## **Construction Projects throughout Reporting Period**

FST completed construction and installation of a CNG fueling station at the FST facility located at 6821 Jenny Lind Road in Fort Smith in March 2020. No major projects are currently planned for the next three years.

## **Public Participation Statement**

Fort Smith Transit (FST) recognizes the importance of public participation and communication with all area citizens. As a method of continuity, FST utilizes the local Frontier Metropolitan Planning Organization's Public Participation Plan to fulfill FST's transportation commitment. The plan is provided in Appendix 7.

FST extends complimentary services to a number of public service agency clients in order to grant free transit access to low income and minority persons. Representatives of the same public service agencies are used as a communication liaison to assist in a more nontraditional means of engaging low income and minority populations in the planning process.

As a method of conveying the public participation plan, FST will make the plan available in English and foreign language. FST will also work with the Frontier MPO as a function of the Unified Program of Works Projects to develop and disseminate surveys to both onboard and nonusers of the transit system. The surveys will assist in obtaining useful information in the planning process from a cross section of public interest.

## **System-Wide Service Standards**

To comply with FTA regulations in adopting system-wide service standards to guard against any service design or operational decision that may have a disproportionate impact on minority or low-income populations, FST has implemented the following service standards as described in Chapter V of the FTA's Title VI Circular 4702.1A.

### **Vehicle Load Factor**

The following maximum vehicle load factor standards shall apply:

- Local Routes (Peak Hours) – 125% of seated capacity
- Local Routes (Off-Peak Hours) – 100% of seated capacity

In the event that these standards are consistently exceeded, FST will determine to either substitute a larger bus on the route or add an additional trip to the schedule in order to bring the service within the Vehicle Load Factor standard.

### **Vehicle Headway – Frequency of Service**

The frequency of bus service is consistent across all fixed routes to maintain continuity. FST has established the following headways to be maintained:

- Peak & Off-Peak Hours – 60 minutes minimum

### **On-Time Performance**

Although shortages of manpower or equipment break downs, or accidents may keep trips from operating, it is FST's goal that 85% of all trips scheduled will be operated on time.

For the purpose of this standard, on-time is defined as any arrival prior to the designated stop time and departures no later than 15 minutes after the designated stop time. FST practices consistency in all services to insure reliability.

### **Distribution of Transit Amenities**

FST receives request for shelter and benches and places the location on a waiting list. Specific requests are given priority based on several factors including ridership in the area, space available to place a shelter or bench, the estimated cost and difficulty in placing a shelter in the requested location. Also after receiving approvals from the proper city departments and the Arkansas Department of Transportation (ARDOT) for local streets designated as state highways.

The exact cost associated with placing a bus shelter or bench in a specific location depends on several factors, including right-of-way access, geographic features, the location of existing utilities, the amount of space available to lay a pad, curb cuts, sidewalks, and ADA accessibility.

Bus shelters are typically placed in location within retail businesses, high traffic land uses, schools and some residential neighborhoods. Based on the above quantitative and qualitative information review for locating bus shelter and benches, FST attempts to place a shelter or bench at bus stops that have high passenger boarding counts per day with the goal of placing shelters at bus stops with a minimum of 15 passengers per day or placing benches at bus stops with a minimum of 10 passengers per day.

### **Service Availability**

FST staff developed its fixed route network by analyzing common points of interest locations from prior demand response passenger activity. The transit department offers transportation services throughout the entire city limits, whether that is fixed route/paratransit service or demand response services outside the fixed route network. Transit staff routinely monitors demand response service activity to determine if ridership points of interest are sufficient to warrant the implementation of a fixed route. There are a number of elements overall to factor into a decision involving fixed route development such as, U.S. Census information, history of demand response ridership, points of interest and planned development, etc.

### **Vehicle Assignment**

Vehicle assignment refers to the allocation of transit vehicles to ensure that all areas covered receive the same quality of rolling stock benefits. Benefits include the vehicle age and on-board amenities.

FST buses differ primarily by length of vehicle and age. Amenities such as air conditioning and upholstery are standard. Age is the primary variable to consider in equitable vehicle assignments. At the time of this report 100% of Fort Smith Transit's operating fleet remains within its useful life. Vehicles that may have exceeded their useful life are used primarily as back-up vehicles. In order to ensure equitable distribution, each route is randomly assigned buses without regard to the vehicle age or mileage.

A sample table showing FST vehicle assignment by route and vehicle size is attached in Appendix 8. These assignments change with ridership levels, service adjustments, and available equipment.

### **Transit Security**

It is the goal of FST to provide safety measures that protect the public and FST employees against any intentional act or threat of violence or personal harm, either from a criminal or terrorist act. FST has deployed digital surveillance and recording technology on each revenue vehicle, at FST administrative offices, maintenance facility and the downtown transfer station. FST has implemented a safety and security training program for FST employees.