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Sustainable Economic Growth
& Quality of Place

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January 18, 2021 [MLK Day]

Jenny Cordero Williford, Esq.
Legal Compliance Counsel/DBE Liaison Officer
Rhode Island Public Transit Authority
705 Elmwood Avenue
Providence, RI 02907

Re: Title VI Complaint

Ms. Williford,

On behalf of Grow Smart RI and the South Providence Neighborhood Association, please accept this letter as an addendum to the Title VI complaint form herewith submitted to the Rhode Island Public Transit Authority (RIPTA). This complaint is made to RIPTA for its role in facilitating adoption of a deeply flawed and harmful plan by the Rhode Island Department of Transportation (RIDOT) to dismantle and virtually eliminate the central bus hub in downtown Providence, disproportionately and negatively impacting people of color and low income populations across Rhode Island.

Grow Smart RI is Rhode Island's statewide smart growth advocacy organization. We're a non-profit public interest group working with a broad range of partners committed to strengthening and growing Rhode Island's economy in a sustainable and equitable way. Our specialty is working with community stakeholders to integrate smart land-use, revitalization, transportation, housing and natural resource conservation policies that reflect our commitment to the three E's of Economy, Equity and Environment.

The South Providence Neighborhood Association (SPNA) is a local neighborhood group whose mission is to bring together members of the South Providence community in a way that organizes, informs and empower residents, local businesses & organizations based in the area to form meaningful and long-term partnerships. SPNA facilitates community inclusiveness, sustainability, awareness, investment, and involvement in South Providence in order to promote a safe, multicultural, diverse, vibrant neighborhood along with carefully planned social, economic, and physical development.

Both organizations are members of the RI Transit Riders group.

We understand that the objectives of Title VI of the Civil Rights Act of 1964, as set forth in FTA Circular 4702.1A are to:

1. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
2. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
3. Promote the full and fair participation of all affected populations in transportation decision making;
4. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
5. Ensure meaningful access to programs and activities by persons with limited English proficiency.

Following this sequence of events, activities and decision points that prompted this complaint, we explain in greater detail beginning on page 3 why we believe the actions of RIDOT and RIPTA fail to meet the objectives of Title VI of the Civil Rights Act of 1964.

Sequence of events that we believe resulted in a public decision adversely affecting one group of people more than another in violation of Title VI of the Civil Rights Act of 1964:

July 16, 2020 – Select community stakeholders were first presented with RIDOT’s 3rd [proposal](#) in four years for reconfiguring transit operations in Downtown Providence (previous plans also lacked public input and were scrapped following broad community opposition). Neither RIDOT nor RIPTA advertised a public hearing prior to or following the proposal’s release to gather feedback from transit riders or the general public. The proposal was shared by RIDOT beginning July 16th to select invited guests via zoom presentations. No transit stakeholder input was solicited in the scoping or formulation of the plan. And while this plan was initiated and driven by RIDOT and the Office of the Governor, we assert that the RIPTA Board of Directors had a responsibility and an obligation to its patrons to evaluate, scrutinize and vote on any proposed system changes that impact riders and to fulfill its duties in accordance with Title VI of the Civil Rights Act of 1964.

It is notable that this RIDOT plan for reconfiguring and dismantling the central bus hub in Kennedy Plaza was not put forth or vetted as part of the broader [TransitForwardRI](#) statewide transit vision and master plan developed under RIPTA’s leadership with abundant public participation. Planning for TransitForwardRI got underway in May 2018 and was adopted by the RI State Planning Council on December 10, 2020.

July 16, 2020 to present – Concerned with the negative impacts associated with the RIDOT proposal, transit advocates and community stakeholders began mobilizing in opposition to the plan. More than 1,000 people signed a [petition](#) calling on the Governor to halt it. The controversy has been well-documented in the media since that time – an inventory of articles, letters of opposition, petition, etc. can be viewed [HERE](#).

September 30, 2020 - Responding to mounting public concern, the Providence City Council Committee on Urban Redevelopment, Renewal and Planning (URRP) advertised and held a [public hearing](#) about the RIDOT Multi-Hub plan. Transit riders and others who testified at this virtual public hearing overwhelmingly expressed opposition to the plan.

October 15, 2020 – The Providence City Council unanimously approved a [Resolution](#) opposing the Multi-Hub plan citing “adverse impacts to everyday RIPTA riders including people of color, low-income communities, seniors and persons with disabilities”.

October 21, 2020 – RIPTA Board Chair Norman Benoit expressed his support of the RIDOT plan during a RIPTA Board meeting with no formal position or vote taken by the Board - [minutes](#). Rider concerns about process were reaffirmed in this *Providence Business News* [editorial](#).

November 5, 2020 – Despite overwhelming opposition and no public hearings held by RIPTA or RIDOT, the Governor held a [virtual press conference](#) with the RIDOT Director Peter Alviti, RIPTA CEO Scott Avedisian and Providence Mayor Jorge Elorza to announce that the plan was moving forward.

November 10, 2020 – RIDOT issued a design-bid-build [request for proposals](#) to implement the Multi-Hub Plan. The RFP envisions groundbreaking by August, 2021.

Despite assertions that the Multi-Hub plan will rely solely on “state” funds (not federal), we contend that both RIPTA and RIDOT remain obligated to adhere to the federal Title VI requirements before carrying out or allowing any significant changes to the transit system.

Inconsistencies of the Multi-Hub plan with Objectives of Title VI of the Civil Rights Act of 1964

Objective #1

Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin

This objective is not being met with the Multi-Hub plan. Several transit riders and community stakeholders have asserted 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. Linked [here](#) is a representative sample of minority transit riders and civic leaders expressing civil rights concerns with RIDOT’s plan to dismantle the central bus hub at Kennedy Plaza.

Objective #2

Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations

The RIDOT plan being advanced for dismantling the central bus hub in downtown Providence would disproportionately and negatively impact minority and low income populations in Rhode Island. The RIPTA Board has failed to identify and address these effects on minority and low income transit riders of its system.

According to RIPTA’s 2019 State of the System Report, a majority of RIPTA riders (53%) identify as black, indigenous and people of color (BIPOC), even though they represent just 14% of the state’s overall population per the U.S. Census. Also according to the State of the System Report, 80% of RIPTA’s existing ridership has a household income of less than \$35,000 annually and 39% have a household income of less than \$10,000 annually. The highest percentage of Rhode Islanders without access to a private vehicle live in the urban communities of Providence, Pawtucket, Central Falls, North Providence, Woonsocket, Cranston, Warwick, West Warwick and Newport. 81% of RIPTA riders do not own a vehicle.

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. In addition, many more passengers would be required to wait for buses without cover from the elements or access to an indoor terminal with public bathrooms. It is easy to understand why there has been an underlying perception that the true purpose of the RIDOT Multi-Hub plan is not to improve transit, but rather to remove buses and riders (largely BIPOC and low income) from Kennedy Plaza.

Instead of addressing disproportionately high and adverse health, environmental, social and economic effects, the RIDOT plan would actually impose a greater burden upon people of color and low income citizens of Rhode Island.

Objective #3

Promote the full and fair participation of all affected populations in transportation decision making

While we admire that all RIPTA Board meetings allow public comment, we assert that RIPTA failed to promote full and fair participation to those who will be adversely impacted by RIDOT’s deeply flawed plan.

The American Planning Association – RI Chapter submitted this [letter](#) to the Governor on November 13, 2020 stating in part “The fact that not a single bus rider was involved with scoping this project violates a professional planner’s ethical code. We are all trained to develop big, visionary plans with the input of the whole community, not just powerful economic interests. We are aware of no scoping workshops, advertised public hearings, surveys, website portals or electronic outreach of any kind to the general public”.

In addition, the letter stated “This proposal is harmful to people of color and people of lesser means. Systemic racism is what happens when we don’t examine patterns, so let’s look at the facts ...”

Objective #4

Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations

The RIDOT [plan](#) calls for completing the dismantling of the central bus hub in Kennedy Plaza and replacing it with public space infrastructure improvements by Summer 2023. This phase includes a provision for an “interim bus hub” in the city’s Innovation District to accommodate the bulk of relocated bus stops from Kennedy Plaza. The interim site is a street-bound .36- acre triangular parcel amidst a number of surface parking lots with perhaps 6 bus shelters and no apparent access to a terminal building or public bathrooms.

Figure C-1: Proposed Innovation District Interim Transit Hub



RIDOT’s RFP calls only for a 30% design of a permanent location at the conclusion of this contract. Statements by RIDOT indicate that a permanent bus hub in this vicinity may take another 4-5 years to complete. No permanent location for this hub has yet been selected and no specific timetable has been set.

We contend that this plan unnecessarily delays transportation benefits to minority and low-income populations while prioritizing improvements for more powerful economic interests.

Jenny Cordero Williford, Esq.
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Objective #5

Ensure meaningful access to programs and activities by persons with limited English proficiency (LEP)

We have seen no evidence that RIPTA or RIDOT made any effort to engage the broader public around the major changes proposed for Kennedy Plaza, much less any communication or outreach to persons with limited English proficiency (LEP).

From RIPTA's Title VI Program 2018-2021:

"According to the 2010 Census, more than 11% of LEP individuals aged 16 years and over reported use of public transit as their primary means of transportation to work, compared with about four percent of English speakers. Recent immigrants to the United States use public transit at higher rates than native-born adults"

"Most of RIPTA's services run through its central hub in Providence, which is an urban core, and which therefore contains a higher LEP population relative to more suburban and rural areas. As a result, RIPTA is mindful that its services are critical to the LEP population."

We assert that there has been no meaningful outreach about the proposed changes to persons with limited English proficiency.

Conclusion

We call upon the RIPTA Board to take action halting this deeply flawed RIDOT Multi-Hub plan and to commit to an open public process with all community stakeholders to develop alternative plans for improving the public space in Kennedy Plaza for all to enjoy, while also improving the transit experience for thousands of passengers traveling through downtown Providence.

We offer our constructive assistance in expediting such a process so that these vital improvements can be completed in a timely manner for the benefit of all.

Sincerely



John Flaherty
Deputy Director
Grow Smart RI
Justice Committee



Dwayne Keyes
President
South Providence Neighborhood Association

Cc: Margaret Griffin, Civil Rights Officer, FTA Region 1, Cambridge, MA
Peter Butler, Regional Administrator, FTA Region 1, Cambridge, MA
Scott Avedisian, CEO, Rhode Island Public Transit Authority