



Board Report

File #: 2016-0584, **File Type:** Program

Agenda Number: 40.

REVISED
EXECUTIVE MANAGEMENT COMMITTEE
OCTOBER 20, 2016

SUBJECT: TITLE VI PROGRAM UPDATE

ACTION: APPROVE ADOPTION OF TITLE VI PROGRAM UPDATE

RECOMMENDATION

ADOPT the **Title VI Program Update** presented in Attachments A and B.

ISSUE

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transportation Administration (FTA) requires transportation agencies to demonstrate their compliance with Title VI by submitting a triennial Title VI Program Update in compliance with Title 49 CFR Section 21.9(b) and with FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued October 1, 2012. The Metro Board of Directors must review and approve the Title VI Program Update prior to its submittal.

DISCUSSION

Background

Section 601 of Title VI of the Civil Rights Act of 1964 (Title VI) states the following:

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.

The Title VI Program Update consists of a report and supporting documentation that provides evidence of the equitable distribution of services; promotion of full and fair participation in public transportation decision-making without regard to race, color, or national origin, and meaningful access to transit-related programs and activities by persons with limited English proficiency. FTA reviews and concurs with the Title VI Program Update or requests additional information.

Metro's Title VI Obligations

Metro last submitted a Title VI Program Update to the FTA on September 30, 2013. On November 6, 2013, the FTA's sent Metro a Letter of Concurrence informing Metro that our Title VI Program Update, submitted on September 30, 2013, met the requirements set out in the FTA Title VI Circular, 4702.1B. Our next Title VI Program Update is due on November 15, 2016. This date conforms to the traditional three-year cycle.

Metro has completed a draft Title VI Program Update that incorporates all of the requirements set forth in the FTA Circular 4702.1B. There are ~~twelve~~ thirteen requirements under Title VI that Metro must report on:

1. The provision of notice to beneficiaries of their civil rights;
2. The existence of complaint procedures and a complaint form;
3. A list of all transit-related complaints, investigations, or lawsuits;
4. A Public Participation Plan;
5. A Language Assistance Plan;
6. Minority representation on planning and advisory committees;
7. The provision of assistance to and monitoring of subrecipients;
8. Equity evaluations relating to the site and location of facilities;
9. Service standards and system-wide service policies;
10. The collection and reporting on demographic data;
11. The requirement to monitor transit service; and
12. The requirement to evaluate service and fare changes;
13. Provide documentation of Metro's board approval on 2016 Title VI Program, once program is approved by Metro's Board of Directors

A more detailed description of these requirements can be found in the FTA Circular 4702.1B (Attachment C).

Although no substantial changes were made to the Title VI Program since the 2013 submission, Metro made the following minor updates to the Title VI Program:

1. Updated the Civil Rights Notice to Beneficiaries to include additional state protected categories;
2. Updated the list of Metro's Title VI transit-related complaints, investigations and lawsuits;
3. Updated the Public Participation Plan to include current demographic data on Metro's stakeholders, identified minimum baseline thresholds for public outreach and listed Metro's public outreach activities since October 2013;
4. Updated the Language Assistance Plan to include an updated Four Factor Analysis and initiation of a monitoring program for the Language Assistance Plan;
5. Updated the demographic data for the participants of Metro's planning and advisory committees;
6. Updated the Title VI Program due dates for Metro's subrecipients;
7. Provided information on Metro's Title VI equity evaluation for the siting of new constructed

facilities;

8. Provided Metro's current service standards and policies;
9. Provided updated demographical data on Metro's stakeholders and distribution of service;
10. Provided documentation on Metro's Board approval of Metro's service monitoring program;
11. Provided documentation of Title VI equity analyses for Metro's fare and major services changes and documentation of Metro's Board approval of the Title VI equity analyses for fare and major service changes ;
12. Will provide documentation of Metro's Board approval of the 2016 Title VI Program, once program is approved by Metro's Board of Directors

Before submitting the completed Title VI Program Update, the Metro Board of Directors must review and approve the draft program. A copy of today's meeting minutes will be submitted to the FTA as evidence of this approval.

DETERMINATION OF SAFETY IMPACT

The requested action in this report will have no direct impact on the safety of Metro's employees or customers.

FINANCIAL IMPACT

Adoption of the Title VI Program Update has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2017 Budget. Failure to submit a Title VI Program Update or to have a Title VI Program Update approved by the FTA could result in the delay, suspension or loss of federal funding.

Impact to Budget

Adoption is consistent with the implementation of service included in the adopted FY2017 Budget.

ALTERNATIVES CONSIDERED

The alternative to filing a Title VI Program Update by November 15, 2016 could have significant negative impacts to the agency. Failure to timely file a Title VI Program Update may result in the delay or suspension of federal funds, the initiation of a review or investigation by the FTA, and ultimately the loss of eligibility for federal funds.

NEXT STEPS

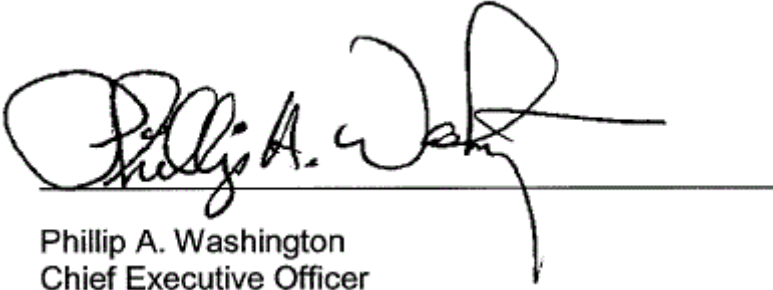
The Title VI Program Update will be submitted to the FTA no later than November 15, 2016

ATTACHMENTS

Attachment A - 2016 Draft Title VI Program Update
Attachment B - Appendices to 2016 Draft Title VI Program Update
Attachment C - FTA Circular 4702.1B

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