



**Board Report**

**File #:** 2019-0599, **File Type:** Policy

**Agenda Number:** 45.

**EXECUTIVE MANAGEMENT COMMITTEE  
OCTOBER 17, 2019**

**SUBJECT: TITLE VI PROGRAM UPDATE**

**ACTION: APPROVE RECOMMENDATION**

**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 Transit 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. FTA requires the Metro Board of Directors to review and approve the Title VI Program Update prior to its submittal.

**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."

Metro's Equity Platform takes Title VI protected groups at its core and includes additional protected groups including vulnerable populations. 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 November 17, 2016. On December 6, 2017, FTA sent Metro a Letter of Concurrence informing Metro that Metro's submitted Title VI Program Update met the requirements set out in the FTA Title VI Circular, 4702.1B. Metro's next Title VI Program Update is due on November 1, 2019.

Metro will submit a Title VI Program Update that incorporates all of the requirements set forth in the FTA Circular 4702.1B. There are twelve requirements under Title VI that Metro must report which different departments assist is compiling:

1. The notice to beneficiaries of their civil rights under Title VI; (Marketing)
2. The development of complaint procedures and a complaint form; (Civil Rights)
3. A list of all transit-related complaints, investigations, or lawsuits;(Civil Rights)
4. A Public Participation Plan; (Communications, Community Relations)
5. A Limited English Proficiency (LEP) Four-Factor Analysis and Language Assistance Plan; (Civil Rights, Executive Office of Strategic Initiatives, Marketing)
6. Report on minority representation on planning & advisory committees; (Multiple)
7. The provision of assistance to and monitoring of subrecipients; (Civil Rights)
8. Equity evaluations relating to the site and location of facilities; (Real Estate)
9. Service standards and system-wide service policies; (Service Development & Scheduling)
10. The collection and reporting on demographic data;(Executive Office of Strategic Initiatives)
11. The requirement to monitor transit service; and (Service Development & Scheduling)
12. The requirement to evaluate service and fare changes following Board adopted policies (Multiple)
13. Board approval of the Title VI Program (Civil Rights)

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 2016 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 2016;
4. Updated the Language Assistance Plan to include an updated LEP 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 date for Metro's subrecipients;
7. Provided information on Metro's Title VI equity evaluation for the sitting of new constructed facilities;
8. Provided Metro's current Board adopted service standards and policies;
9. Provided updated demographical data on Metro's stakeholders and distribution of service;

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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. Provide documentation of Metro's board approval on 2019 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 program. A copy of the Board Resolution will be submitted with the program 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 FY2020 Budget.

#### Impact to Budget

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 FY2020 Budget.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Recommendation supports strategic plan goal # 5, "Provide responsive, accountable, and trustworthy governance within the Metro organization" by adhering to civil rights requirements mandated by Title VI of the Civil Rights Act of 1964.

### **ALTERNATIVES CONSIDERED**

There is no alternative to filing a Title VI Program Update by November 1, 2019. Failure to timely file a Title VI Program Update may result in potential suspension of federal funds and ultimately the loss of eligibility for federal funds.

### **NEXT STEPS**

The Title VI Program Update will be submitted to the FTA not later than November 1, 2019.

**ATTACHMENTS**

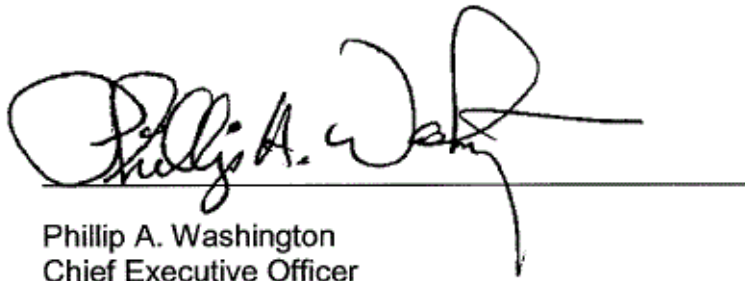
Attachment A - 2019 Draft Title VI Program Update

Attachment B - Appendix Section 2019 Title VI Program Update

Attachment C - FTA Circular 4702.1B

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