



Board Report

File #: 2022-0566, **File Type:** Motion / Motion Response

Agenda Number: 20.

**EXECUTIVE MANAGEMENT COMMITTEE
SEPTEMBER 15, 2022**

SUBJECT: APPROVE METRO'S 2022 TITLE VI PROGRAM UPDATE

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

ADOPT the 2022 Title VI Program Update (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."

Title VI sets the minimum federal requirements to prevent discrimination or benefits from being denied to federally protected groups. 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. The monitoring of service provides a means to measure and adjust for impacts and benefits to protected groups, which supports Metro's goal to ensure that impacts on marginalized groups are considered in transportation decisions and service delivery. FTA reviews and concurs with the Title VI Program Update as submitted or requests additional information.

Metro last submitted a Title VI Program Update to the FTA in October 2019. On April 7, 2020, 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 October 1, 2022.

DISCUSSION

Metro updates the Title VI Program every three years through an agency wide coordination. A Title VI Steering Committee was established in 2019 which includes representatives from all departments responsible for items with updates. The Title VI requirements are incorporated into projects, service and fare changes, Limited English Proficiency (LEP) tools, and ensures that Metro's Equity Platform is also at the forefront. The Low-Income threshold of \$59,550 aligns with all of Metro's programs and the Public Participation Plan also includes thresholds for public engagement.

Metro's Title VI Obligations for the Program Update:

Metro will submit a Title VI Program Update that incorporates all the requirements set forth in the FTA Circular 4702.1B. There are twelve requirements under Title VI that Metro must include in Board approved program:

1. The Notice to Beneficiaries of their civil rights under Title VI;
2. The development 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 Limited English Proficiency (LEP) Four-Factor Analysis and Language Assistance Plan;
6. Minority representation on planning & 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 of demographic data;
11. The requirement to monitor transit service and report results;
12. The requirement to evaluate service and fare changes following Board adopted policies;

A more detailed description of these requirements can be found in Attachment C of this report.

Although no substantial changes were made to the Title VI Program since the 2019 submission, Metro made the following updates to the Title VI Program:

- Updated the list of Metro's Title VI transit-related complaints, investigations and lawsuits;
- Updated the Public Participation Plan to include current demographic data on Metro's stakeholders, public outreach activities since October 2019, including virtual outreach efforts during the COVID stay at home mandate, and the addition of minimum baseline thresholds for public outreach to strengthen Metro's commitment to partner and engage with the public;
- Updated the Language Assistance Plan to include an updated LEP Four Factor Analysis and the initiation of a monitoring program for the Language Assistance Plan;
- Updated the demographic data for the participants of Metro's planning and advisory

committees to identify opportunities and bring different perspectives that are not yet represented in advisory bodies;

- Updated the Title VI Program due date for Metro's subrecipients;
- Provided information on Metro's Title VI equity evaluation for the siting of new constructed facilities;
- Provided Metro's current Board-adopted service standards and policies;
- Provided updated demographical data on Metro's stakeholders and distribution of service;
- Provided documentation on Metro's Board approval of Metro's service monitoring program;
- 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, and
- Documentation of Metro's board approval of the 2022 Title VI Program will be added to the FTA submission once program is approved by Metro's Board of Directors.
- A copy of the Board Resolution will be submitted with the program as evidence of this approval.

The full Title VI Update is presented in Attachments A and B.

DETERMINATION OF SAFETY IMPACT

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

EQUITY PLATFORM

Title VI sets the minimum federal requirements to prevent discrimination or benefits from being denied to federally protected groups, as previously noted. In addition, the program incorporates Metro's low-income threshold as well as the public engagement thresholds for community engagement. 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 (LEP). Metro's equity efforts go above and beyond Title VI requirements, however, the Title VI Program update focuses on the Title VI protected groups as required by the FTA Title VI Circular for compliance. The setting of Service Standards, the monitoring of service and the adoption of a Major Service Change Policy provides a means to measure and adjust for impacts and benefits to protected groups, which supports Metro's goal to ensure that impacts to marginalized groups are considered in transportation decisions and service delivery. The requirement to conduct Service and Fare Equity Analysis following Metro's Disparate Impact and Disproportionate Burden thresholds and the impact to the minority and low-income populations aligns with Metro's equity policies.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The 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.

NEXT STEPS

The Title VI Program Update will be submitted to the FTA no later than October 1, 2022.

ATTACHMENTS

Attachment A - 2022 Draft Title VI Program Update

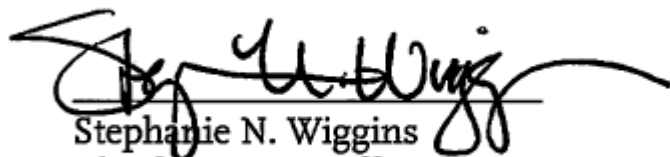
Attachment B - Appendix Section 2022 Title VI Program Update

Attachment C - FTA Circular 4702.1B

Prepared by: Aida Berry, Senior Manager, Civil Rights Programs,
(213) 922-2748

Teyanna Williams, Deputy Chief Civil Rights Officer (Interim), (213) 418-3168

Reviewed by: Nicole Englund, Chief of Staff, (213) 922-7950



Stephanie N. Wiggins
Chief Executive Officer