

Date: September 18, 2019

To: Board of Directors



From: Doug Kelsey

Subject: **RESOLUTION NO. 19-09-69 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) APPROVING THE 2019 UPDATE TO TRIMET'S TITLE VI PROGRAM AND POLICIES**

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) approve TriMet's 2019 Title VI Program Update, attached hereto as Exhibit A, for submission to the Federal Transit Administration (FTA) by October 1, 2019.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other: Approval of TriMet's 2019 Title VI Program Update

3. Reason for Board Action

TriMet must comply with Title VI regulations issued by the U.S. Department of Transportation (DOT) and the FTA. As a condition of receiving ongoing federal funds, the FTA requires each transit agency to submit an updated Title VI Program every three years. The FTA regulations require TriMet to brief its Board regarding TriMet's Title VI Program and Policies, including the results of its established service monitoring program, and obtain the Board's approval of the updated Title VI program before its submission to the FTA.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

Title VI was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The Board was extensively briefed on TriMet's 2019 update to its Title VI Program and Policies during its August 14, 2019, Board meeting.

The FTA requires each large public transit agency's governing board to approve Title VI policies and standards in regard to:

- 1) Major Service Change Policy. A “Major Service Change Policy” is a threshold for when TriMet will conduct a comprehensive analysis of potential adverse effects and disparate impacts of service changes on minority and low-income populations.
- 2) Disparate Impact and Disproportionate Burden Policies. These Policies define the measures and thresholds for determining whether a fare change or major service change will result in a “disparate impact” on minority populations or a “disproportionate burden” on low-income populations.
- 3) System-wide Service Standards and Policies. These Policies are used to determine whether transit service and amenities are distributed equitably to minority and non-minority populations. TriMet’s Title VI Program must include the results from monitoring these service standards and policies, as well as document the Board’s awareness, consideration and approval of the monitoring results.
- 4) Public Engagement Process. The transit agency must show that its Title VI Program was developed with adequate public engagement, including providing public information and receiving input from minority and low-income populations, non-English speakers and community groups.

TriMet’s proposed updates to its Title VI Program were developed through public input gathered by Transit Equity, Inclusion, and Community Affairs Department staff in partnership with community based organizations. Staff attended community meetings to present information on the Title VI program updates, and to gather feedback and insight from TriMet riders. TriMet staff surveyed non-profit and community-based agency partners that participate in the Access Transit program to obtain additional input on potential Title VI program changes. The survey was also translated into Spanish, and was distributed to various community organizations that serve Spanish-speaking populations.

In addition, information on TriMet’s Title VI program, complaint procedures, and the proposed standards and policies were made available on the TriMet’s website for public comment and review. During the course of the Title VI program update process, the Transit Equity Advisory Committee (TEAC) provided feedback and ongoing support to improve the program, policies, and public engagement process, and helped develop the Title VI program update survey.

6. Procurement Process

This Resolution does not involve a procurement process.

7. Diversity

In developing proposed changes to the Title VI Program and Policies, TriMet sought input from a wide range of TriMet riders, the public, community based organizations, and the Transit Equity Advisory Committee (TEAC).

8. Financial/Budget Impact

There is no financial impact to making the proposed 2019 updates to TriMet’s Title VI Program.

9. Impact if Not Approved

TriMet's Title VI Program is required by federal statute, and by FTA regulations as a condition of receiving federal funding. The Title VI Program and Policies must be updated every three years and submitted to the FTA. The Board's approval is required prior to TriMet's submission of the 2019 Title VI Program Update to the FTA.

RESOLUTION NO. 19-09-69

**RESOLUTION NO. 19-09-69 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) APPROVING THE
2019 UPDATE TO TRIMET'S TITLE VI PROGRAM AND POLICIES**

WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq* (the Act) and 49 CFR Part 21, the U.S. Department of Transportation (DOT) and the Federal Transit Administration (FTA) prohibit discrimination on the basis of race, color or national origin; and

WHEREAS, as a recipient of federal funds, TriMet is required to comply with the requirements of the Act and applicable implementing regulations; and

WHEREAS, pursuant to FTA regulations, TriMet is required to submit its Title VI Program to TriMet's Board of Directors (Board) for approval; and

WHEREAS, during its August 14, 2019, meeting, the Board was briefed on TriMet's updated Title VI Program and Policies, including but not limited to the major service change policy, disparate impact and disproportionate burden policies, and results of the agency's system-wide service standards and policies monitoring program, all of which are set forth in the 2019 Title VI Program Update, attached hereto as Exhibit A; and

WHEREAS, the Board has authority under ORS Chapter 267 to approve by resolution the 2019 Title VI Program Update; and

WHEREAS, after due consideration, the Board determined that TriMet's 2019 Title VI Program Update, attached hereto as Exhibit A, should be approved and submitted to the FTA;

NOW, THEREFORE, BE IT RESOLVED:

1. That TriMet's Title VI Program and Policies shall conform with applicable law.
2. That the Board hereby approves the TriMet's 2019 Title VI Program Update, attached hereto as Exhibit A, and authorizes its submission to the FTA.

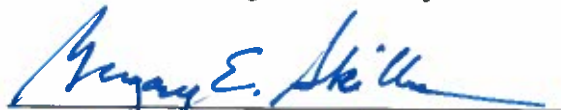
Dated: September 18, 2019

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department

