

**Date:** September 28, 2016  
**To:** Board of Directors  
**From:** Neil McFarlane *Neil McFarlane*  
**Subject:** **RESOLUTION 16-09-60 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) APPROVING THE 2016 TITLE VI PROGRAM AND POLICIES**

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**1. Purpose of Item**

The purpose of this item is to request that the TriMet Board of Directors (“Board”) adopt a resolution that approves TriMet’s Title VI Program and Policies (see attached Exhibit A) to be submitted to the Federal Transit Administration (FTA) by October 1, 2016.

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other Approval of the 2016 Title VI Program and Policies

**3. Reason for Board Action**

TriMet is required to comply with Title VI regulations issued by the U.S. Department of Transportation (DOT). Every three years, FTA requires TriMet to submit a Title VI program as a condition of receiving ongoing federal funds. FTA Circular 4702.1B requires that transit providers brief and obtain approval from the transit providers’ governing board regarding their Title VI Program and Policies, including the results of the established service monitoring program.

**4. Type of Action:**

- Resolution
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> 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. As a primary recipient of FTA funds, TriMet is required to comply with Title VI regulations issued by DOT. Every three years FTA requires TriMet to submit a new Title VI program as a condition of receiving ongoing federal funds.

## **Current Requirements**

FTA requires each large public transportation provider's governing board to approve policies and standards in regard to:

- 1) **Major Service Change Policy** – “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 Policy and Disproportionate Burden Policies** define the measures and thresholds for finding 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 System-wide Service Policies** are used to determine whether service is provided and amenities are distributed equitably to minority and non-minority populations. TriMet's Title VI Program needs to include the results from monitoring these service standards and policies as well as documentation to verify the Board's consideration, awareness and approval of the monitoring results.
- 4) **Public engagement process**
  - a. Proposed policies were developed through public input gathered by Diversity and Transit Equity Department staff in partnership with community based organizations, which hosted a series of Title VI forums to gather feedback and insight from TriMet riders. TriMet staff also surveyed non-profit and community based agency partners that participate in the Access Transit program to gather additional input on potential Title VI program changes.
  - b. Information on TriMet's Title VI program, complaint procedures, and the proposed standards and policies were also made available on the TriMet's website for public comment and review.
  - c. 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 and participate in the public Title VI community forums.

## **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 TriMet riders, the public, community based organizations, and the TEAC.

**8. Financial/Budget Impact**

There is no financial impact to making the proposed changes to the 2016 Title VI Program and Policies.

**9. Impact if Not Approved**

The 2016 Title VI Program is required by federal law and FTA as a condition of receiving federal funding. Approval by the Board is required prior to submission to the FTA. The Board could choose not to approve the 2016 Title VI Program and Policies if it is determined that it did not wish to at this time.

**RESOLUTION 16-09-60**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF OREGON (TRIMET) APPROVING THE  
2016 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 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 Circular 4702.1B, TriMet is required to submit its Title VI Program to its governing entity for approval; and

**WHEREAS**, the TriMet Board of Directors (Board) has considered and determined to approve the agency's 2016 Title VI Program and Policies as set forth in the attached Exhibit A entitled "2016 Title VI Program Update," 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 "2016 Title VI Program Update;" and

**WHEREAS**, the Board has authority under ORS Chapter 267 to approve by resolution the "2106 Title VI Program Update;"

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board hereby approves the TriMet's 2016 Title VI Program and Policies as set forth in the attached Exhibit A entitled "2016 Title VI Program Update," including but not limited to the major service change policy, disparate impact and disproportionate burden policies, results of the agency's system-wide service standards and policies monitoring program, and other program elements set forth therein.

Dated: September 28, 2016

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Presiding Officer

Attest:

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Recording Secretary

Approved as to Legal Sufficiency:

  
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Legal Department