

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

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TITLE:

Title VI Program Update

PRESENTATION SUMMARY:

Metro’s Title VI Program is being updated to meet new and enhanced requirements of the revised Federal Transit Administration (FTA) Title VI Circular, FTA C 4702.1B.

PURPOSE:

To request Board approval of the 2014 Title VI Program Update, due to FTA on October 1, 2014. Specific components requiring Board approval include results from the monitoring of Metro’s system-wide service standards and policies, the Title VI Notice to the Public, the Title VI complaint procedures and complaint summary, the Language Assistance Plan, the demographic analysis of the service area, Metro’s minority representation on planning and advisory bodies, and the Title VI equity analysis for Southern Garage. These components will be presented to the Board for approval in June 2014. The Public Participation Plan will be the final requirement and will be presented for Board approval in September 2014.

DESCRIPTION:

To demonstrate Metro is complying with Title VI requirements, FTA requires Metro to prepare and submit a Title VI Program every three years. Since Metro’s last Title VI Program submittal, FTA has issued a revised Circular 4702.1B, effective October 1, 2012. The revised Circular outlines several new and enhanced regulatory requirements, some of which Metro must address for the first time. Metro completed several major work efforts to meet regulatory requirements addressed in the Title VI Program Update, which reports on Metro’s activities from 2011 through 2013. The Title VI Program must be approved by Metro’s Board of Directors prior to submission to FTA.

Key Highlights:

- Metro’s Board has already reviewed and/or approved several Title VI components including service and fare equity analysis and Title VI definitions to evaluate service and fare equity analysis. This Title VI Program Update incorporates those components with other requirements for the Board’s approval prior to submission to FTA.

- Staff has also completed several key work efforts, including monitoring and analyzing Metro’s service delivery, which showed no discrimination against minority or low-income populations.
- Notice has been provided to the public of its rights under Title VI of the Civil Rights Act (CRA).
- Staff has provided language assistance to limited English proficient populations to ensure access to Metro’s services and information.
- Data has been collected and analyzed to determine customer demographics and travel patterns using passenger surveys.

Background and History:

Title VI of the CRA of 1964 seeks to ensure that no person in the United States shall, on the grounds 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.

In the history of Metro, the FTA has never rejected or found substantial fault with our Title VI submissions. Other transit agencies have contacted Metro to benchmark based on a suggestion from FTA.

In October 2012, the FTA released its updated Title VI Circular that presents compliance guidance and instructions for recipients of Federal financial assistance. This revision includes several new and enhanced requirements, including those requiring Board consideration, awareness, and approval of various regulatory components.

Under the new requirements established in the revised Title VI Circular, agencies must:

- Submit a Board-approved formal Public Participation Plan
- Provide the racial composition of non-elected committees and councils
- Provide a description of how the agency monitors its sub-recipients (not applicable to Metro)
- Conduct Title VI equity analysis for construction of new facilities
- Obtain Board approval of Title VI Program prior to submission to FTA

Enhanced requirements established in the revised Title VI Circular include:

- Collecting and reporting regional and ridership demographic data
- Evaluating major service changes and fare changes using Title VI definitions that have been vetted with the public and approved by the Board of Directors
 - Policies include major service change, disparate impact, and disproportionate burden.
- Board approval of Title VI equity analysis of major service changes and fare adjustments
- Setting policy for Title VI system-wide service standards and service policies for each fixed route mode
 - Defining service standards for vehicle load, vehicle headway, on time performance, and service availability

- Developing service policies for transit amenities and vehicle assignment
- Monitoring transit service
 - Securing Board approval of monitoring results

Since 2012, a Title VI working group, made up of staff and management from several departments, has been focused on the Title VI requirements. Staff has provided information in memos and presentations about the key requirements such as:

- Staff issued a memorandum to the Board presenting a schedule of specific actions that Metro would need to take in order to prepare for the 2014 Title VI submission to FTA.
- Staff presented Metro's service standards and service policies in September 2013 for Board consideration
- After a staff presentation, the Board approved Title VI definitions for service and fare equity analysis and monitoring in October 2013
- Staff issued a memorandum to the Board concerning the development of the Public Participation Plan in January 2014
- Staff provided the Board with a memorandum concerning the transit service monitoring in May 2014

Discussion:

Metro's 2014 Title VI Program Update addresses different requirements, as published in FTA C 4702.1B. Each requirement and Metro's work to comply with the requirement are described below.

Requirements Previously Approved by the Board:

Develop policy definitions for major service change, disparate impact (minority populations), and disproportionate burden (low income populations) to use when conducting equity analyses of major service changes and any fare change. Engage the public in developing these policy definitions and obtain Board approval.

Metro staff completed an intensive process to develop these policy definitions. The public informed policy definition development through meetings with community based organizations (CBOs) and an online survey. In October 2013, staff presented the proposed policy definitions to the Board, which were approved.

Evaluate service and fare changes to determine whether those changes will have a discriminatory impact on minority and low-income persons.

Of the equity analyses conducted between 2011 and 2013, only the FY2014 Metrobus Service Change service equity analysis was required to use Metro's new policies consistent with the new 2012 requirements. As mandated in FTA C 4702.1B, staff developed the service equity analysis, presented the findings to the Metro Board, and obtained Board approval in November 2013. The Board has been apprised of the Title VI results for FY2012 and FY2013 major service changes for Metrobus. The Board approved the fare equity analyses for the FY2011 and FY2013 fare adjustments.

Set system-wide service standards and policies for each specific fixed route mode of service. The required service standards are vehicle load, vehicle headway, on-time performance, and service availability. The required service policies are distribution of amenities and vehicle assignment.

Metro identified system-wide service standards and policies for its fixed route modes, Metrorail and Metrobus, to ensure the distribution of service across the transit system affords users access to the system, and that service design and operations practices do not result in discrimination against minority and low-income riders. In September 2013, the Board was briefed on these standards and policies. The Title VI Service Standards and Policies presented to the Board are shown in Attachment A.

Seeking Board Approval of each of the following:

Monitor its fixed route transit services to ensure that its service design and operational practices do not result in discrimination to minority and low-income populations. Complete this monitoring at least every three years.

Metrorail and Metrobus monitoring focused on minority and low-income passenger trips experiencing service that does not meet Metro's established standards or policies, and the analysis applied the Board-approved disparate impact/disproportionate burden (DI/DB) test to evaluate ridership impacts versus system-level ridership. Analysis showed that for each service standard and policy, Metro provides an equitable level of service to all its customers during peak and off-peak service periods, which was reported to the Board via May 16, 2014 memorandum.

Provide notice to the public regarding the agency's Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

The Title VI notice to the public is provided through several formats and venues, including posting and distributing notice of Title VI rights brochures on its website; disseminating notice of Title VI rights brochures to CBOs that serve low-income, minority, and limited English proficient populations and at public meetings sponsored by Metro; distributing "Take-One" notices on MetroAccess vehicles and in Metrorail stations; and notice of Title VI rights is displayed as bus placards inside Metrobuses and is available in the headquarters building lobby. Title VI notice brochures are translated into Spanish, Korean, Vietnamese, Chinese, French, Arabic, Amharic, Farsi, Urdu, Portuguese, Tagalog, and Russian, while the Take-Ones are translated into 14 languages.

Develop procedures for investigating and tracking Title VI complaints filed against the agency, and make the procedures for filing a complaint, including the Title VI complaint form, available to members of the public upon request.

Metro has developed procedures for investigating and tracking Title VI complaints and posted the procedures and complaint form on its website. In addition, Metro's Title VI rights brochure provides a detailed description of the complaint process. The brochure has been disseminated to CBOs that serve minority, low-income, and limited English proficient populations and is provided to patrons who lodge a complaint that may be related to Title VI. Additionally, the "Take-One" notices and posters on Metrobus and MetroAccess vehicles and in Metrorail stations provide contact information to obtain

further information concerning complaint procedures.

Record and report transit-related Title VI investigations, complaints, and lawsuits.

Metro maintains a list of all complaints where race, color, or national origin was mentioned as the basis for the complaint. Complainants are apprised of their Title VI rights including the ability to take further action by filing a formal Title VI complaint.

During the reporting period (2011-2013), Metro reviewed 213 complaints and contacted the complainants to provide their Title VI rights. Eight formal Title VI complaints were filed and investigated. Seven of the investigations resulted in a “no probable cause” finding; the findings of one investigation were inconclusive due to the retirement of the employee under accusation. The list of complaints will be submitted as part of the Title VI Program Update including the status of the complaint, Metro’s actions to investigate, and the findings of the investigation. Metro uses the information gathered from complaints to examine policies and practices of the organization and implement operational changes as appropriate; to detect misconduct in its earliest stages; to improve the customer service skills of front-line employees; and identify areas that should be emphasized in future training.

Provide meaningful access to limited English proficient (LEP) persons, specifically access to benefits, services, information, and other important portions of Metro’s programs and activities by conducting a Four Factor Analysis to determine the specific language services that are appropriate to provide, and develop a Language Assistance Plan to address the identified needs of the LEP population.

Metro’s updated Four Factor Analysis found that 30 percent of the region’s population speaks a language other than English at home, 40 percent of which do not speak English “very well.” All Metro jurisdictions have LEP populations exceeding five percent, except for the District of Columbia. Fairfax County and Montgomery County have the highest LEP populations, around 15 percent. Of the languages, other than English, spoken in the region, the most prevalent are Spanish, Chinese, Korean, Vietnamese, African languages, French, other Indic languages, Tagalog, Arabic, and Persian.

Per DOT guidance, the three-year Language Assistance Plan addresses five major steps: 1) identify LEP individuals in your service area, 2) identify ways to provide assistance, 3) train staff, 4) provide notice to LEP persons, and 5) continuously monitor and update the plan. Metro focused its language services to address the needs of the LEP population in the region, including the following examples:

- Advertising notice of public meetings in ethnic media and distributing multilingual notices to CBOs
- Providing interpreters at Metro events such as public meetings and pop-up information centers
- Targeting public outreach to areas where LEP populations reside and tend to travel
- Translating vital documents into the frequently spoken languages in the region
- Providing translation of information on Metro’s website into five languages

- Training front-line staff about Metro's Title VI and language access policies and procedures, cultural sensitivity, assistance available to LEP persons, and Title VI complaints
- Providing a language interpretation line that is used by various departments that serve customers
- Offering Occupational Spanish training for front-line staff

Provide minority representation on non-elected committees and councils.

The [Riders' Advisory Council](#) (RAC) is an all-volunteer group composed of Metrorail, Metrobus, and MetroAccess riders. The mission of the RAC is to obtain input from a broad range of riders and advise Metro's Board of Directors on ways to improve the system. The RAC is very diverse in terms of age, race, gender, and disability status. The demographics of the current 19 members (two vacancies) on the RAC include Male-53%, Female-47%, Caucasian-57.9%, African-American-31.6%, and Hispanic-10.5%.

The [Accessibility Advisory Committee](#) (AAC) includes representation from 20 customers with disabilities, six from each state and two from the Access for All Committee at COG. The AAC membership is diverse to reflect geographical areas and various types of disabilities. The AAC is also diverse in terms of race, color, and national origin. Currently the AAC is comprised of 19 members (one vacancy). The current AAC members include eight females (42%) and eleven males (58%); Caucasian members (53%); African-American (37%); Asian (5%); and Hispanic (5%). Four members have vision as a primary disability-(21%); seven members have mobility as a primary disability-(37%); six members have multiple disabilities-(32%); one member has a hearing disability-(5%); and one has a cognitive disability-(5%).

Complete a Title VI equity analysis when determining the site or location of facilities.

Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. During the reporting period of 2011 to 2013, the only facility project that Metro planned was the replacement of the Southern Avenue Bus Garage. A Title VI equity analysis evaluated two sites for impacts on minority and low-income populations. The Title VI equity analysis showed that the location of the project will not result in a disparate impact on the basis of race, color, or national origin. The alternative that was selected by the Board had the fewest adverse impacts.

Collect, analyze, and report demographic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance, preparing demographic and service profile maps and charts, and collecting data on customer demographics and travel patterns using passenger surveys that are conducted no less than every five years.

Metro has collected and analyzed socioeconomic data from the U.S. Census Bureau showing the extent to which members of minority groups and low-income persons are beneficiaries of its programs.

The total population of the service area is approximately 3.9 million people. The 2010 Census data shows that minorities represent 58 percent of the area population, and persons living below the poverty level represent eight percent. Rider survey data shows that 56 percent of riders (on all modes) are minorities and 24 percent are from low-income households. Additional charts and maps detailing the poverty and racial characteristics of Metro's service area are included in the Title VI Program Update.

Metro has collected mode-specific data on customer demographics and travel patterns from several passenger surveys: the 2012 Metrorail Passenger Survey, the 2008 Regional Bus Passenger Survey, and MetroAccess client data. Metro has supplemented this survey data with 2010 Census data and American Community Survey data. The following table provides a system-wide demographic profile:

In addition, the 2012 Metrorail Passenger Survey results showed that 92 percent of AM peak trips and 50 percent of midday trips are work trips; 22 percent of riders do not own cars; 35 percent are federal employees; and 55 percent receive transit benefits. The 2008 Regional Bus Passenger Survey found that 55 percent of Metrobus riders use the service to get to work; 67 percent make one or more transfer to reach their destination; more than 50 percent have no vehicles at home; and 23 percent receive a transit benefit from their employer.

Title VI Procedural Requirements

Provide annual Title VI certifications and assurances to FTA.

Metro's Federal Fiscal Year 2014 Certifications and Assurances dated April 9, 2014 are loaded onto the FTA web based Transportation Electronic Award Management (TEAM) grants management system. The General Manager and Chief Executive Officer, Richard Sarles, acted as Official Certifying Officer.

Provide Title VI assistance to sub-recipients of Federal financial assistance.

Metro does not pass through FTA funds to any sub-recipients, and is therefore not subject to requirements regarding subrecipient compliance with Title VI regulations.

Title VI Requirements Presented to the Board in September 2014

Provide a Public Participation Plan that includes an outreach plan to engage minority and limited English proficient populations and other constituencies that are traditionally underserved.

Metro's Public Participation Plan will be presented to the Board for review and approval in September 2014.

There is no impact on funding for developing the 2014 Title VI Program Update. Failure to develop and adhere to a plan would endanger receipt of FTA funding.	
Project Manager:	James T. Wynne, Jr.
Project Department/Office:	General Manager/Office of Equal Employment Opportunity

TIMELINE:

<p>Previous Actions</p>	<p>9/2013 –Board presentation Title VI Required Service Standards, Policies, and Definitions</p> <p>10/2013 – Board approval of Title VI Required Major Service Change, Disparate Impact, and Disproportionate Burden Policy Definitions</p> <p>11/2013 – Board approval of Title VI Required Service Equity Analysis for Bus Service Changes</p> <p>1/2014 – Staff update to Board on Public Participation Plan</p> <p>5/2014 – Staff update on results of service monitoring of the system-wide service standards and policies</p>
<p>Anticipated actions after presentation</p>	<p>06/2014 – Board Approval of Metro’s Title VI Program Update excluding the Public Participation Plan</p> <p>09/2014 – Board Approval of Title VI Required Public Participation Plan</p> <p>10/2014 – Title VI Program Submittal to FTA</p>

RECOMMENDATION:

Approval of the 2014 Title VI Program Update.

PRESENTED AND ADOPTED: June 26, 2014

SUBJECT: APPROVAL OF TITLE VI PROGRAM COMPONENTS

2014-30

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

WHEREAS, The Board of Directors is committed to protecting minority and low-income communities from disproportionately high and adverse environmental effects when providing regional transportation services; and

WHEREAS, The Washington Metropolitan Area Transit Authority (WMATA) adopts policies and programs designed to ensure participation in and equal access to transit services for all citizens in the Transit Zone; and

WHEREAS, Title VI of the Civil Rights Act of 1964 provides that no person on the grounds of race, color or national origin, be excluded from participating in, being denied the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, WMATA receives federal financial assistance from the Federal Transit Administration (FTA) to improve regional mobility; and

WHEREAS, In its most recent Title VI guidance (Circular 4702.1B, effective October 1, 2012), the FTA requires recipients like WMATA to prepare and submit a Title VI program every three years that demonstrates how they are meeting Title VI obligations; and

WHEREAS, Circular 4702.1B includes new and enhanced Title VI program requirements, including documentation demonstrating that the Board of Directors reviewed and approved the Title VI program; and

WHEREAS, The Board of Directors in Resolution 2013-27 reviewed and/or approved some Title VI program components, which included policy definitions for disparate impact and disproportionate burden used for analysis of major service changes and fare changes; now, therefore be it

RESOLVED, That the Board of Directors approves additional Title VI program components including the equity analysis for the Southern Avenue garage; system-wide service monitoring standards and policies; public notification and complaint procedures; complaints received and investigated, racial composition of advisory councils,

Motioned by Mrs. Hudgins, seconded by Mr. Bulger

Ayes: 8 – Mr. Downs, Mr. Downey, Mr. Nichols, Mrs. Hudgins, Mr. Dyke, Mr. Bulger, Mr. Acosta and Mr. Goldman

demographics of the Transit Zone and customers; and the Language Assistance Plan; and be it further

RESOLVED, That staff shall present, during or before September 2014, the final program component outlining a Public Participation Plan, including information about outreach, methods to engage minority and limited English proficiency populations, as well as a summary of outreach efforts made since the last Title VI Program submission; and be it finally

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Kathryn H.S. Pett
General Counsel

WMATA File Structure Nos.: 18.2.1
Federal Government Relations