

Transportation Committee

Meeting date: April 14, 2014

For the Metropolitan Council meeting of April 30, 2014

Subject: Approve Updated Metropolitan Council 2014 Title VI Program for FTA

District(s), Member(s): All

Policy/Legal Reference: 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964"

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Division/Department: Office of Equal Opportunity/Regional Administration

Proposed Action

That the Metropolitan Council approve the 2014 Federal Transit Administration Title VI Program.

Background

The Metropolitan Council's Federal Transit Administration (FTA) Title VI Program ensures that no person, 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 under the control of the Metropolitan Council. This program is required for all recipients of Federal funding and summarizes the processes that the Metropolitan Council uses to ensure compliance with Title VI requirements as outlined in the FTA Circular *4702.1B Title VI Requirements and Guideline for Federal Transit Administration Recipients*. Recipients must update their Title VI program every three years; the Council previously submitted its Title VI program to the FTA in 2011.

The Metropolitan Council's 2014 FTA Title VI Program includes updates to all the sections listed below:

Part 1: General Requirements

- Title VI Notices and Complaint Procedures
- Public Participation and Language Assistance Plans
- Minority Representation on Planning and Advisory Bodies
- Sub-recipient Monitoring & Facility Siting Evaluations

Part 2: Metro Transit Requirements

- Service Area and Customer Demographics
- Service and Fare Change Evaluations
- Monitoring of System-Wide Service Standards and Policies

Part 3: Metropolitan Planning Organization (MPO) Requirements

- Service Area Demographics
- Incorporation of Title VI Principles in Regional Planning
- Distribution of State and Federal Funds
- Distribution of FTA Funds to Sub-recipients

Rationale

The Met Council's 2014 Title VI Program articulates and documents its compliance with the FTA's Title VI requirements. This Program identifies the Council's policies, procedures, and plans for satisfying the objectives of Title VI:

- Ensuring that the level and quality of public transportation is provided in a nondiscriminatory manner,
- Promoting full and fair participation in public transportation decision making without regard to race, color, or national origin;
- Ensuring meaningful access to transit-related programs and activities by persons with limited English proficiency.

In addition to identifying specific policies, procedures, and plans, this Program demonstrates the Met Council's Title VI implementation efforts from 2011 – 2014, and makes studies, evaluations, and other supporting information available on the Met Council website.

The Met Council's 2014 Title VI Program updates include a more robust Language Assistance Plan that catalogues language services available to customers who have limited English proficiency, Metro Transit demographic maps and studies that update the 2011 Title VI Program submission, and detailed summaries of extensive public outreach efforts with the Central Corridor (Green Line) and Southwest Light Rail Projects.

The Met Council's 2014 Program also demonstrates its compliance with new Title VI requirements. These include monitoring sub-recipients for their Title VI compliance, including collecting and evaluating Title VI programs from sub-recipients; and satisfying all requirements applicable to Metropolitan Planning Organizations. These include incorporating Title VI principles into regional planning, distributing State and Federal funds to sub-recipients in a non-discriminatory manner, and maintaining records of sub-recipient funding requests and their dispositions.

Funding

The 2014 Title VI Program and all of its components were funded using existing Metro Transit and Metropolitan Council transit service operating resources.

Known Support / Opposition

There is no known opposition to the proposed action.

Metropolitan Council 2014 Title VI Program for the FTA

The purpose of the Metropolitan Council's Title VI Program is to ensure that no person, 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 under the control of the Metropolitan Council. The Title VI program is required for all recipients of Federal funding and summarizes the processes that the Metropolitan Council and Metro Transit use to ensure compliance with Title VI requirements as outlined in the Federal Transit Administration's (FTA) Circular *4702.1B Title VI Requirements and Guideline for Federal Transit Administration Recipients*. The FTA requires that the Title VI program be updated every three years. The previous Title VI program was submitted to the FTA in 2011.

A summary of items in the Metropolitan Council's Title VI program is provided below. The program includes three sections: Part 1 includes requirements that pertain to all FTA recipients; Part 2 includes requirements that pertain to fixed route transit providers such as Metro Transit; and Part 3 includes requirements that pertain to metropolitan planning organizations such as the Metropolitan Council.

Part 1: General Requirements

Title VI Notices and Complaint Procedures

The Metropolitan Council's Title VI notice states **"The Metropolitan Council pledges that you will have access to all its programs, services and benefits without regard to race, color, national origin, sex, age, disability or socioeconomic status."** This notice is posted on the website as well as in buses and LRT stations. The website also provides additional information regarding Title VI protections and the procedures for filing a Title VI complaint. No Title VI complaints have been received since the 2011 Title VI program.

Public Participation and Language Assistance Plans

The Metropolitan Council's Public Participation Plan is included within the Transportation Policy Plan (TPP). A summary of that plan is included in the Title VI program. The program also includes a summary of Metro Transit's regular service outreach activities as well as project-specific outreach plans for the Midtown Corridor Alternatives Analysis, the Central Corridor/Green Line LRT, the Southwest LRT, and the Orange Line BRT.

The Metropolitan Council's Language Assistance Plan (LAP) has recently been developed to evaluate the needs of populations with limited English proficiency (LEP). The LAP includes a four-factor analysis that evaluates the needs of LEP populations, the importance of Metropolitan Council Service to those LEP populations, the frequency of contact the Metropolitan Council has with LEP populations, and the resources available to the Council for providing assistance to LEP populations.

Minority Representation on Planning and Advisory Bodies

The FTA requires recipients to provide a breakdown of the race/ethnicity of committees and advisory boards. This breakdown—and a comparison to the demographics of the seven-county metropolitan area—area provided in the program for the Metropolitan Council, the Land Use Advisory Committee, the Livable Communities Advisory Committee, the Metro Parks & Open Space Commission, the Metropolitan Area Water Supply Advisory Committee, the Transportation Advisory Board, the Transportation Advisory Board Technical Advisory Committee, and the Transportation Accessibility Advisory Committee.

Subrecipient Monitoring

It is the responsibility of the primary FTA funding recipient to monitor subrecipients of that funding for compliance with Title VI. Each subrecipient is required to submit a Title VI Program to the Metropolitan Council every three years demonstrating the actions being taken to fulfill their Title VI requirements. Title VI Program due dates are determined with each subrecipient individually. As of the date of this program, all subrecipient Title VI Programs have been received and found to comply with the Title VI Circular. The subrecipients are listed below:

- Minnesota Valley Transit Authority
- Maple Grove Transit
- SouthWest Transit
- Plymouth Metrolink
- Prior Lake (BlueXpress)
- Shakopee Transit

Facility Siting Evaluations

The FTA requires that recipients make facility site selections without regard for race, color, or national origin. Facilities that require a Title VI siting evaluation include, but are not limited to, storage facilities, maintenance facilities, and operations centers. The Metropolitan Council has not constructed any facilities that meet these criteria since the previous Title VI Program. However, the Council is currently in the planning stages of the construction of the Southwest Light Rail Transit project that will include the construction of an operations and maintenance facility. A facility siting evaluation has been conducted for this facility and has found it to be in compliance with Title VI. The final report is currently in the review process.

Part 2: Metro Transit Requirements

Service Area and Customer Demographics

The FTA requires fixed route transit operators to monitor the demographics of its service area and customer base. Service area demographics are evaluated using 2010 Decennial Census and 2011 American Community Survey data. Customer demographics are evaluated using rider surveys. Summaries of the 2012 Rider Survey and the 2010 Travel Behavior Inventory on-bus survey are provided in the Title VI program.

Service and Fare Change Evaluations

The FTA requires that service changes which meet the operator-defined “major service change” threshold be evaluated to ensure that there are no disparate impacts to minority or low-income population. A similar evaluation must be conducted for all proposed fare changes. Metro Transit has conducted four such evaluations since the previous Title VI program. These evaluations are summarized below:

- Proposed Northstar Commuter Rail Fare Change, Approved by the Council June 2012
- West Suburban Service Changes Concept Plan, Approved by the Council May 2013
- METRO Red Line and MVTA Service Restructuring Plan, Approved by the Council June 2013
- Green Line Service Study Concept Plan, Approved by the Council September 2013

All of the evaluations have found the proposed service and fare changes to comply with the Title VI requirements.

Monitoring of System-Wide Service Standards and Policies

The FTA requires fixed route transit providers to maintain standards and policies for vehicle load, service frequency, on-time performance, service availability, distribution of transit amenities, and vehicle assignment. Providers are required to evaluate each of these standards and policies to ensure an equitable distribution of service between minority and non-minority populations, and between low-income and non-low-income populations.

The most recent Service Monitoring Evaluation was completed in August 2012. Out of all of the standards and policies reviewed, only the distribution of warranted heated shelters was found to have the potential for disparate impacts to minority and low-income populations. A closer analysis found it unlikely that the distribution of heated shelters represents a statistically valid system-wide concern and therefore there is no potential for disparate impacts. However, the impact on the potential for disparate impacts will be taken into consideration before the implementation of any additional heated shelters.

Part 3: Metropolitan Council MPO Requirements

Service Area Demographics

Per the FTA requirements, a map depicting the distribution of minority populations throughout the seven-county metropolitan area is included in the program.

Incorporation of Title VI Principles in Regional Planning

Many of the strategies used by the Metropolitan Council to ensure the incorporation of Title VI principles in regional planning are documented in Chapter 11 of the Transportation Policy Plan (TPP). The TPP addresses Title VI and Environmental Justice in part by providing a location analysis of low-income and minority populations in relation to the planned investments in the metropolitan transportation system. This analysis includes a discussion of whether disproportionate impacts were identified, the extent and magnitude of those impacts, and how the impacts will be avoided or mitigated, if practical.

Distribution of State and Federal Funds

The Metropolitan Council is responsible for managing state and federally funded transit projects in accordance with federal requirements. The Title VI Circular requires that recipients “analyze the impacts of the distribution of state and federal funds in the aggregate for public transportation purposes.”

To assess this funding distribution, all programmed state and federal funds managed by the Metropolitan Council, including Job Access and Reverse Commute (JARC), New Freedom, and Congestion Mitigation and Air Quality (CMAQ), were aggregated by county for the years 2011 through 2013. The distribution of funding between the seven counties was compared to the distribution of minority and non-minority populations throughout the region. The analysis found that the current distribution does not indicate disparate impacts for minority persons.

Distribution of FTA Funds to Subrecipients

As the MPO of the Minneapolis-Saint Paul metropolitan area, one of the Metropolitan Council’s functions is to act as the designated recipient of federal funding. In this role, the Council receives and apportions funding to subrecipients. A description of the procedures the Council uses to pass through FTA financial assistance to subrecipients in a nondiscriminatory manner and the procedures used to provide assistance to potential subrecipients is provided in the program.