



Legislation Details (With Text)

**File #:** ID18-0993    **Version:** 1    **Name:**

**Type:** Action Item    **Status:** Passed

**File created:** 8/17/2018    **In control:** City Council

**On agenda:** 8/30/2018    **Final action:** 8/30/2018

**Title:** Approve adoption of federally-mandated Title VI Policies for the City's Department of Transportation regarding major service change, disparate impact on minority populations, and the disproportionate burden on low-income populations

**Sponsors:** Department of Transportation

**Indexes:**

**Code sections:**

**Attachments:** 1. Table 1 - Peer Major Service Changes Policies.pdf, 2. Table 2 - Peer Disparate Impact Policies.pdf, 3. Table 3 - Peer Disproportion Burdne Policies.pdf

Date	Ver.	Action By	Action	Result
8/30/2018	1	City Council	approved	

**REPORT TO THE CITY COUNCIL**

**August 30, 2018**

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Department of Transportation

**SUBJECT**

Approve adoption of federally-mandated Title VI Policies for the City's Department of Transportation regarding major service change, disparate impact on minority populations, and the disproportionate burden on low-income populations

**RECOMMENDATION**

Staff recommends Council approve three related Title VI Policies regarding major service change, disparate impact on minority populations, and the disproportionate burden on low-income populations as required by the Federal Transportation Administration (FTA) Circular 4702.1B.

**EXECUTIVE SUMMARY**

The Department of Transportation presented the Transit Restructure and FTA Title VI workshop to Council on June 28, 2018. During the workshop, staff presented a summary of the Title VI policies

regarding major service change, disparate impact on minority populations, and the disproportionate burden on low-income populations. The department informed Council that these policies are required by the FTA and the formal policy adoption would be back before Council in August 2018. The department is now requesting approval of these policies.

## BACKGROUND

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Agencies receiving federal money are prohibited from discrimination on the basis of race, color, or national origin. FTA Circular 4702.1B establishes Title VI requirements and guidelines for FTA recipients to ensure the level and quality of public transportation service is provided in a nondiscriminatory manner; promote full and fair participation in public transportation decision-making without regard to race, color, or national origin; and ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

These proposed policies must be approved by Council prior to submission to FTA. The required Title VI policies must include:

- Identifying what constitutes a “major service change” for its system, at which level would require a service equity analysis that addresses disparate impact to minority populations and disproportionate burden to low-income populations.
- Measuring disparate impact and establishing a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations.
- Measuring disparate impact and establishing a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations.

After performing significant public outreach consisting of nine public outreach meetings held throughout the City of Fresno and reviewing policies adopted by six peer agencies, staff recommends adoption of following policies:

- 1. Major Service Change Definition.** Any instance in which a system change would result in greater than or equal to a +/-25 percent change in revenue hours or miles would constitute a major service change of the system, requiring a service equity analysis addressing disparate impact to minority populations and disproportionate burden to low-income populations.
- 2. Minority Population Disparate Impact Evaluation.** Any instance in which a major service change causes a minority population to bear adverse effects by 20 percent or more than the adverse effects borne by the general population would constitute a disparate impact and must consider modifying the proposed changes in order to avoid, minimize, or mitigate the impacts of the proposed changes.
- 3. Low-Income Population Disparate Impact Evaluation.** Any instance in which a major service change causes a low-income population to bear adverse effects by 20 percent or more than the adverse effects borne by the general population would constitute a disproportionate burden and must consider modifying the proposed changes in order to

avoid, minimize, or mitigate the impacts of the proposed changes.

If approved by Council, these policies will be submitted to the FTA for approval, and incorporated into the Department of Transportation's next Title VI Plan submittal set to occur in December 2019.

## **ENVIRONMENTAL FINDING**

Pursuant to the definition provided in the California Environmental Quality Act Guidelines Section 15378, adoption of these Title VI Policies do not qualify as a "project."

## **LOCAL PREFERENCE**

Local preference was not applied because this is not a bid or award of a contract.

## **FISCAL IMPACT**

There is no fiscal impact of approving the proposed policies.

### Attachments:

- Table 1 - Peer Major Service Changes Policies
- Table 2 - Peer Disparate Impact Policies
- Table 3 - Peer Disproportion Burden Policies