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REPORT TO THE CITY COUNCIL

October 24, 2019

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SUBJECT

Approve the Department of Transportation/FAX 2019 Title VI Program

RECOMMENDATION

Staff recommends Council approve the Department of Transportation/FAX Title VI Program for the period of July 1, 2016, through June 30, 2019.

EXECUTIVE SUMMARY

The Federal Transit Administration (FTA) requires all direct grant recipients and subrecipients of federal financial assistance document their compliance of Title VI of the Civil Rights Act of 1964 by submitting a Title VI Program to their FTA regional civil rights officer once every three years, or as otherwise directed by FTA. The Title VI Program must be approved by the transit provider's board of

directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to the FTA. This 2019 Title VI Program submission covers the period of July 1, 2016, through June 30, 2019, and is due to the FTA by December 1, 2019. The final draft report is on the FAX website at www.fresno.gov/transportation/fax/title-vi/ <<http://www.fresno.gov/transportation/fax/title-vi/>>.

The last Title VI Program was approved by Council on November 17, 2016, submitted to the FTA on December 1, 2016, and found to be satisfactory and compliant by the FTA.

BACKGROUND

Title VI of the Civil Rights Act of 1964 states “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Every three years, FAX updates its Title VI Report, and conducts public outreach to solicit feedback regarding Title VI issues relating to the transit system; make the public aware of their rights under Title VI, including how to file a Title VI complaint; conduct an analysis of the demographic make-up of its service area; and detail the actions it has taken and/or will take to prevent discrimination. Prior to submission to the FTA, the FAX Title VI Program must be approved by the City Council, which serves as the governing entity of the transit system.

The outreach specific to the preparation of the 2019 FAX Title VI Report was two-fold. The first type of outreach focused on ensuring meaningful access of FAX services to Limited English Proficiency (LEP) individuals. These efforts included conducting a survey of local community stakeholders, as well as of FAX front-line staff, to assess the manner and frequency with which LEP individuals came into contact with FAX. The results of these surveys supplemented data gathered through the 2018 FAX Bus Customer Satisfaction survey. Collectively, these three data sources were used to prepare the Four-Factor Analysis required by the U.S. Department of Transportation Policy Guidance to prepare the Language Assistance Plan (LAP), which is included in the Title VI Report. The LAP details the FAX program for ensuring appropriate language assistance is provided to persons with limited English proficiency, and includes a wide range of actions, including (but not limited to) translation of written vital documents in Spanish; bilingual presentation of written information such as flyers, kiosk displays, advertisements, and monthly newsletters; verbal translation to Spanish, Hmong, and Punjabi for customer calls; verbal translation/interpretation to Spanish at public meetings and hearings; and advanced request for other language services, including sign language, at public meetings.

In addition to the surveys discussed above to gather data for inclusion in the Language Assistance Plan, FAX also conducted four public workshops in August 2019 to provide a direct opportunity for feedback regarding the Title VI Report while it was still in a draft format and an opportunity for the public to talk about Title VI issues. The workshops were held at a variety of times and locations, as shown below.

- August 21, 2019, 3:30 p.m., Pinedale Community Center
- August 21, 2019, 6:30 p.m., Ted C. Wills Community Center
- August 22, 2019, 10:00 a.m., Maxie L. Parks Recreational Center
- August 22, 2019, 1:00 p.m., Ted C. Wills Community Center

The workshops were promoted via flyers mailed to the community organizations that had been invited to participate in the stakeholder survey, as well as notices posted onboard transit vehicles, on the FAX website, in the FAX newsletter, and via a social media campaign. Notices included content in English and Spanish, and flyers included content in English, Spanish, and Hmong.

Workshop attendees were provided with a written summary (available in English and Spanish) and a verbal overview of the Title VI process and initial findings, encouraged to review the draft Title VI Report, and given the opportunity to ask questions and provide feedback. Spanish assistance was available at all workshops as needed via Spanish-speaking FAX employees (though no assistance in Spanish was needed). In total, there were ten attendees at the four workshops, along with four representatives from the City of Fresno/FAX, and two consultant staff.

During the workshops, there was Title VI-related discussion as to whether the onboard passenger satisfaction surveys conducted in 2018 were available in Hmong (they were), as well as a questions about how to expand the reach of the passenger satisfaction surveys in English (staff responded that some organizations provided their own translations, helping to solicit feedback from passenger who spoke other languages). One attendee was happy to see there were so many FAX employees who speak Spanish, as well as other languages, and noted he always speaks up to assist with Spanish interpretation as warranted. He also observed sometimes drivers are caught off guard when they are confronted with a language they do not speak, and may not always react in the most helpful manner, citing the need for greater cultural sensitivity toward immigrants.

While the workshops were designed to provide opportunities for feedback on Title VI issues, attendees also discussed other topics. These included providing FAX fixed-route service to Clovis Community College, discussion of the proposed microtransit pilot programs, improvements to ADA accessibility at FAX bus stops, funding for bus stop improvements, the amount of increasing violence onboard FAX resulting in safety issues for passengers and bus drivers, and suggestions for increased advertising for social service programs to assist individuals dealing with homelessness and Post Traumatic Stress Disorder (PTSD). All additional topics were noted and will be considered as part of appropriate planning efforts.

Following the workshops, the final draft version of the Title VI Report was posted on the FAX website for a two-week public review period from September 6 through September 20, 2019, prior to its proposed approval by the Fresno City Council as part of its October 24, 2019, meeting agenda. An e-mail was sent to every person who attended the workshops, to the stakeholders who were asked to fill out the survey, to the FAX e-mail distribution list, to all City Council members, and to the City of Fresno Disability Advisory Commission Transportation Subcommittee, notifying them of the availability of the draft Title VI Report for review and comment.

The 2019 Title VI Report addresses all requirements set forth in the FTA Title VI Circular 4702.1B that apply to all fixed route providers of public transportation service. The requirements are in place to prevent any person or group of persons from suffering discrimination on the basis of race, color, or national origin with regard to the following:

- Routing structure
- Scheduling structure
- Quality of service

- Frequency of service
- Age and quality of vehicles assigned to routes
- Quality of stations and amenities serving different routes

In addition to addressing the fixed route provider requirements outlined above, the 2019 Title VI Program includes the system-wide service standards and policies set by FAX for each specific mode of service. These standards and policies address how service is distributed across the transit system, ensure the manner of distribution affords users access to these assets, and ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin and do not place a disparate or disproportionate burden on minority and low income populations.

Finally, the 2019 Title VI Program includes a Service and Fare Equity analysis for the service changes implemented as part of the System Restructure over the latest three-year period, as well as the planned implementation of Smart Cards and Mobile Fare Payment. The analysis determined there were no disparate impacts or disproportionate burdens on minority and low income populations.

The City Attorney has reviewed and approved to form the proposed 2019 Title VI Program.

ENVIRONMENTAL FINDING

Pursuant to section 15378 of the CEQA Guidelines, approving this Title VI Program is not a “project” for the purposes of CEQA.

LOCAL PREFERENCE

Local preference was not applied as the program adoption is not an award of a contract.

FISCAL IMPACT

There is no additional cost associated with this program approval. The preparation of the report was financed in part through a grant from the U.S. Department of Transportation, the FTA, and in part through local funds from the Fresno Council of Governments. Approval of this program ensures continuation of federal funding. This program approval will have no impact on the general fund.