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REPORT TO THE CITY COUNCIL

FROM: GREGORY BARFIELD, Assistant City Manager
& Interim Director, Department of Transportation

BY: JOE VARGAS, Assistant Director
Department of Transportation

CAROLINA ILIC, Planning Manager
Department of Transportation/Planning Division

JEFF LONG, Senior Transit Planner
Department of Transportation/Planning Division

SUBJECT

Approve the Department of Transportation/FAX 2022 Title VI Program

RECOMMENDATION

Staff recommends Council approve the Department of Transportation/FAX Title VI Program for the period of July 1, 2019, through June 30, 2022.

EXECUTIVE SUMMARY

The Federal Transit Administration (FTA) requires all direct grant recipients and subrecipients of federal financial assistance to document their compliance with 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 2022 Title VI Program submission covers the period of July 1, 2019, through June 30, 2022, and is due to the FTA by December 1, 2022.

The last Title VI Program was approved by the City Council on October 24, 2019, submitted to the FTA on December 1, 2019, 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 Program, and conducts public outreach to solicit feedback regarding Title VI issues related 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 City of Fresno’s transit system.

The outreach specific to the preparation of the 2022 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. The second type of outreach consisted of public workshops and pop-up events at bus stops.

The LEP efforts included conducting surveys of local community stakeholders and 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 2022 FAX Bus Passenger 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 that 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/interpretation to Spanish at public meetings and hearings; verbal translation to Spanish, Hmong, and Punjabi for customer calls; and advanced request for other language services, including sign language interpretation, at public meetings.

In addition to the surveys discussed above to gather data for inclusion in the Language Assistance Plan, FAX also conducted five public workshops (one virtual) and seven pop-up events in May 2022 to provide a direct opportunity for feedback regarding the Title VI Program while it was still in a draft format and an opportunity for the public to talk about Title VI issues. The outreach events were held at a variety of times and locations, as shown below.

- May 9, 2022 5:30 p.m. Central High East
- May 10, 2022 2:00 p.m. Pinedale Community Center
- May 10, 2022 4:00 p.m. Ted C. Wills Community Center
- May 10, 2022 6:00 p.m. Maxie L. Parks Community Center

- May 17, 2022 5:30 p.m. Virtual Workshop via Zoom
- May 19, 2022 1:00 p.m. Pop-up Event at Courthouse Park
- May 19, 2022 3:00 p.m. Pop-up Event at Cedar - Herndon
- May 23, 2022 3:00 p.m. Pop-up Event at Shaw - Brawley
- May 24, 2022 1:00 p.m. Pop-up Event at Manchester Transit Center
- May 24, 2022 3:00 p.m. Pop-up Event at Cedar - Clinton
- May 26, 2022 1:00 p.m. Pop-up Event at Clovis BRT Station
- May 26, 2022 3:00 p.m. Pop-up Event at Shaw - Blackstone

The outreach events 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 FAX buses, on the FAX website, in the FAX newsletter, and via an active social media campaign. Notices and flyers included content in English and Spanish.

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. There was minimal attendance at the five workshops, however, FAX had substantial participation at the pop-up events and received one letter in support of the program.

Following the workshops, the final draft version of the Title VI Report was posted on the FAX website for a four-week public review period from July 22 through August 19, 2022, prior to its proposed approval by the Fresno City Council as part of its October 13, 2022, meeting agenda. An e-mail was sent notifying the following people of the availability of the draft Title VI Report for review and comment: every person who attended the workshops; the stakeholders who were asked to fill out the survey; the FAX e-mail distribution list; the Mayor's Office of Community Affairs; all City Council members, and the City of Fresno Disability Advisory Commission Transportation Subcommittee. FAX also posted social media posts, added information on the front page of the FAX web site, added messages at Manchester Transit Center, posted flyers at the Handy Ride office, and posted information on the Bus Rapid Transit digital message signs at all 52 BRT stations. In addition, FAX delivered a public review copy to the Fresno County Public Library in downtown Fresno.

Concurrent with outreach for the 2022 FAX Title VI Program update, FAX also conducted outreach about proposed frequency enhancements for Routes 3, 20, and 45, and a proposed extension of Route 45.

The 2022 Title VI Program 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 2022 Title VI Program includes the system-wide service standards and policies set by FAX and approved by the City Council 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 that 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 2022 Title VI Program includes a Service and Fare Equity analysis for the changes implemented over the latest three-year period. The analysis determined there were no disparate impacts or disproportionate burdens on minority and low income populations from these recent changes.

The City Attorney has reviewed and approved to form the proposed 2022 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.

Attachments: 2022 FAX Title VI Program
2022 FAX Title VI Program Appendices