


Date: September 28, 2022

To: Board of Directors

From: Sam Desue, Jr. 

Subject: **RESOLUTION NO. 22-09-51 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) APPROVING ITS UPDATED 2022 TITLE VI PROGRAM**

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) approve TriMet’s 2022 Title VI Program Update, attached hereto as Exhibit A, for submission to the Federal Transit Administration (FTA) by October 1, 2022.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other: Approval of TriMet’s 2022 Title VI Program Update

3. Reason for Board Action

TriMet must comply with Title VI regulations issued by the U.S. Department of Transportation (DOT) and the FTA, and as a condition of receiving ongoing federal funds, the FTA requires each transit agency to submit an updated Title VI Program every three years. The FTA regulations require TriMet to brief its Board regarding TriMet’s Title VI Program and related policies (Title VI Program), including the results of its established service monitoring program, and obtain the Board’s approval of the updated Title VI Program before its submission to the FTA.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

Title VI was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Pursuant to the Civil Rights Act and DOT and FTA regulations, TriMet has developed and regularly updates its Title VI Program and submits it to the FTA for review every three years on October 1.

Further, in accordance with the Title VI Program, the Board receives extensive Title VI equity analyses related to any proposed service and/or fare changes as part of any proposed Fall and Spring service changes. As a result, the Board is regularly advised as to TriMet’s compliance with Title VI in the delivery of transit services. Each of the previous three

program years of Title VI reviews that have been presented to the Board have been added as attachments to TriMet's updated Title VI Program for submission to the FTA.

The FTA requires the governing board of each large public transit agency to approve Title VI programs, policies and standards concerning the following:

- 1) Major Service Change Policy. A "Major Service Change Policy" is a threshold for when TriMet will conduct a comprehensive analysis of potential adverse effects and disparate impacts of service changes on minority and low-income populations.
- 2) Disparate Impact and Disproportionate Burden Policies. These Policies define the measures and thresholds for determining whether a fare change or major service change will result in a "disparate impact" on minority populations or a "disproportionate burden" on low-income populations.
- 3) System-wide Service Standards and Policies. These Policies are used to determine whether transit service and amenities are distributed equitably to minority and non-minority populations. TriMet's Title VI Program must include the results from monitoring these service standards and policies, as well as document the Board's awareness, consideration and approval of the monitoring results.
- 4) Public Engagement Process. The transit agency must show that its Title VI Program was developed with adequate public engagement, including providing public information and receiving input from minority and low-income populations, non-English speakers and community groups.

TriMet's 2022 updates to its Title VI Program were developed through public input gathered by TriMet's Transit Equity, Inclusion, and Community Affairs Department staff in partnership with community based organizations, as part of the Forward Together initiative and other community engagement efforts.

During the course of the Forward Together public engagement efforts, staff integrated specific Title VI questions into the outreach efforts and surveyed over 5,200 community members, in order to gather community feedback and input on the current Title VI Program and to identify opportunities for growth. TriMet staff worked with non-profit and community-based agency partners in the Access Transit program, Transit Equity Advisory Committee (TEAC), Immigrant & Refugee Community Organization (IRCO) and Portland Neighborhood Associations, and utilized TriMet's monthly Equity on the Move Newsletter to obtain additional input on potential Title VI Program changes. The Forward Together survey was also translated into Spanish, Russian, Chinese, Ukrainian, Vietnamese, and Korean, and TriMet received over 400 non-English responses.

In addition, information on TriMet's Title VI Program, complaint procedures, standards and policies were made available on the TriMet's website for public comment and review beginning in August 2020. During the course of updating the Title VI Program, the TEAC provided feedback on the recommended process changes and helped distribute the Forward Together Title VI Program survey.

As a result of this outreach and review, TriMet has determined that its Title VI Program is working well and has made only minor adjustments to the Program. These minor changes include: 1) continuing to integrate new American Community Survey and 2020 Census Data

into future TriMet Title VI analysis; 2) clarifying that a major service change is measured on service span and service frequency by revenue hours; and 3) continuing to improve Title VI signage to benefit ADA customers and non-English speakers across our vehicles and stations.

The updated 2022 Title VI Program is attached hereto as Exhibit A.

6. Procurement Process

This Resolution does not involve a procurement process.

7. Diversity

In developing proposed changes to the Title VI Program, TriMet sought input from a wide range of TriMet riders from various ethnic and cultural backgrounds, the general public, community based organizations, and the Transit Equity Advisory Committee (TEAC).

8. Financial/Budget Impact

There is no financial impact to making the proposed 2022 updates to TriMet's Title VI Program.

9. Impact if Not Approved

TriMet's Title VI Program is required by federal statute and FTA regulations as a condition of receiving federal funding. The Title VI Program must be updated every three years and submitted to the FTA. The Board's approval is required prior to TriMet's October 1, 2022 submission of its updated 2022 Title VI Program to the FTA.

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) APPROVING ITS
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WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.* (the Act) and 49 CFR Part 21, the U.S. Department of Transportation (DOT) and the Federal Transit Administration (FTA) prohibit discrimination on the basis of race, color or national origin; and

WHEREAS, as a recipient of federal funds, TriMet is required to comply with the requirements of the Act and applicable DOT and FTA implementing regulations; and

WHEREAS, pursuant to FTA regulations, TriMet is required to submit its Title VI Program to TriMet's Board of Directors (Board) for approval; and

WHEREAS, the Board periodically is briefed on TriMet's Title VI Program in the course of any system service changes or fare changes, including any disparate impacts and/or disproportionate burdens arising from the changes, as well as on the monitoring of TriMet's system-wide service standards and policies, all of which were set forth in the updated 2019 Title VI Program and are continued in the updated 2022 Title VI Program; and

WHEREAS, the Board has authority under ORS Chapter 267 to approve by resolution its updated 2022 Title VI Program; and

WHEREAS, the Board has determined that TriMet's updated 2022 Title VI Program, attached hereto as Exhibit A, should be approved and submitted to the FTA;

NOW, THEREFORE, BE IT RESOLVED:

1. That TriMet's Title VI Program shall conform with applicable law.
2. That the Board hereby approves TriMet's updated 2022 Title VI Program, attached hereto as Exhibit A, and authorizes its submission to the FTA.

Dated: September 28, 2022

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Gregory E. Skillman
Legal Department