

TITLE

Update to the Transit Services Division's Title VI Program

PRESENTER

Craig Blewitt, Transit Services Division Manager
Kristin Tighe, Milligan and Company

SUMMARY

As a recipient of federal funding, the City of Colorado Springs Transit Services Division, doing business as Mountain Metropolitan Transit (MMT), is responsible for the effective execution of nondiscrimination laws and regulations promulgated in the Civil Rights Act of 1964. The Federal Transit Administration (FTA) requires all fixed-route transit providers to prepare and submit a Title VI Program to the Regional FTA Civil Rights Officer once every three years to document compliance with Civil Rights regulations. The Program outlines how MMT will ensure transit service is provided equitably to all, focusing on minority and low-income populations.

PREVIOUS COUNCIL ACTION

City Council approved an updated Title VI Program via Resolution 98-17 on September 12, 2017. The plan was effective from October 1, 2017 to September 30, 2020.

BACKGROUND

Agencies must submit Programs that, at a minimum, contain the following components:

- A copy of the agency's Title VI notice to the public;
- A copy of the agency's instructions to the public regarding how to file a Title VI discrimination complaint;
- A list of any transportation-related Title VI investigations, complaints, or lawsuits filed with the agency since the last-submitted Program;
- A Language Assistance Plan for limited English proficient (LEP) persons based upon a four-factor analysis that identified the needs of the LEP population;
- A Public Participation Plan including outreach plans to engage minority and LEP persons if certain population and rider thresholds are met;
- The racial makeup of any transit-related non-elected planning or advisory board;
- A narrative regarding the efforts the agency uses to ensure Title VI compliance from any subrecipients; and
- Any Title VI equity analyses performed in relation to any facilities constructed since the last Program submittal.

Additionally, agencies that provide fixed-route transit service must provide system-wide service standards and policies that address how service and associated amenities are distributed across the transit system and ensure the design and operation of service

does not result in discrimination on the bases of race, color, or national origin. MMT has developed the following service standards by which system performance is, and will continue to be, evaluated:

- Vehicle headway or route frequency;
- Vehicle loads;
- On-time performance of routes;
- System coverage;
- Stop spacing;
- Amenity deployment; and
- Vehicle assignment.

If agencies operate 50 or more fixed-route vehicles in peak service (i.e. on the road at any one time), they must also provide:

- A demographic analysis of the transit service area;
- Data regarding customer demographics and travel patterns, collected from passenger surveys;
- The results of any monitoring program of service standards and policies; and
- A description of the public engagement process for setting the "major service change policy" and disparate impact policy.

MMT has reached the threshold applicable to agencies operating 50 or more vehicles in peak service. MMT has undertaken a comprehensive service monitoring analysis and has developed policies for "major service changes," disparate impact, and disproportionate burden. These policies were developed and included in the 2017 Title VI Program and remain unchanged.

A "major service change" is defined by the 2017 Title VI Program as, "A service change impacting 30 percent or more of the revenue service hours (not including recovery or layover time) on an existing route or the implementation of a new route or the elimination of an existing route." For example, if MMT were to increase frequency on a route from 60 to 30 minutes, the revenue service hours would double, thereby classifying the change as "major."

All fare increases or decreases are classified as "major service changes" in accordance with FTA regulations.

MMT will perform an equity analysis on any proposed major service change, fare change, or facility construction to assess potential impacts on minority and low-income populations. The determination that a disparate impact exists will be made when:

- The adverse impacts of a fare or major service change borne by the minority population are more than 20 percent greater than impacts borne by the non-minority population; or
- The positive impacts of a fare or major service change borne by the non-minority population are more than 20 percent greater than the impacts borne by the minority population.

The determination that a disproportionate burden exists will be made when:

- The adverse impacts of a fare or major service change borne by the low-income population are more than 20 percent greater than impacts borne by the non-low-income population; or
- The positive impacts of a fare or major service change borne by the non-low-income population are more than 20 percent greater than the impacts borne by the low-income populations.

If either determination is made, MMT must consider alternative plans that may ease the burden on minority or low-income populations while still achieving its service goals. The required service monitoring performed for 2020 and the “major service change” equity analyses performed during the 2017-2020 Program period did not show disparate impact or disproportionate burden.

This item supports the City's strategic goals relating to building community and collaborative relationships and excelling at City services. The Title VI Program details how the Transit Services Division will expand and encourage citizen engagement and support continuous improvement in service delivery.

FINANCIAL IMPLICATIONS

N/A

BOARD/COMMISSION RECOMMENDATION

The Citizens Transportation Advisory Board (CTAB) recommended approval of the Title VI Program at its July 7, 2020 regular meeting.

STAKEHOLDER PROCESS

In accordance with FTA regulations, the Transit Services Division previously conducted public outreach efforts in order to set the service change, disparate impact, and disproportionate burden policies in 2017. These policies have not been changed.

ALTERNATIVES

City Council may approve with conditions or deny the Resolution regarding the Title VI Program.

PROPOSED MOTION

Move to approve the Resolution, thereby approving the Transit Services Division's updated Title VI Program to be effective October 1, 2020 through September 30, 2023.

SUMMARY OF ORDINANCE LANGUAGE

N/A