



Legislation Details (With Text)

File #: 13-475 **Version:** 1 **Name:** Title VI Program for MTC Freedom Grant
Type: Staff Report **Status:** Filed
In control: City Council
On agenda: 10/21/2013 **Final action:** 10/21/2013
Enactment date: **Enactment #:**
Title: Staff Report for a Resolution Adopting the San Leandro Title VI Program
Sponsors: Uchenna Udemezue
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
10/21/2013	1	City Council	Received and Filed	

Staff Report for a Resolution Adopting the San Leandro Title VI Program

RECOMMENDATIONS

Staff recommends that the City Council adopt a resolution to establish the San Leandro Title VI Program.

BACKGROUND

The Engineering and Transportation Department was awarded a \$130,987 grant from the Metropolitan Transportation Commission (MTC) Cycle 4 New Freedom Program in May 2012 to install accessible pedestrian signal (APS) devices at 13 signalized intersections.

The MTC requires that all New Freedom Program sub-recipients establish a Title VI Program to ensure that no person is excluded from participation in, denied the benefits of, or discriminated against, its projects, programs, or activities on the basis of race, color, creed, national origin, sex, or age, as provided in Title VI of the Civil Rights Act and 49 United States Code Section 5332.

City staff established the San Leandro Title VI Program, which was approved by the MTC and had been posted on the City’s website since June 2012. With a new update requirement in 2013, the Title VI Program must be approved by the City Council prior to submission to the MTC.

City staff updated the San Leandro Title VI Program in May 2013 and now seeks the City Council’s approval to formally establish the San Leandro Title VI Program.

Analysis

The New Freedom Program is authorized under the provisions set forth in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU), enacted on August 10, 2005, as codified at 49 U.S.C. 3517. The U.S. Department of Transportation Secretary

may make grants to recipients for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 1210 et seq.), that assist individuals with transportation, including transportation to and from jobs and employment support services.

The New Freedom Program grant funded by the Federal Transit Administration (FTA) aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. Lack of adequate transportation is a primary barrier to work for individuals with disabilities.

The MTC is the designated recipient for the Bay Area's Large Urbanized Area (UA) funding apportionment. The City of San Leandro entered into a sub-recipient relationship with the MTC through the execution of a funding agreement effective in May 2012. The City was subsequently awarded a New Freedom Grant in the amount of \$130,987 from the MTC to install accessible pedestrian signal (APS) devices at 13 signalized intersections.

Per the New Freedom Program Management Plan (PMP), project sub-recipients are required to submit the following documents to MTC annually:

1. A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI, including a list of locations where the notice is posted.
2. A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.
3. A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transit-related activities and programs and that pertain to the recipient submitting the report, not necessarily the large agency or department of which the recipient is a part.
4. A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission.
5. A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the Department of Transportation's (DOT) Limited English Proficient (LEP) Guidance.
6. Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
7. Primary recipients must include a narrative or description of efforts the primary recipient uses to ensure sub-recipients are complying with Title VI, as well as a schedule of sub-recipient

Title VI program submissions.

8. If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient must include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.
9. Additional information as specified in FTA C 4702.1B chapters IV, V, and VI, depending on whether the sub-recipient is a fixed route transit provider, a State, or a MPO (Metropolitan Planning Organization, i.e. MTC).

In response to the aforementioned requirements, staff updated the 2012 San Leandro Title VI Program that includes following documents:

- a. Civil Rights and Accessibility Notice to the Public
- b. Title VI Complaint Form
- c. Title VI Complaint Procedure
- d. Language Access Plan
- e. Request for Language Assistance
- f. San Leandro Public Participation Plan

All these documents are attached to the resolution, posted on the City's website at <http://www.sanleandro.org/howdoi/request/lassist.asp> and are also available in the City Manager's office.

Applicable General Plan Policies

Bicycle and Pedestrian Master Plan GOAL 1.3 - Include updates to the Bicycle and Pedestrian project lists as part of the larger annual Capital Improvement Project (CIP) update that the City undertakes for all projects.

Bicycle and Pedestrian Master Plan GOAL 2.1 - Identify current local, county, regional, state, and federal programs that would fund bicycle and pedestrian capital improvements and programs, along with specific funding requirements and deadlines.

Bicycle and Pedestrian Master Plan GOAL 4.11 - Install and maintain accessible pedestrian signals adhering to ADA installation guidelines and the latest best practices at all major multi-lane intersections that serve schools, transit hubs, and major commercial centers.

Summary of Public Outreach Efforts

All documents for the Title VI Program are posted on the City's website at <http://www.sanleandro.org/howdoi/request/lassist.asp> and have been available in the City Manager's office since June 2012. The Civil Rights and Accessibility Notice to the Public has been posted on the bulletin board located at the north entrance to City Hall since September 18, 2013.

ATTACHMENTS

Attachments to Related Resolution

- Civil Rights and Accessibility Notice to the Public
- Title VI Complaint Form
- Title VI Complaint Procedure

- Language Access Plan
- Request for Language Assistance
- San Leandro Public Participation Plan

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