



# Adoption of Title VI Program

Agenda item # 8

March 10, 2021



Tri-Valley San Joaquin Valley  
REGIONAL RAIL AUTHORITY



# Approve and Authorize Submittal of 2021 Title VI Program

- a. Updated Equity Statement
- b. Public Participation Plan
- c. Language Assistance Plan for  
Individuals with Limited English Proficiency
- d. Approve and Authorize  
Submittal of 2021 Title VI Program

# 8.a Updated Equity Statement

## Action Requested:

Adopt the following policy statement to support the Authority's commitment to social equity that **meets and exceeds** Title VI of the Civil Rights Act of 1964 that prohibits discrimination in most areas of public life:

- *The Tri-Valley – San Joaquin Valley Regional Rail Authority (Valley Link) is committed to ensuring that no person is excluded from participation in, nor denied the benefits of, its programs, activities or services on the basis of race, color, national origin, age, sex, sexual orientation, gender identity or disability.*

# Updated Equity Statement Continued

- *Valley Link will ensure that its programs, policies and activities comply with Title VI of the Civil Rights Act of 1964, as amended, and Department of Transportation regulations.*
- *Any person who believes they have been discriminated against with respect to Valley Link's programs, activities, services, or other transit related benefits, may file a written complaint within 180 days of the alleged incident.*
- *Complaint forms are available at Valley Link Administration, 1362 Rutan Court, Suite 100, Livermore, CA, 94551; and on the web at [www.valleylinkrail.com](http://www.valleylinkrail.com). You also may file a complaint of discrimination based on race, color or national origin with the Federal Transit Administration through its Office of Civil Rights, Title VI Program Coordinator, East Building, 5th floor-TCR, 1200 New Jersey Ave., SE, Washington DC 20590.*

# 8.b Public Participation Plan

## Action Requested:

Approve a Public Participation Plan that complies with the Federal Transit Administration (FTA) Title VI Program guidance.

# Public Participation Plan Continued

- Establishes process to solicit and consider public comment regarding future service, project planning, environmental studies and construction.
- Ensures that outreach to minority and/or limited English proficient (LEP) populations will occur during each and every public comment period.

# **Board adopted Sustainability Policy guiding equitable access (December 2018):**

- Encourage engagement in planning and decision-making for the project to ensure a meaningful level of participation from disadvantaged communities and low-income communities and households.
- Strive to maximize benefits to disadvantaged communities and low-income communities and households in project planning and design.

# Guiding Principles and Design Strategies

## Community Partnerships

- The Authority will work with community partners and stakeholders to identify the most effective methods to support participation within a particular area or cultural group.

## Target Population Needs

- The engagement process will accommodate participation in a variety of ways and be adjusted as needed. The methods will be tailored to match local and cultural preferences as much as possible, and all feedback received will be given careful and respectful consideration.

## Clear, Focused and Understandable

- Participation methods will have a clear purpose and use for the input and will be described in language that is easy to understand. The Authority will strive to use videos, pictures, the use of real-life examples, art, pictograms and other digital tools that may be available whenever possible to explain harder to decipher technical details and increase public awareness and understanding.

## Authentic and Meaningful

- The Authority will support public participation as a dynamic and meaningful activity that requires teamwork and commitment at all levels of the organization. All feedback received will be given careful and respectful consideration.

## Translation and Interpretive Services

- Public hearing meeting notices will be produced and distributed according to the language translation thresholds in the Language Assistance Plan. These notices will advise that participants can request interpreter services 48 hours in advance of the meeting and, if needed, the Authority will provide at least one qualified interpreter at these meetings who is fluent in the requested language.



# Menu of Public Participation Methods

- Printed Materials Produced by Authority
- Printed Materials Produced by Other Organizations
- Authority Website
- Webcast Meetings
- Postcards and Letters Distributed by Mail
- Media Targeted to Ethnic Communities
- Coordination with Community Events
- Coordination with Other Agencies
- Surveys
- Regular Meetings of Civic and Community Organizations
- Community Meetings
- Open Houses
- Workshops
- Large Group Discussion
- Focus Groups
- Special Events
- Walking Tours and On-Site Meetings
- Pop-Up Events
- Key Person Interviews
- Access to Language Line Services (LLS)

# 8.c Language Assistance Plan for Individuals with Limited English Proficiency

## Action Requested:

Approve a Language Assistance Plan for Individuals with Limited English Proficiency that complies with Federal Transit Administration (FTA) Title VI Program guidance

# Title VI Requirements

## Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency

- Differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination
- Established guidance for federal funding recipients to clarify their obligation to ensure that such discrimination does not take place
- Language Assistance Plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available

# LEP Four Factor Analysis

The four-factor LEP analysis considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter an Authority program, activity or service.
2. The frequency with which LEP persons come in contact with Authority programs, activities or services.
3. The nature and importance of programs, activities or services provided by the Authority to the LEP population.
4. The resources available to the Authority and overall cost to provide LEP assistance.

# “Safe Harbor Languages” in Valley Link Service Area

	Population in Valley Link Service Area	Percent of Population in Valley Link Service Area
Spanish	75,061	9.15%
Chinese (incl. Mandarin, Cantonese)	10,467	1.28%
Tagalog (incl. Filipino)	10,190	1.24%
Vietnamese	4,476	0.55%
Korean	1,979	0.24%
Arabic	1,134	0.14%

*Source: U.S. Census Bureau, American Community Survey 2015-2019, 5-Year Estimates*

- Applies to languages spoken by people who speak English less than “very well”
- Threshold: lesser of 1,000 people or 5% of population
- Written translations presumes compliance, but also useful guide for other assistance

# Language Assistance Plan Contents

- Identifying LEP individuals who need language assistance
- Language assistance measures
- Training staff
- Providing Notice to LEP persons
- Monitoring and updating the LAP

# 8.d Approve and Authorize Submittal of 2021 Title VI Program

## Action Requested:

Approve and authorize submittal of the 2021 Title VI Program to the Federal Transit Administration

# FTA Title VI Requirements

- Provide Title VI Assurances in applications for federal financial assistance
- Notify the public of Title VI rights and complaint procedures
- Conduct public outreach for decision-making, including to minority, low-income, and LEP populations
- Adopt and submit Title VI Program
- Source: FTA C 4702.1B



# Title VI Program Contents

- Copy of Title VI notice, information on posting of notice
- Complaint procedures, processes for tracking and investigating Title VI complaints
- Language Assistance Plan for populations with Limited English Proficiency (requires demographic data analysis)
- Public Participation Plan, examples of how outreach is done
- Evidence of Board adoption of Program

# Action Requested

- Approve draft Title VI Program
- Authorize staff to:
  - Complete and insert identified translations
  - Incorporate Public Participation Plan and Language Assistance Plan
  - Set up proper systems for compliance, e.g., complaint management and investigation
  - Submit Program to FTA, with minutes of this meeting
  - Make any changes required following FTA review