

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director
Prepared By: Shaun Kroes, Senior Management Analyst 

DATE: November 22, 2013 (CC Meeting of 12/04/13)

SUBJECT: Consider Resolution Adopting Moorpark City Transit Title VI Program Including Incorporation of Elements of the Ventura County Transportation Commission's Title VI Program

BACKGROUND/DISCUSSION

The United States Department of Transportation and Federal Transit Administration (FTA) require agencies that operate transit services to comply with the general requirements of Title VI regulations consistent with FTA Circular 4702.1B, dated October 1, 2012. As a sub-recipient of federal funds from the Ventura County Transportation Commission (VCTC), the City of Moorpark (City) is eligible to incorporate sections of VCTC's Title VI Program. Adoption of VCTC's Program allows the City to comply with Title VI requirements without the need for performing its own special studies that have already been completed by VCTC.

The City is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended. As sub-recipient to the regional grantee (VCTC) the City is eligible to adopt certain elements of the VCTC Title VI Program. Recommended adoptable elements include general program language and the following:

- Notice to Beneficiaries
- Title VI Complaint Procedures
- Language Assistance Plan (Limited English Proficiency Plan)
- Public Participation Plan

By adopting these elements of the VCTC Title VI Program, the City will satisfy federally mandated Title VI requirements. The resulting Title VI Program is attached as Exhibit A to the proposed Resolution.

Honorable City Council
December 4, 2013
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FISCAL IMPACT

There are no direct costs associated with the City adopting the recommended elements of the VCTC Title VI Program.

STAFF RECOMMENDATION

Adopt Resolution No. 2013 - _____ adopting certain elements of the VCTC Title VI Program for Moorpark City Transit.

Attachment: Resolution

RESOLUTION NO. 2013 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING CERTAIN ELEMENTS OF THE VENTURA COUNTY TRANSPORTATION COMMISSION TITLE VI PROGRAM FOR MOORPARK CITY TRANSIT

WHEREAS, the City of Moorpark/Moorpark City Transit is eligible to adopt certain elements of the Ventura County Transportation Commission Program to make Moorpark City Transit compliant with Title VI requirements; and

WHEREAS, Moorpark City Transit is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Authorizes the City of Moorpark/Moorpark City Transit to adopt the Title VI Program incorporating the following elements of the Ventura County Transportation Commission Title VI Program: Notice to Beneficiaries, Title VI Complaint Procedures, Language Assistance Plan (Limited English Proficiency Plan), and Public Participation Plan.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 4th day of December, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment: Exhibit A: City of Moorpark/Moorpark City Transit Title VI Program

CITY OF MOORPARK/MOORPARK CITY TRANSIT TITLE VI PROGRAM

1. INTRODUCTION

The United States Department of Transportation (US DOT) and the Federal Transit Administration (FTA) require agencies that operate transit service to comply with the general requirements of the Title VI regulations. The purpose of the Title VI Program is to ensure that the level and quality of City of Moorpark/Moorpark City Transit (City) service is provided without regard to race, color, national origin or income status.

As sub-recipient to the regional grantee, Ventura County Transportation Commission (VCTC), the City is eligible to adopt certain elements of the VCTC Title VI Program per FTA Circular 4702.1B, dated October 1, 2012. Appropriate, adoptable elements include the following:

- Notice to Beneficiaries
- Title VI Compliant Procedures
- Language Assistance Plan (LEP Plan)
- Public Participation Plan

The City has elected to adopt eligible elements of the VCTC Title VI Program, in order to satisfy federally-mandated Title VI requirements; adopted elements are noted accordingly. The following sections describe the City's Title VI Program in detail.

2. TITLE VI COMPLAINT PROCEDURES

To ensure compliance with Title 49 of the Code of Federal Regulations (CFR) Section 21.9(b), VCTC and sub-recipients are required to develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. In order to reduce the administrative burden associated with this requirement, VCTC sub-recipients may adopt the Title VI complaint investigations and tracking procedures developed by VCTC. As such, the City has adopted VCTC Title VI Complaint Procedures as part of its Title VI program.

2.1. Title VI Policy

The City is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color or national origin as

protected by Title VI of the Civil Rights Act of 1964, as amended.

No person or group of persons will be discriminated against with regard to fares, routing, scheduling, or quality of transportation service that the City furnishes, on the basis of race, color, or national origin. Frequency of service, age and quality of the City's vehicles assigned to routes, quality of the City's stations serving the City, and location of routes will not be determined on the basis of race, color or national origin.

For additional information on the City's obligation regarding non-discrimination, please write to:

City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

2.2. How to File a Complaint

Any person who believes that he or she has, individually, or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, or national origin may file a Title VI complaint with the City.

The complaint must be filed within one hundred and eighty (180) days of the date of the alleged discrimination. Written complaints may be sent to:

City of Moorpark
Attn: City Engineer/Public Works Director
799 Moorpark Avenue
Moorpark, CA 93021

The "Title VI Complaint Form" is available online at www.moorparkca.gov and should be used to detail the complaint, but is not mandatory. Complaint forms may also be obtained by calling 805-517-6257.

In addition to the Title VI complaint process at the City, a complainant may file a Title VI complaint with the FTA, Office of Civil Rights, Region IX, 201 Mission Street, Suite 1650, San Francisco, California 94105-1839.

2.3. How Complaints are Processed by the City

All complaints alleging discrimination based on race, color or national origin in a transit service or benefit provided by the City will be recorded by the City's Public Works Senior Management Analyst by updating the "List of Active Investigations, Lawsuits or Complaints". This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or sub-

recipient in response to the investigation, lawsuit, or complaint. The list shall be made available to FTA upon request and with every City Title VI Program update.

If additional information is needed for assessment or investigation of the complaint, City staff will contact the complainant in writing within fifteen (15) working days of receiving the complaint. Failure of the complainant to provide the requested information by the requested date may result in the administrative closure of the complaint.

City staff will investigate the complaint and prepare a draft written response. If appropriate, City staff may administratively close the complaint.

City staff will investigate a formal Title VI complaint within thirty (30) working days of receiving the complaint. Based upon all of the information received, City staff will prepare a draft written response subject to review by the City.

The City will determine if the complaint may be administratively closed after the draft is written, or if a final written response is needed. If a final written response is needed, the City will send the response to the complainant and advise the complainant of his or her right to file a complaint externally. The complainant also will be advised of his or her right to appeal the response to federal and state authorities as appropriate.

The City will use its best efforts to respond to a Title VI complaint within sixty (60) working days of its receipt of such a complaint.

3. TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

To ensure compliance with 49 CFR Section 21.9(b), the City is required to prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the City that allege discrimination on the basis of race, color, or national origin. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or sub-recipient in response to the investigation, lawsuit, or complaint.

There have been no complaints naming the City alleging discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.

4. MEANINGFUL ACCESS TO LEP PERSONS

Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).

In developing a language implementation plan VCTC and sub-recipients can ensure that LEP persons have meaningful access to their programs and activities by developing and carrying out a language implementation plan pursuant to the recommendations in Section VII of the US DOT LEP Guidance.

VCTC adopted LEP procedures on October 5, 2007. The City has elected to adopt these LEP procedures for inclusion in its Title VI Program.

5. PROMOTION OF INCLUSIVE PUBLIC PARTICIPATION

VCTC and sub-recipients are required to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

The City will continue to employ the following measures to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. These measures are adopted from the VCTC Title VI Program. The public outreach and involvement activities listed below were also undertaken since the last Title VI Program report and shall remain in place to ensure that minority and low-income people have meaningful access to these activities.

1. Bilingual (English & Spanish) information operators are available to respond to customers calling the VCTC toll-free information line.
2. Bilingual-speaking staff is available to answer telephone inquiries on the City's main line; and VCTC's ADA certification contractor utilizes English and Spanish-speaking staff for scheduling ADA certification interviews.
3. A Spanish-speaking staff person will perform VCTC's ADA certification interview if requested, or if the interview scheduler believes that it would be necessary or beneficial.
4. The following materials shall be available in both English and Spanish: (i) ADA Certification Brochure; (ii) ADA Certification Application; (iii) Senior & Disabled Transit Services Directory.
5. VCTC shall provide Spanish-language media advertising as part of the countywide transit marketing program.

6. SYSTEM-WIDE SERVICE STANDARDS AND POLICIES

[see **VENTURA COUNTY TRANSPORTATION COMMISSION TITLE VI PROGRAM**, Chapter 4, Sections 4.2 & 4.3, pp. 20-29, adopted February 6, 2009 and any future amendments] (Attachment I).

The following exception applies for the City's Vehicle Load for fixed-route service. VCTC's fixed-route vehicle load ratio is 1:1. The City's Vehicle Load will be 1:1.4, or 1 seat for every 1.4 passengers, to account for the ability of passengers to stand while in a City fixed-route vehicle.

Demographic and Service Profile Maps: Included in this report are five demographic and service profile maps that illustrate as a whole that the minority and low-income population are well served by the VISTA system. These maps are individually described below:

1. Exhibit 13 – A base map of Ventura County (VISTA service area) that includes numbered census tracts, freeways and major roads, and rail lines. Minority population census tracts are shaded in green.
2. Exhibit 14 – The same base map described above in Exhibit 13 with minority, low-income and minority & low-income census tracts that are shaded with separate colors to identify each grouping.
3. Exhibit 15 – A map showing VISTA routes, train stations, major bus transfer stations, shopping centers, city halls, civic centers and colleges/university. Minority, low-income and minority & low-income census tracts are shaded with separate colors to identify each grouping.
4. Exhibit 16 – The same map described above in Exhibit 15 with population “dots” that illustrate where the population resides in the County. The map shows that VISTA serves the more populated areas in the county that include minority and low-income census tracts. VISTA DAR services provided in Fillmore-Piru and Santa Paula are entirely located in minority and/or low-income census tracts.
5. Exhibit 17 – A close-up view of VISTA routes with minority, low-income and minority & low-income census tracts.

Census Tract Charts: The chart which identifies the minority census tracts in Ventura County including numbers and percentages for each minority group within each tract is provided in Attachment 4. Attachment 5 presents the average median household income for each tract and identifies the low-income tracts.

4.2 Quantitative System-wide Service Standards

In order to comply with 49 CFR Section 21.5(b)(2) and (7), Appendix C to 49 CFR part 21, recipients VCTC is required to adopt quantitative system-wide service standards necessary to guard against discriminatory service design or operations decisions.

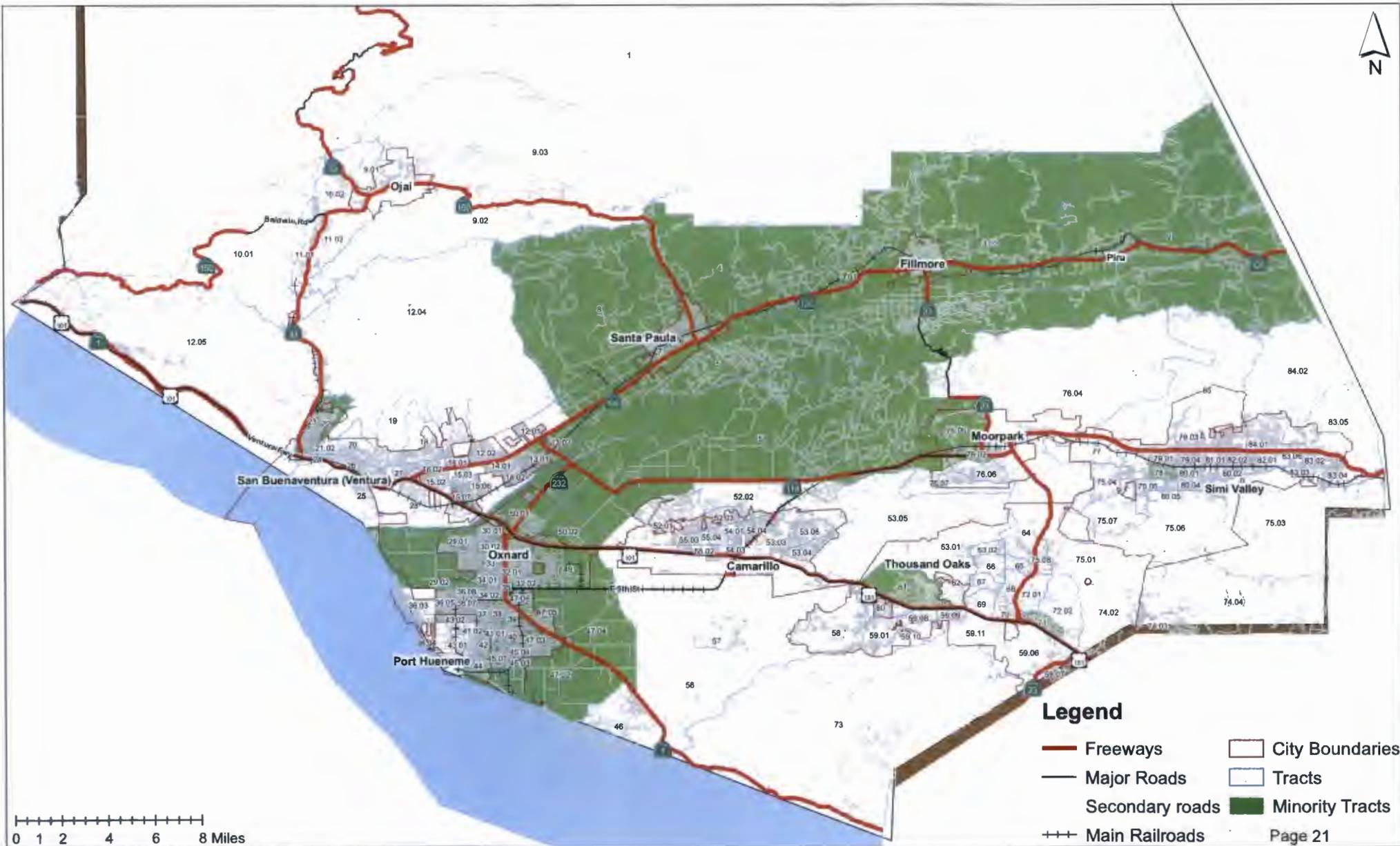
VCTC adopted the FTA recommended quantitative standards and indicators as part of the original program except for on-time performance indicator that was added with the revised circular dated May 2007. A recommendation will be made to begin tracking on-time performance for inclusion in the next Title VI Program update.

A discussion of the adopted service indicators and VISTA performance against these indicators follows the maps.



Ventura County Minority Population Map

Exhibit 13



0 1 2 4 6 8 Miles

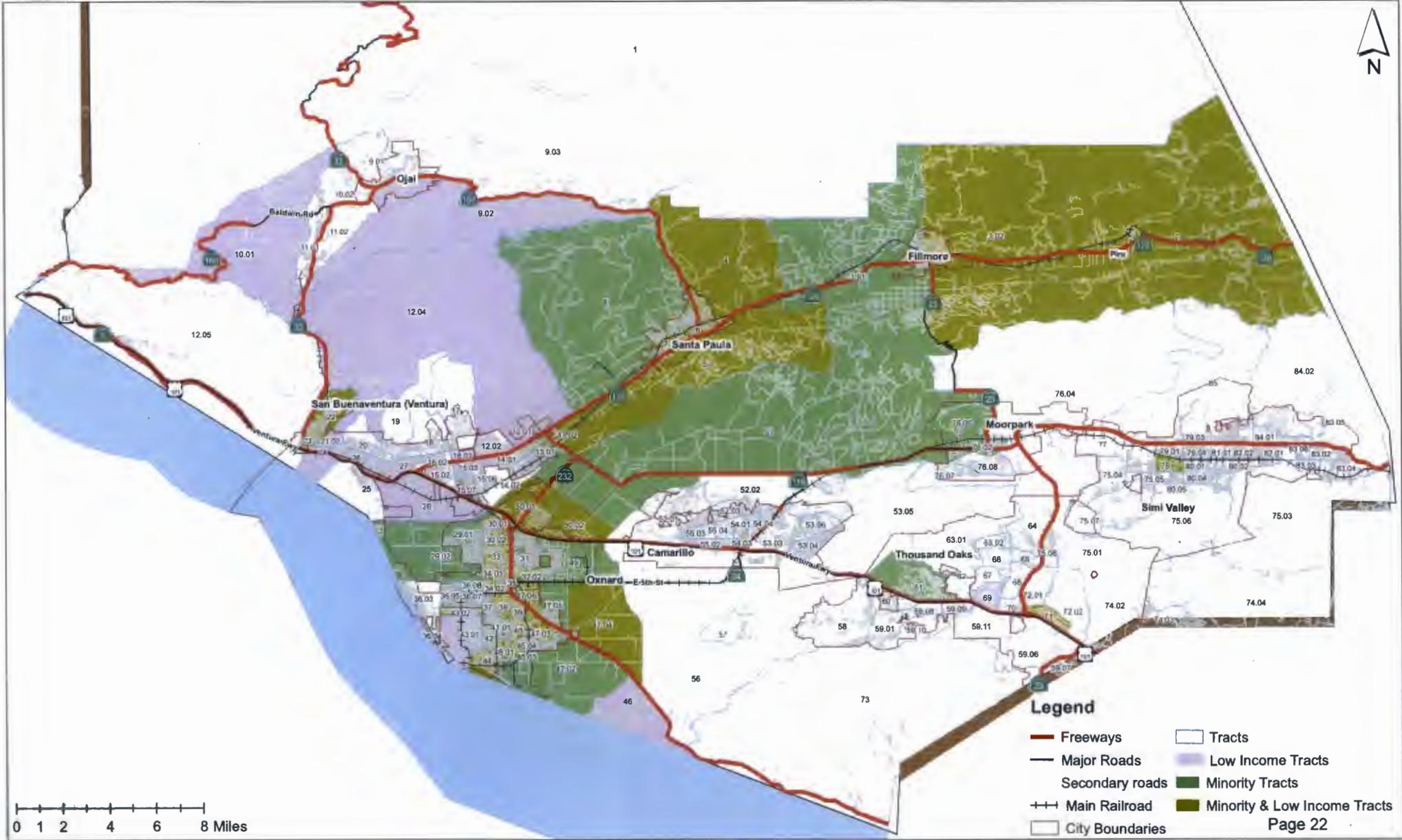
Legend

- Freeways
- City Boundaries
- Major Roads
- Tracts
- Secondary roads
- Minority Tracts
- Main Railroads

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Ventura County Minority & Low Income Population Map

Exhibit 14

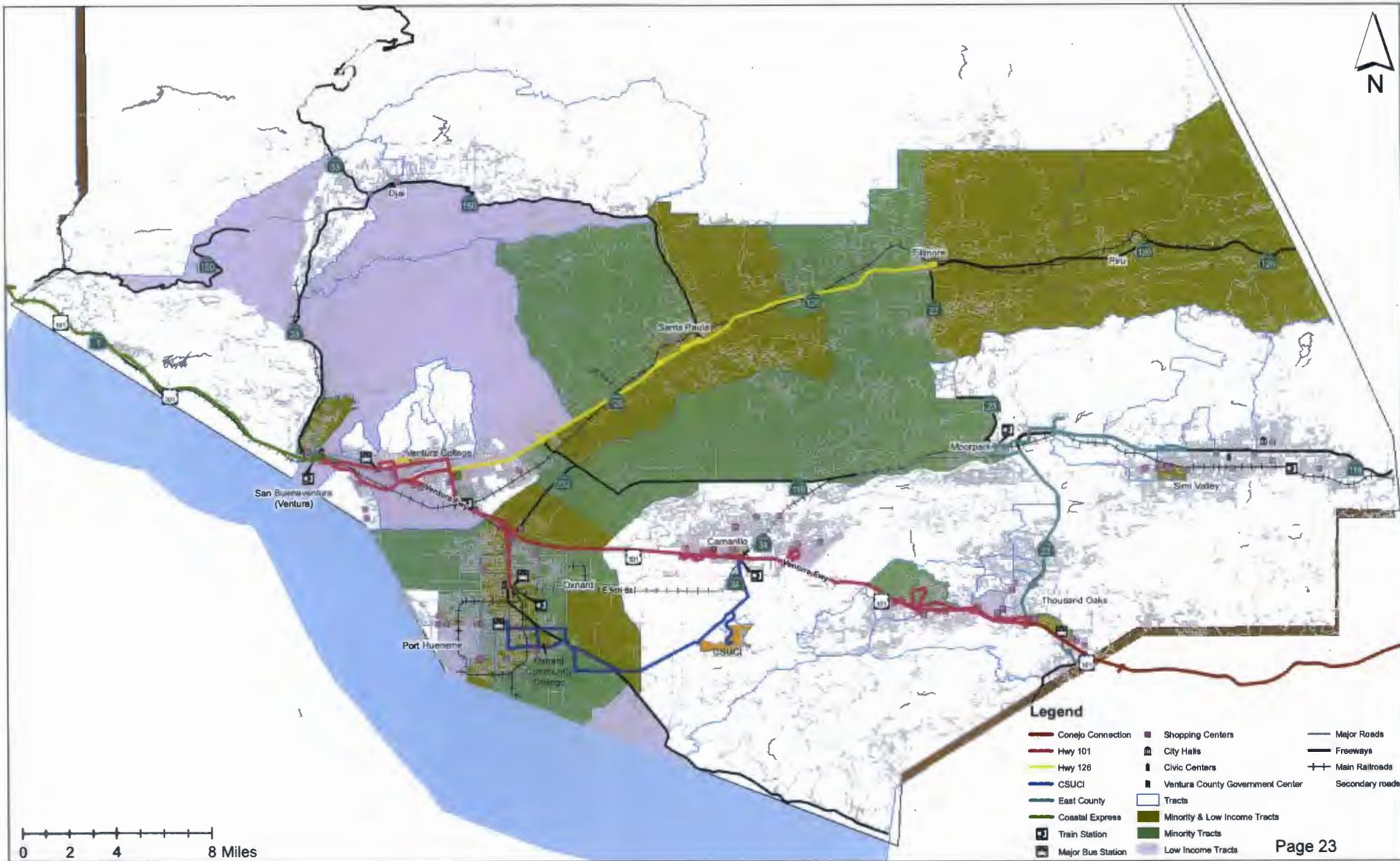


0 1 2 4 6 8 Miles

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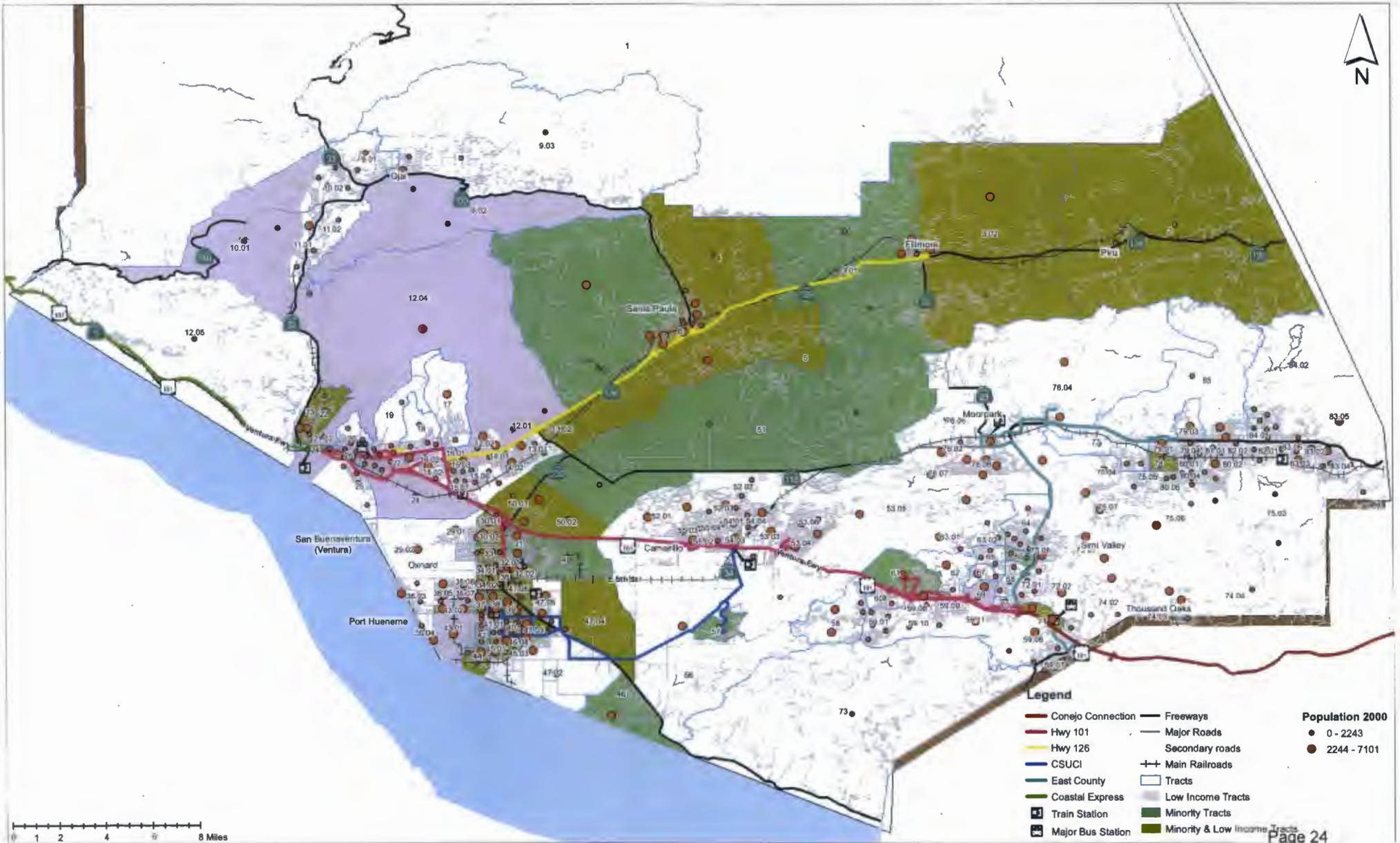
VISTA Intercity Commuter Bus Route Map

Exhibit 15



VISTA Intercity Commuter Bus Route Map

Exhibit 16

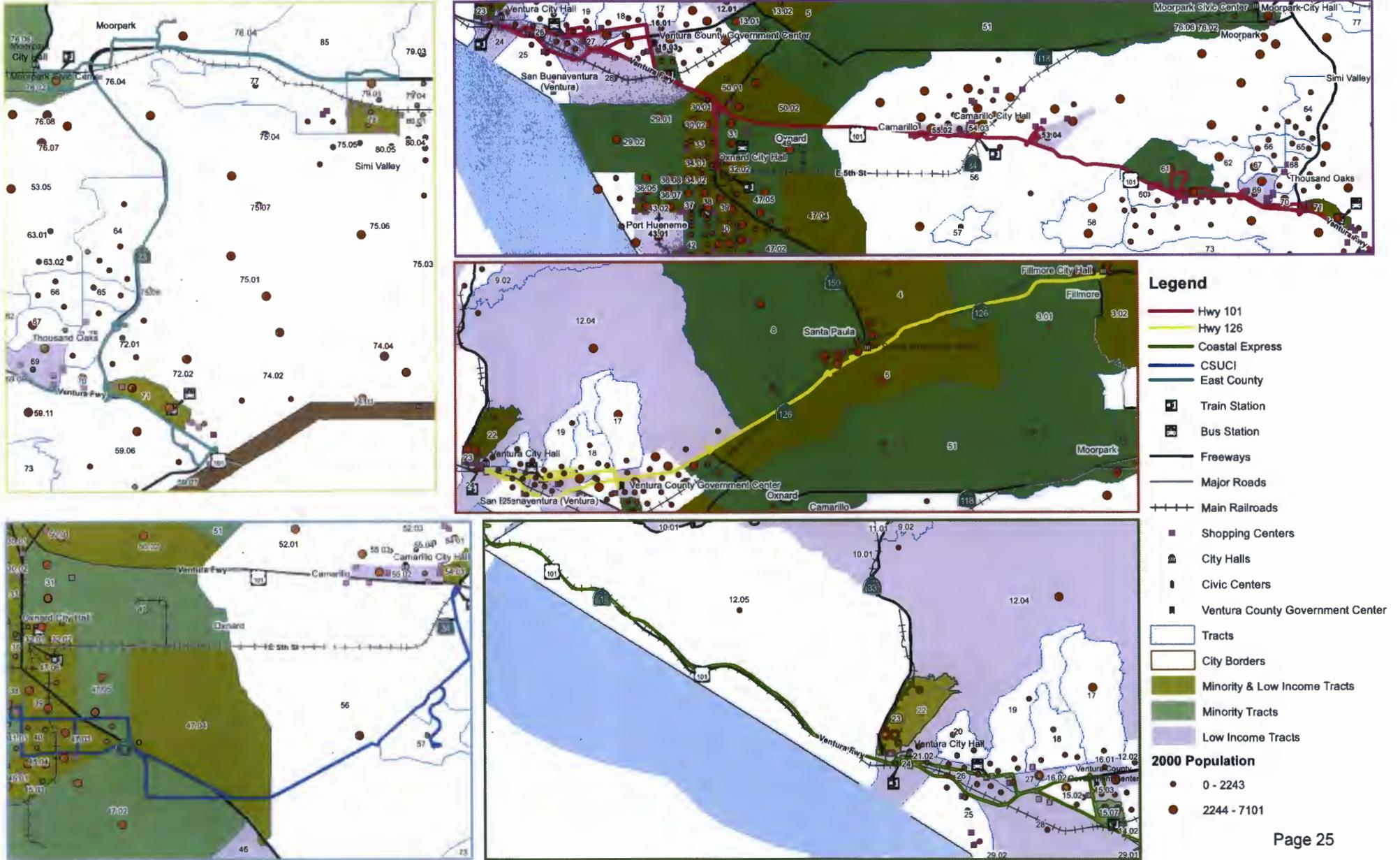


Legend

Conejo Connection	Freeways	Population 2000
Hwy 101	Major Roads	
Hwy 126	Secondary roads	0 - 2243
CSUCI	Main Railroads	2244 - 7101
East County	Tracts	
Coastal Express	Low Income Tracts	
Train Station	Minority Tracts	
Major Bus Station	Minority & Low Income Tracts	

VISTA Intercity Commuter Bus Service Routes

Exhibit 17



Service Indicator 1: VEHICLE LOAD

Vehicle Load or load factor is a ratio of the number of seats on a vehicle to the number of passengers. Load factor is an indicator of the extent of probable overcrowding or the need for additional vehicles. It is also a means to determine whether the level of service on a particular route at a particular time is adequate to assure a level of service deemed appropriate for the transit system. As a service standard, load factor is typically expressed as a ratio (e.g., 1:1.25 or 1 seat for every 1.25 passengers). The load factor is determined by taking the number of seats on a specific route which pass the peak point during the peak hour and dividing that into the number of passengers that are actually carried past that point during that hour.

A Vehicle Load standard of 1:1 has been established for VISTA Intercity and DAR vehicles. Vehicle loads are monitored for all routes to determine if additional vehicles are needed to avoid overcrowding. Passengers are not allowed to stand on DAR vehicles, and it is preferable that passengers not stand on buses.

VISTA Minimum Standard: Vehicle load shall not exceed 1:1 for VISTA Intercity and DAR services.

Performance Review Results: VCTC complied with the previous recommendation to track vehicle load by bus and route using a single system-wide figure. A sample of vehicle loads by route and bus during peak periods was provided by VCTC staff using FY07/08 Smart Card fare revenue system data. Based on the sample, average vehicle loads were calculated for each route and listed in Exhibit 18. VISTA Routes that exceeded the adopted load factor of 1:1 are Highway 101 (weekday service), Coastal Express (weekday service), and the Santa Paula Commuter weekday service. Vehicle loads for DAR services remain in compliance with the 1:1 load factor requirement because passengers are not allowed to stand on DAR buses as controlled through the reservation system.

Exhibit 18

VISTA Route	Vehicle Load
Highway 101 (Weekday)	1:1.01
Highway 101 (Saturday)	1:0.50
Conejo Connection (Weekday)	1:0.57
Highway 126 (Weekday)	1:0.98
Highway 126 (Saturday)	1:0.82



Coastal Express (Weekday)	1:1.09
Coastal Express (Saturday)	1:0.86
East County (Weekday)	1:0.69
East County (Sat. & Sun.)	1:0.25
CSUCI (Camarillo Route)	1:0.88
CSUCI (Oxnard Route)	1:0.59
Santa Paula Commuter (Weekday)	1:1.15

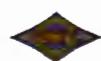
Service Indicator 2: VEHICLE HEADWAY

Vehicle headway is a measurement of the time interval between two vehicles traveling in the same direction on the same route. The frequency of service is a general indication of the level of service provided along a route and a factor in the calculation of the amount of travel time expended by a passenger to reach his/her destination. It is generally expressed for peak end off peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes).

Local bus service is usually more frequent than intercity bus service because the travel distance is generally longer on intercity buses. This is the case for VISTA intercity services that traverse the county and neighboring counties to connect with other bus operations and commuter rail. Scheduled VISTA headways range from less than 30 minutes during peak hours to over 2 hours for the longer limited runs such as to Warner Center in LA County. Because service to both LA and Santa Barbara counties is limited, the minimum headways standard shall apply only to VISTA intercity routes operating within Ventura County. The variation in headways between VISTA routes and time of day is largely based on the travel patterns and needs of commuters in the county matched with available funding to operate the service. Since DAR services are demand responsive rather than on a fixed schedule, headways and vehicle headway standards do not apply to the VISTA DAR services.

VISTA Minimum Standard: Scheduled headways for VISTA Intercity bus routes operating in Ventura County shall not exceed 90 minutes (1.5 hours) during the peak period on weekdays, and 180 minutes (3.0 hours) during the off-peak on weekdays and on weekends.

Performance Review Results: Based on a review of scheduled headways the VISTA system is in compliance with the adopted headway standard maximum of 90 minutes



during peak periods on weekdays and 180 minutes off-peak on weekdays and weekends.

Service Indicator 3: DISTRIBUTION OF TRANSIT AMENITIES

Transit amenities refer to items of comfort and convenience available to the general public such as escalators at rapid rail stations and “park-and-ride” facilities, etc. Policies or standards in this area address how these amenities are distributed within the transit system. The manner in which such amenities/ facilities are distributed determines whether transit users have equal access to these.

The VISTA system primarily relies on facilities provided by local transit agencies, cities, the County and others for intercity stop locations. VISTA has not installed bus stops or shelters at stop locations, and has no plans to do so in the future. Any benches, shelters and facilities that exist where VISTA provides service have been provided by another entity, except for two Metrolink stations owned by VCTC in Camarillo and Montalvo (in Ventura).

VCTC allocates all amenities to the VISTA system in a manner that ensures equal access to these amenities by the public as appropriate.

VISTA Minimum Standard: Transit amenities provided by VCTC for VISTA services shall be made equally available to all transit vehicles and stops as appropriate to ensure equal access to these amenities by the public.

Performance Review Results: Transit amenities previously implemented by VCTC such as the *Smart Card* and the NExtbus real-time bus locating system remain implemented and available throughout the County. No other significant transit amenities have been added since the last report.

Service Indicator 4: TRANSIT ACCESS

Transit access is a measure of the distance a person must travel to gain access to transit service. When measured in time intervals, it is a component of the calculation of travel time. Transit access is a general measure of the distribution of routes within a transit district. The standards or policies covering this area apply to existing services as well as proposed changes in levels of service (e.g., expansion, addition, deletion, etc. of routes).

The Transit Access indicator works best for local bus services such as Gold Coast Transit than for intercity bus service. In general, intercity bus service differs from local transit systems in that intercity buses run longer distances and make fewer stops to pick up passengers. The VISTA Intercity buses run long distances to connect with local transit systems that serve population centers that are geographically distributed throughout the county. The exception is the VISTA DAR in the communities of Fillmore and Santa Paula where curb to curb service is provided to anyone through the DAR reservation system. All local municipal bus systems have access to VISTA services by connecting at the most convenient locations for patronage while keeping



stops to a minimum for quicker cross-county connections. The common standard used by local transit systems, normally measured in the distance a person must travel to access VISTA, therefore does not work for VISTA intercity services. Making VISTA available for connection to local transit systems shall be considered providing reasonable access to the VISTA system. Since VISTA DAR provides curb to curb service in two service areas, having equal access and opportunity to make reservations for DAR service shall be considered providing equal access to the VISTA system.

VISTA Minimum Standard: For VISTA intercity services, routes shall exist and operate along the major north-south and east-west highway corridors in Ventura County (101, 118, 23, and 126) to enable access to the municipal transit systems in the county. For VISTA DAR services, the general public shall have equal access to transit services by having equal opportunity and access to the DAR reservation system. Equal access and opportunity means that no person shall be denied the ability to make a reservation or to access VISTA as a result of their race, ethnicity, or national origin.

Performance Review Results: VISTA routes continue to operate on the freeway system in the County. The DAR services, including the call-in reservation system, remain available to the public without regard to race, ethnicity or national origin.

4.3 System-wide Service Policies

In order to comply with 49 CFR Section 21.5(b)(2) and 49 CFR Section 21.5(b)(7), Appendix C to 49 CFR part 21, VCTC is required to adopt system-wide service policies necessary to guard against service design and operational policies that have disparate impacts. System-wide policies differ from service standards in that they are not necessary based on a quantitative threshold.

VCTC adopted the FTA recommended system-wide standard of “Vehicle Assignment” as part of VCTC’s original Title VI Program. This is the only System-wide Service policy standard for the VISTA system. The transit security service policy suggested by FTA in the Title VI circular is not appropriate for the VISTA system at this time given relatively low crime statistics.

Service Policy 1: VEHICLE ASSIGNMENT

Vehicle Assignment refers to the process by which transit vehicles are assigned to routes throughout the system due to variations among vehicles (e.g., age, type or size, amenities, etc.), types of service offered (e.g., express or local, long- or short-haul, etc.), timing of vehicle assignment (e.g., time of day, day of week, holiday/non-holiday, etc.), and other factors (e.g., origin points of vehicles, etc.).

VISTA utilizes identical buses for all corridors. DAR vehicles are not assigned to routes but rather are based on reservations made throughout the two DAR service areas. Service hours and headways are relatively consistent among the VISTA services with emphasis on making connections with local municipal transit systems.