



ADMINISTRATIVE COMMITTEE

September 3, 2020

Administrative Committee Meeting

Thursday, September 3, 2020

Proposed Agenda

- I. Call to Order – Earl Ehrhart, Chair
- II. Approval of the Meeting Minutes for July 2, 2020
- III. Approval of the Agenda for September 3, 2020
- IV. ATL Title VI Program Updates – Cathy Gesick – **Action Item**
- V. ATL DBE Program Update – Cathy Gesick
- VI. FY 2022 “Early Look” Budget Submission – Monique Simmons
- VII. Adjourn



ATL TITLE VI PROGRAM UPDATES

Cathy Gesick
Compliance & DBE Officer

TITLE VI BACKGROUND – ATL PROGRAM STATUS

- ▶ Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance
- ▶ Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance
- ▶ Under FTA Circular 4702.1B and 49 CFR 21.23(f), each recipient of federal funds must comply with the Civil Rights Act and adopt a Title VI Program every 3 years
- ▶ ATL's Title VI Program originally approved by ATL Board in March 2019
- ▶ Update underway to include Xpress operations component

TITLE VI PROGRAM OBJECTIVES/PURPOSE

1

Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner

2

Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin

3

Ensure meaningful access to transit-related programs and activities by persons with limited English proficiency

4

Ensure Title VI applied institution-wide; it is not limited to the program that receives FTA funding (e.g., planning, capital, operations)

REQUIRED ELEMENTS OF ATL TITLE VI PROGRAM

- ▶ Notice to the Public
- ▶ Complaint Forms and Procedures
- ▶ Public Participation Plan
- ▶ Limited English Proficient (LEP) Plan
- ▶ ATL Board Structure/Demographics
- ▶ Requirements for Fixed Route Transit Providers
- ▶ Subrecipient Monitoring

NOTICE TO THE PUBLIC

- ▶ Includes a Statement of Policy
- ▶ Includes complaint filing instructions and where complaints can be filed:
 - Complaint must be filed in writing to either the ATL or Federal Funding Agency
- ▶ Includes call instructions for obtaining Title VI Program information in Spanish, Korean, Chinese, and Vietnamese
- ▶ Includes the Notice to the Public which is displayed in public facing areas and ATL/Xpress website

COMPLAINT PROCEDURES

- ▶ Title VI complaint forms can be found on Xpress and the ATL's website
- ▶ The complainant is required to complete and submit the form or required information found on the ATL website within 180 days of the last alleged incident
- ▶ The complaint must include the following information:
 - Name, address, and telephone number of the complainant
 - The basis of the complaint, i.e., race, color, or national origin
 - The date or dates on which the alleged discriminatory event or events occurred
 - The nature of the incident that led the complainant to feel discrimination was a factor
 - Names, addresses, and telephone numbers of persons who may have knowledge of the event
 - Complainant's signature and date

COMPLAINT PROCEDURES CONTINUED

- ▶ If the complainant is unable to write a complaint, the ATL Civil Rights Office will assist the complainant. If requested by complainant, the ATL Civil Rights Office will provide a language or sign interpreter
- ▶ Complainants have the option to file with EEOC, FHWA, FTA, GDOT, USDOT, or the ATL
- ▶ Upon a complaint being filed, the ATL will acknowledge receipt of the complaint and then:
 - Open an investigation within 15 business days and contact the complainant within 30 days of receipt of the complaint if additional information is required
 - Complete a written investigation report within 90 days of a completed complaint
 - The respondent and complainant have 5 days to respond; if no response is received the investigation is closed
 - Once closed, provide the investigation report, with recommendations and corrective actions taken, to the appropriate federal agency, the complainant, and the respondent

PUBLIC PARTICIPATION PLAN – REQUIREMENTS

- ▶ Federal requirements governing ATL’s Public Participation Plan:
 - FTA C 4702.1B, Title VI Requirements and Guidelines for FTA Recipients
 - Chap. 2, par. 9, Requirement to Provide Meaningful Access to LEP Persons
 - Chap. 3, par. 8, Promoting Inclusive Public Participation
 - FTA C 4703.1, Environmental Justice Policy Guidance for FTA Recipients
 - 49 U.S.C. Sections 5307(b):
 - Requires programs of projects to be developed with public participation
 - Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (65 FR 50121, Aug. 11, 2000)
 - Requires that recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for LEP individuals

PUBLIC PARTICIPATION PLAN

- ▶ ATL engages in public outreach to ensure that its stakeholders receive information regarding the status of relevant project, program, and service/fare changes and participate in the decision making and planning process

- ▶ ATL's Public Participation Goals:
 - To provide meaningful opportunities for the public to assist staff in identifying social, economic, and environmental impacts of proposed transportation decisions. This includes input from low-income, minority and LEP populations

 - To ensure that the comments it receives are useful, relevant and constructive and contribute to better organizational plans, projects, strategies and decisions

 - To ensure that opportunities to participate are accessible physically, geographically, temporally, linguistically, and culturally

PUBLIC PARTICIPATION METHODS

- ▶ ATL will strive to proactively promote public involvement and to inform the public of current initiatives, programs, and issues

- ▶ The following are examples that ATL may use to inform, reach out to invite participation, and to seek public input:
 - Printed Materials Produced by ATL

 - ATL/Xpress Website

 - Media Targeted to Ethnic Communities

 - Informational Open Houses and Public Meetings Via Various Platforms

 - Translation and Interpretive Services

LIMITED ENGLISH PROFICIENT (LEP) ACCESS PLAN

- ▶ ATL must comply with USDOT regulations and 65 FR 50121 (August 2000) to ensure LEP individuals have meaningful access to benefits, services, information, and other important portions of its programs and activities

- ▶ ATL is most likely to directly interact with LEP populations when:
 - Developing a Regional Transit Plan
 - Developing Regional Transit Policies and Policy Implementation Plans
 - Conducting community outreach and attending transit agency partner events
 - Interacting with existing and/or new regional transit operators
 - Delivery of Xpress Commuter Bus Service

LIMITED ENGLISH PROFICIENT (LEP) ACCESS PLAN

- ▶ Four factor Analysis (conducted in development of LEP Access Plan):
 - LEP persons eligible to be served or likely to be encountered by the program or recipient
 - Frequency with which LEP persons come into contact with the program
 - Nature and importance of the program, activity, or service provided
 - Resources available to the recipient for LEP outreach, as well as associated costs

- ▶ Access Plan Resources:
 - Telephone: LEP Language line translation services and staff trained to assist LEP populations
 - In-person: “I speak” cards, staff access to translated materials via Google Translate
 - Website: Translations in Spanish, Vietnamese, Korean, and Chinese

REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS

- ▶ Service Standards and Policies to Include Data Collection and Reporting, Monitoring of Transit Service, and Evaluating Major Fare and Service Changes
- ▶ Demographic and Service Profile Maps
- ▶ Ridership Demographics and Survey Data
- ▶ Monitoring Results
- ▶ Public Participation Process for Setting Title VI Policies
- ▶ Service and Fare Equity Analysis Procedures

OTHER ELEMENTS INCLUDED IN TITLE VI PLAN

▶ ATL Board Structure and Demographics:

- The ATL board consists of one individual appointed by the Governor, two individuals appointed by the Lieutenant Governor, two individuals appointed by the Speaker of the House, and ten individuals elected from the ATL's ten transit districts

▶ Subrecipient Monitoring:

- The ATL will monitor subrecipients, contractors, and subcontractors for compliance with Title IV per FTA Circular 4702.1B, Chap. III, Part 12 requirements
- ATL's subrecipient monitoring procedures will include the following:
 - 1) Requesting and maintaining files for subrecipient Title VI programs
 - 2) Annual reviews of subrecipient/contractor Title VI programs to determine compliance with FTA requirements including on-site reviews to ensure compliance as necessary
 - 3) Developing a corrective action plan to address any deficiencies and assist as applicable to achieve compliance as required by FTA Circular 4702.1B Chapter III, Part 12

SUMMARY OF TITLE VI PROGRAM UPDATES

- ▶ Include Requirements for Fixed Route Transit Providers Program in Required Elements
- ▶ Xpress Website Included as Resource for ATL Title VI Information
- ▶ Add Delivery of Xpress Commuter Bus Service to Activities Most Likely to Directly Interactions with LEP Populations
- ▶ Update of Public Participation Activity
 - Public Comment: Received one comment, not relative to Title VI Program
- ▶ Additional Appendices to Include Additional Applicable Documents
 - Equity Analysis Memorandum
 - FTA Categorical Exclusion
 - Status of Investigations, Complaints, and Lawsuits

TITLE VI POLICY UPDATE – MILESTONES

Completed
August/September
ATL Staff



- ▶ Updated Title VI Policy to include Xpress component
- ▶ Conducted public comment period for proposed policy
- ▶ Conducted public hearing for proposed policy update

Current
September 3
Board Committee



- ▶ Administrative Committee – present updated policy for approval
- ▶ Operations Committee – provide ATL Title VI program overview with service standards and Xpress

Future Action
October
ATL Board



- ▶ Present Updated Title VI Policy for full Board approval



Questions?



ATL DBE PROGRAM UPDATE

Cathy Gesick
Compliance & DBE Officer

ATL DBE PROGRAM REVIEW

- ▶ ATL is a direct recipient and eligible to apply and receive funding directly from FTA
 - FTA Direct Recipients expecting to award more than \$250,000 in prime contracts in a fiscal year are required to establish a DBE program

- ▶ DBE programs must:
 - Set three-year goals for DBE participation (DBE Goal)
 - Include a signed policy statement outlining objectives and implementation responsibilities
 - Be posted on the agency website
 - Be circulated to agency staff and distributed among DBE and non-DBE business communities
 - Be included in procurement solicitations

- ▶ USDOT defines Disadvantaged Business Enterprises (DBE) as:
 - “For-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations.”

DBE GOALS

- ▶ Based on:
 - The demonstrable evidence of the availability of **ready, willing, and able (RWA)** DBEs relative to all RWA businesses, and
 - The expected contracting opportunities for FTA-assisted contracts over the three-year DBE goal period
 - DBE goal reflects what agency would expect the level of DBE participation to be absent the effects of discrimination.

- ▶ FTA does not approve agency goals, rather it reviews and concurs on the methodology

- ▶ Goals must be updated every three years

ATL DBE PROGRAM GOAL METHODOLOGY UPDATE STATUS

August/September
ATL Staff

- ▶ Update DBE goal methodology to include the Xpress contracting opportunities

DBE Goal Setting Methodology

Step 1:

- ▶ Use all available data to develop a base figure with the formula:
 - Base Figure = DBEs / All firms (including DBEs)
- ▶ Accurately account for all contracting opportunities
- ▶ Use weighting whenever possible

Step 2:

- ▶ Determine if any adjustment to the base figure is needed based on available evidence
 - (i.e. current capacity of existing DBEs, past participation, disparity studies, consultation and input from interested parties such as minority business associations)
- ▶ Adjust the base figure, if applicable

DBE GOAL UPDATE FUTURE MILESTONES

August/September
ATL Staff



- ▶ Update DBE goal methodology to include the Xpress contracting opportunities

October
Public Participation Activities



- ▶ Post updated goal for public comment
- ▶ Disseminate goal to interested parties, public meeting, & consultants

November
ATL Board Update



- ▶ Provide overview of DBE program/goal methodology and comments

August-November
ATL Staff



- ▶ Coordinate with FTA as needed for DBE update

Ongoing
ATL Staff



- ▶ Continue efforts to further increase DBE participation
- ▶ Additional DBE program staff support



Questions?



FY 2022 “Early Look” Budget Submission

Monique Simmons, CFO

September 3, 2020

FY 2022 ATL TOTAL BASE BUDGET SUBMISSION – PROGRAM OVERVIEW

EXPENDITURES BY CLASS	ATL PLANNING PROGRAM	ATL XPRESS PROGRAM	FY 2022 TOTAL PROGRAM EXPENDITURES BUDGET
Personal Services	\$1,622,141	\$2,465,794	\$4,087,935
Regular Operating	42,239	6,102,510	6,144,749
Computer Charges	50,099	1,271,459	1,321,558
Rent	124,932	124,932	249,864
Telecommunications	4,560	264,800	269,360
Contracts	2,289,192	22,500,060	24,789,252
TOTAL EXPENDITURES	\$4,133,163	\$32,729,555	\$36,862,718

REVENUES BY SOURCE	ATL PLANNING PROGRAM	ATL XPRESS PROGRAM	FY 2022 TOTAL PROGRAM REVENUES BUDGET
State Appropriations	\$2,138,925	\$10,685,520	\$12,824,445
Federal Funds	1,659,356	20,554,001	22,213,357
Other Funds	334,882	1,490,034	1,824,916
TOTAL REVENUES	\$4,133,163	\$32,729,555	\$36,862,718

Key Assumptions

- ▶ State Appropriations remain at FY 2021 funding levels
- ▶ Assumes Federal Formula Funds for ATL Xpress of \$10,255,885
- ▶ Assumes FY 2021 Federal CARES Act Funds (one-time) for ATL Xpress of \$10,298,115
- ▶ Assumes 11 ATL Planning Program funded positions
- ▶ Assumes 20 ATL Xpress Program funded positions
- ▶ Note: Numbers may shift as FY 2022 budget makes its way through legislative process



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September 3, 2020