



Board Report

File #: 2019-0616, **File Type:** Ordinance / Administrative Code

Agenda Number: 38.

**EXECUTIVE MANAGEMENT COMMITTEE
SEPTEMBER 19, 2019**

SUBJECT: PUBLIC HEARINGS AMENDMENTS - (TITLE VI EQUITY POLICIES)

ACTION: APPROVE AMENDMENTS TO ADMINISTRATIVE CODE

RECOMMENDATION

APPROVE amendment of Title 2, Chapter 2-50 of the Los Angeles County Metropolitan Transportation Authority ("Metro") Administrative Code (the "Code"), otherwise known as Public Hearings, as set forth in Attachment A. The amended Code will become effective within 30 days of Board approval.

ISSUE

Chapter 2-50 contains requirements for public hearings when conducting service and fare changes. Metro adopted policies adhering to Federal Transit Administration (FTA) Circular 4702.1B, issued October 1, 2012, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" when conducting service and fare equity evaluations. This is required under Title VI of the Civil Rights Act of 1964 and said policies must be reviewed and approved by the Board every three years. An amendment is being proposed to the Administrative Code to include that Metro's Board adopted Title VI equity policies are followed when analyzing service and fare changes. However, the specific policies will not be part of the Administrative Code as these must be reviewed and approved by the Board every three years as part of the Title VI Program Update due to FTA. The current language includes the specific thresholds within the policies followed when analyzing the impacts to minority and low-income riders. The Title VI Equity policies will be approved separately and are consistent with industry practice when conducting service and fare equity analyses.

BACKGROUND

Chapter 2-50 includes the policy defining a Major Service Change, the policy defining Disparate Impact to minority riders when evaluating service and fare changes and the policy defining Disproportionate Burden to low-income riders when evaluating service and fare changes. Metro includes these policies in the Title VI Program Update submitted to FTA every three years. Additionally, Metro's Board must review and approve these policies every three years as part of the Title VI Program Update to FTA. Metro's next submittal is due November 1, 2019.

DISCUSSION

Findings

The current language in Chapter 2-50 defines Metro's Title VI Equity Policies and thresholds when analyzing service and fare changes. The policies themselves are not part of the Public Hearing process which is the purpose of Chapter 2-50. Staff recommends for the specific policies not be included in the Administrative Code as these Title VI Equity Policies are presented every three years to the Board for review and approval.

Considerations

Staff researched peer agencies and the recommended language for the Title VI Policies adopted by the Metro Board is consistent with policies adopted by transit agencies across the nation.

DETERMINATION OF SAFETY IMPACT

The requested action in this report will have no direct impact on the safety of Metro's employees or customers.

FINANCIAL IMPACT

Adoption of the amendments to the Administrative Code Chapter 2-50 has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2020 Budget.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Recommendation supports strategic plan goal # 5, "Provide responsive, accountable, and trustworthy governance within the Metro organization" by adhering to civil rights requirements mandated by Title VI of the Civil Rights Act of 1964.

ALTERNATIVES CONSIDERED

The alternative to not updating the Administrative Code is for Metro to continue to use the current adopted policies for future service and fare equity analyses which can become complicated to apply when evaluating service and fare changes due to the redundancy of the current language.

NEXT STEPS


If the Metro Board approves the updated Chapter 2-50 Administrative Code language, Metro staff can update the Title VI Equity Policies included on the Title VI Program Update every three years and present to the Metro Board for review and approval to be submitted to FTA.

ATTACHMENTS

Attachment A - Proposed Amendments to Administrative Code

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LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY ADMINISTRATIVE CODE
Title 2
Administration
Chapter 2-50

Public Hearings

2-50-005 Definitions

A. Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color or national origin (referred to as minorities) and the policy lacks a substantial legitimate justification including one or more alternatives that would serve the same legitimate objectives but with less disproportionate effects on the basis of race, color or national origin

B. Disproportionate burden refers to a neutral policy or practice that disproportionately affects low income populations more than non-low-income populations. A finding of disproportionate burdens for fare and major service changes requires Metro to evaluate alternatives and mitigate burdens where practicable.

C. For major service changes a disparate ~~adverse~~ impact will be analyzed using the Metro Board adopted Title VI Equity Policies. ~~deemed to have occurred if the absolute difference between the percentage of minorities adversely affected and the overall percentage of minorities is at least 5% or if there is 20% or greater percent difference between the percentages of these two groups. A disproportionate burden will be deemed to exist if absolute difference between the percentage of low-income adversely affected by the service change and the overall percentage of low-income persons is a least 5% or if there is a 20% or greater percent difference between the percentages of these two groups.~~

D. For any applicable fare changes a disparate ~~adverse~~ impact will be analyzed using the Metro Board adopted Title VI Equity Policies. ~~deemed to have occurred if the absolute difference between the percentage of minorities adversely affect the overall percentage of minorities is at least 5% or if there is a 35% or greater percent difference between the percentages of these two groups. A disproportionate burden will be deemed to exist if absolute difference between the percentage of low-income adversely affected is at least 5% or if there is a 35% or greater percent difference between the percentages of these two groups~~

2-50-010 Major Service Changes.

A.

All major increases or decreases in transit service are subject to a Title VI Equity Analysis prior to Board approval of the service change. A Title VI Equity Analysis completed for a major service change must be presented to the Board of Directors for their consideration and then forwarded to the FTA with a record of the action taken by the Board.

B.

A major service change is defined in Metro's Board adopted Title VI Policies as required by FTA Title VI Circular guidance.

~~as any service change meeting at least one of the following criteria:~~

~~A revision to an existing transit route that increases or decreases the route miles by 25% or the revenue service miles operated by the lesser of 25%, or by 250,000 annual revenue service miles at one time or cumulatively in any period within 36 consecutive months;~~

~~A revision to an existing transit service that increases or decreases the revenue hours operated by at least 25% or by 25,000 annual revenue service hours at one time or cumulatively in any period within 36 consecutive months;~~

~~A change of more than 25% at one time or cumulatively over any period within 36 consecutive months in the number of total revenue trips scheduled on routes serving a rail or BRT station, or an off-street bus terminal serving at least 4 bus routes;~~

~~A change of more than 20% of the total system revenue miles or revenue hours in any 12 month period;~~

~~The implementation of any new transit route that results in a net increase of more than 25,000 annual revenue hours or 250,000 annual revenue miles;~~

~~During the planning and programming stage of any new guideway project (e.g. BRT line or rail line) or an off-street transit station serving at least four routes and resulting in route adjustments.~~

~~C.~~

~~Experimental or emergency service changes may be instituted for 180 days or less without a Title VI Equity Analysis being completed and considered by the Board of Directors. If the service is required to be operated beyond 180 days the Title VI Equity Analysis must be completed and considered by the Board of Directors within 270 days of the start of the service.~~

~~D.~~

~~A title VI Equity Analysis shall not be required if a Metro transit service is replaced by a different mode or operator providing a service with the same headways, fare, transfer options, span of service and stops.~~

2-50-015 Fare Changes

A.

A Fare Equity Analysis shall be prepared for any fare change (increase or decrease) as required by FTA Title VI Circular guidance. ~~This includes, but is not limited to permanent fare changes, temporary changes, promotional fare changes and pilot fare programs.~~ This does not include fares not available to the general public such as special discount programs for students, groups or employers because these are exempt per FTA guidance. An Equity Analysis is not required for changes to fares set by formulas to comply with FTA requirements (e.g. off-peak fares for seniors, persons with disabilities, and Medi-care card holders).

B.

The Fare Equity Analysis shall not be limited to an analysis of changes in price of fare products, but will also consider changes in fare media types, or availability of outlets to purchase fare media products.

C.

The Title VI Fare Equity Analysis shall be completed using the Board approved Title VI Equity Policies and presented for consideration ~~of~~to the Board of Directors in advance of the approval of the proposed fare or fare media change by the Board of Directors. The Equity Analysis will then be forwarded to the FTA with a record of action taken by the Board.

2-50-020 Public Hearings

A.

A Public Hearing consistent with the procedures in 2-50-025 shall be held for any new route or changes to Metro transit services that require a Title VI Equity Analysis to be completed.

B.

A Public Hearing consistent with the procedures in 2-50-025 shall be held for changes to Metro Transit fare prices that require a Title VI Equity Analysis to be completed.

2-50-025 Public Hearing Procedures

A.

Any public hearing required by section 2-50-020 shall be conducted as set forth in this section.

B.

Notice of the hearing shall be published in at least one English language and Spanish

Language newspaper of general circulation, at least thirty (30) days prior to the date of the hearing. Notice at least thirty (30) days prior to the date of the hearing shall also be published in neighborhood and foreign language and ethnic newspapers as appropriate to provide notice to the members of the public most likely to be impacted by the proposed action.

C.

Notice of the public hearing shall also be announced by brochures in English, Spanish and other appropriate languages on transit vehicles serving the areas to be impacted and at customer service centers.

D.

In order to ensure that the view and comments expressed by the public are taken into consideration, ~~Metro~~FTA staff shall prepare a written response to the issues raised at the public hearing. That response should also include a general assessment of the social, economic and environmental impacts of the proposed change, including any impact on energy conservation.

E.

The public hearing related to a recommendation to increase transit fares charged to the general public shall be held before the Board of Directors and any action to increase the fares charged to the general public must be approved by a two-thirds vote of the members of the Board of Directors. The Board of Directors may delegate to another body or a hearing officer appointed by the Chief Executive Officer the authority to hold the public hearing related to a change in transit service.