Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

File #: 2022-0248, **File Type:** Policy **Agenda Number:** 21.

EXECUTIVE MANAGEMENT COMMITTEE
AUGUST 18, 2022

SUBJECT: TITLE VI EQUITY ANALYSIS POLICIES

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

ADOPT Title VI Equity Analysis Policies presented in Attachments A, B and C.

ISSUE

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transportation Administration (FTA) requires transportation agencies to demonstrate their compliance with Title VI by adopting policies in compliance with FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued October 1, 2012. FTA requires the Metro Board of Directors to review and approve the Title VI Equity Analysis policies.

BACKGROUND

Section 601 of Title VI of the Civil Rights Act of 1964 (Title VI) states the following:

> 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.

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes. Metro's Title VI equity policies were adopted into the Administrative Code under Part 2-50 "Public Hearings".

The Title VI Equity Analysis policies consist of:

Major Service Change Policy: This policy defines what constitutes a major service change for the agency which will require a service equity analysis. (Attachment A)

Disparate Impact Policy: Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color or national origin 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. (Attachment B)
Disproportionate Burden Policy: Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non low-income populations. (Attachment C)

Metro's Title VI Obligations when evaluating service and fare changes

Metro will utilize the Board adopted Title VI polices included in the agency's Board adopted Title VI Program Update when analyzing service and fare changes. The equity analysis will be completed during the planning stages of the proposed changes. The results of the analysis will be approved by the Metro Board of Directors and evidence of the Board action will be included in the next Title VI Program Update submitted to FTA.

Metro must submit a Title VI Program Update every three years. The last submitted Title VI Program Update was October 30, 2019, and FTA concurrence was received on April 7, 2020. The next Title VI Program Update will be submitted on October 1, 2022.

DISCUSSION

Metro is required under FTA Circular 4702.1B to submit Board approved Title VI policies to ensure minorities and low-income communities are not impacted when it conducts Service and Fare Equity (SAFE) Analyses. There are three policies that must be approved by the Board every three years:

1) The Major Service Change Policy. Metro's current policy states that a Title VI Equity Analysis will be completed for all Major Service Changes and will be presented to the Board for its consideration and the results will be included in the subsequent Metro Title VI Program Update with a record of action taken by the Board. There are no recommended changes to this Policy for 2022. The full policy is attached as Attachment A.

2) The Disparate Impact Policy. Metro's current policy states that testing for Disparate Impact evaluates effects on minority riders or populations as compared to non-minority riders or populations. While performing a Title VI Equity Analysis for possible disparate impact, Metro will analyze how the proposed major service change or fare change action could impact minority populations, as compared to non-minority populations. There are no recommended changes to this Policy for 2022. The full policy is attached as Attachment B.

3) The Disproportionate Burden Policy. Metro's current policy states that testing for Disproportionate Burden evaluates potential effects on low-income riders or populations, which Metro defines in the 2022 program update as $59,550 for a four-member household in

Los Angeles County. The line and system level evaluations are identical to those used to determine potential disparate impacts but compare low-income and non-low-income populations rather than minority and non-minority populations. There are no recommended changes to this policy. The full policy is attached as Attachment C.

The Metro Board last approved the Title VI Policies in September 2019.

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 Title VI Equity Policies has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2020 Budget.

Impact to Budget

Adoption of the Title VI Equity Policies has no direct impact upon Metro's expenditures or revenues. Approval is consistent with the implementation of service included in the adopted FY2023 Budget.

EQUITY PLATFORM

Title VI Equity Policies address impacts to Minority Communities and Low-Income Communities as required by FTA Title VI Circular 4702.1B. While the FTA does not recommend thresholds for Disparate Impacts or Disproportionate Burdens, Metro's commitment to identifying inequities is illustrated by the 5% absolute different thresholds in the recommended policies, which are more ambitious than higher percentages (e.g. 10%) utilized by other public agencies.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan goal # 5, "Provide responsive, accountable and trustworthy governance within the Metro organization" by adhering to civil rights equity requirements mandated by FTA Title VI Circular 4702.1B.

ALTERNATIVES CONSIDERED

The alternative to not including Board approved Title VI Equity Policies could have significant negative impacts to the agency. Failure to include Board approved policies in the Title VI Program update may result in FTA not concurring Metro's Title VI Program Update which may result in suspension of federal grants by being non-compliant with civil rights requirements.

NEXT STEPS

The Title VI Program Update is scheduled for Board approval at the September 22, 2022, Board of

Directors meeting. Upon Board approval, Metro's Title VI Program Update will be submitted to FTA by the due date of October 1, 2022.

ATTACHMENTS

Attachment A - Major Service Change Policy
Attachment B - Disparate Impact Policy
Attachment C - Disproportionate Burden Policy

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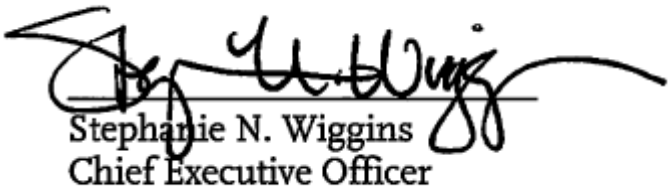
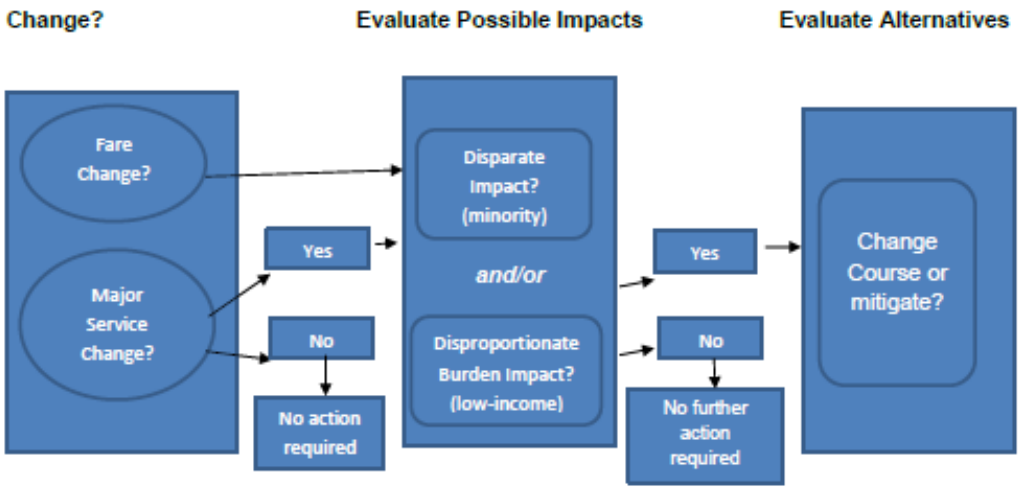


Stephanie N. Wiggins
Chief Executive Officer

Metro Major Service Change Policy

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes.

Figure 1: Overview of Metro's Title VI Equity Analysis process



All changes in service meeting the definition of "Major Service Change" are subject to a Title VI Service Equity Analysis prior to Board approval of the service change. A Title VI Equity Analysis will be completed for all Major Service Changes and will be presented to the Board for its consideration and the results will be included in the subsequent Metro Title VI Program Update with a record of action taken by the Board. Service changes considered "Minor" due to not meeting the thresholds of a Major Service Change are also analyzed and alternatives considered are documented, however, a Service Equity Analysis is not performed.

For the 2022 FTA Title VI Program Update Major Service Change is defined as any service change meeting at least one of the following criteria:

1. A revision to an existing transit route that increases or decreases the route miles and/or the revenue miles operated by 25% or more at one time or cumulatively in any period within 36 consecutive months since the last major service change;

2. A revision to an existing transit service that increases or decreases the scheduled trips operated by at least 25% at one time or cumulatively in any period within 36 consecutive months since the last major service change;

3. An increase or decrease to the span of service of a transit line of at least 25% at any one time or cumulatively in any period within 36 consecutive months since the last major service change;

4. The implementation of a new transit route that provides at least 50% of its route miles without duplicating other routes;

5. Six months prior to the opening of any new fixed guideway project (e.g. BRT line or rail line) regardless of whether or not the amount of service being changed meets the requirements in the subsections 1 – 5 above to be inclusive of any bus/rail interface changes.

a. Experimental, demonstration or emergency service changes may be instituted for one year 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 one year the Title VI Equity Analysis must be completed and considered by the Board of Directors before the end of the one year experimental, demonstration or emergency.

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

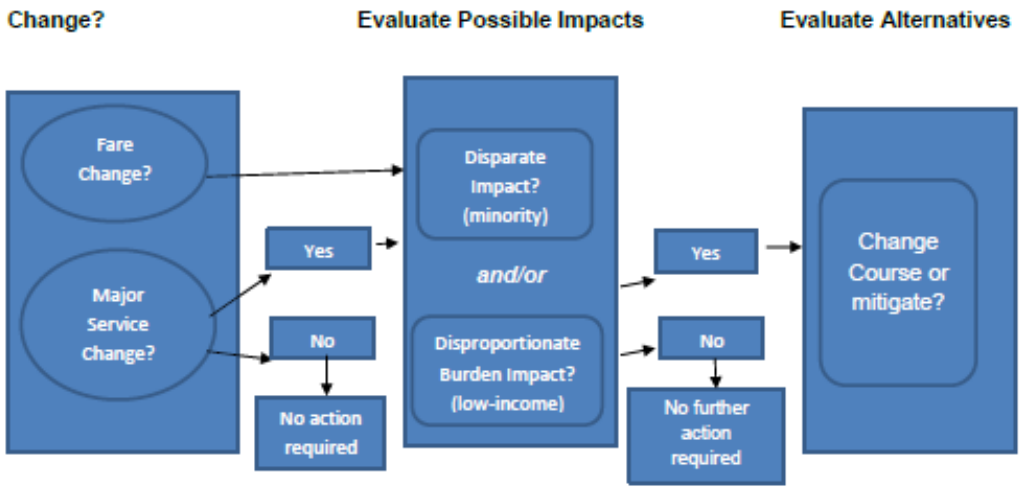
Metro Disparate Impact Policy

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes.

Testing for Disparate Impact evaluates effects on minority riders or populations as compared to non-minority riders or populations. “Minority” is defined as all persons who identify as being part of racial/ethnic groups besides white, non-Hispanic.

In the course of performing a Title VI Equity Analysis for possible disparate impact, Metro will analyze how the proposed major service change or fare change action could impact minority populations, as compared to non-minority populations.

Figure 1: Overview of Metro’s Title VI Equity Analysis process



In the event the proposed action has an adverse impact that affects protected populations more than other populations at a level that exceeds the thresholds established in the Board adopted Disparate Impact Policy, or that restricts the benefits of the service change to protected populations, the finding would be considered as a potential Disparate Impact. In the possible scenario of finding Disparate Impact, Metro will evaluate whether there is an alternative that would serve the same objectives and with a more equitable impact. Otherwise, Metro will take measures to minimize or mitigate the adverse impact of the proposed action.

The Disparate Impact Policy defines measures for determination of potential adverse impact on minority populations/riders from major service changes or any change in fares (increase or decrease) The policy is applied to both adverse effects and benefits of major service changes.

All changes in service meeting the definition of “Major Service Change” and any change in fares and/or fare media are subject to a Title VI Service Equity Analysis prior to Board approval of the change. A Title VI Equity Analysis will be completed for all Major Service Changes and all fare and/or fare media changes (increase or decrease). The results of the Title VI Equity Analysis will be presented to the Board for its consideration and the results will be included in the subsequent Metro Title VI Program Update with a record of action taken by the Board. Service changes considered “Minor” due to not meeting the thresholds of a Major Service Change are also analyzed and alternatives considered are documented, however, a Service Equity Analysis is not performed.

For the 2022 FTA Title VI Program Update:

Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color or national origin 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. This policy defines the threshold Metro will utilize when analyzing the impacts to minority populations and/or minority riders.

a. For major service changes, a disparate impact will be deemed to have occurred if the absolute difference between the percentage of minority adversely affected and the overall percentage of minorities is at least five percent (5%).

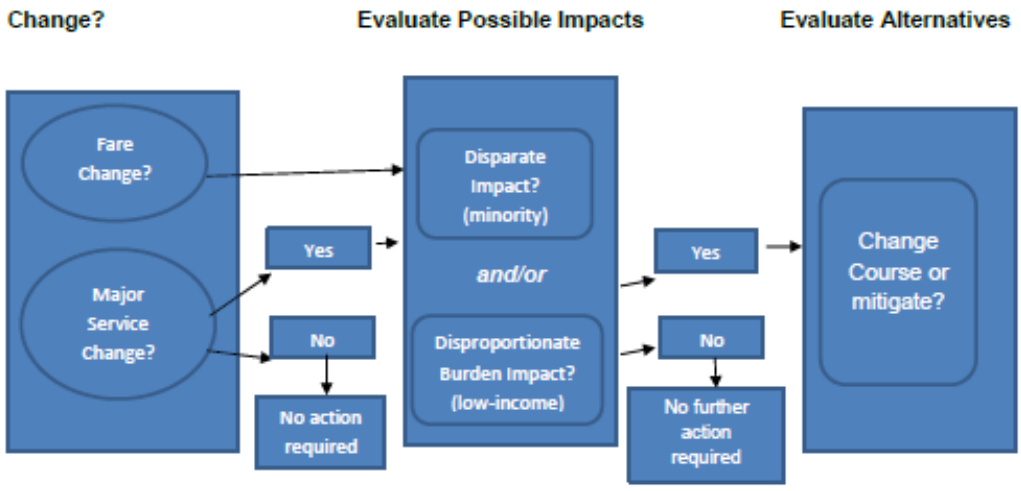
b. For any applicable fare changes, a disparate impact will be deemed to have occurred if the absolute difference between the percentage of minority adversely affected and the overall percentage of minorities is at least five percent (5%).

Metro Disproportionate Burden Policy

FTA Circular 4702.1B, revised in 2012, requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes.

Testing for Disproportionate Burden evaluates potential effects on low-income riders or populations, which Metro defines as $59,550 for a four-member household in Los Angeles County. The line and system level evaluations are identical to those used to determine potential disparate impacts but compare low-income and non-low-income populations rather than minority and non-minority.

Figure 1: Overview of Metro's Title VI Equity Analysis process



All changes in service meeting the definition of "Major Service Change" and any change in fares and/or fare media are subject to a Title VI Service Equity Analysis prior to Board approval of the change. A Title VI Equity Analysis will be completed for all Major Service Changes and all fare and/or fare media changes (increase or decrease). The results of the Title VI Equity Analysis will be presented to the Board for its consideration and the results will be included in the subsequent Metro Title VI Program Update with a record of action taken by the Board. Service changes considered "Minor" due to not meeting the thresholds of a Major Service Change are also analyzed and alternatives considered are documented, however, a Service Equity Analysis is not performed.

For the 2022 FTA Title VI Program Update:

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 burden for major service and fare changes requires Metro to evaluate alternatives and mitigate burdens where practicable.

a. For major service changes, a disproportionate burden will be deemed to exist if an absolute difference between percentage of low-income adversely affected by the service change and the overall percentage of low-income persons is at least five percent (5%).
b. For fare changes, a disproportionate burden will be deemed to exist if an absolute difference between the percentage of low-income adversely affected and the overall percentage of low-income is at least five percent (5%).