



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

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**EXECUTIVE MANAGEMENT COMMITTEE  
JANUARY 17, 2013**

**SUBJECT: ADMINISTRATIVE CODE AMENDMENT**

**ACTION: APPROVE AMENDMENT TO ADMINISTRATIVE CODE RELATING TO  
TITLE VI DEFINITIONS**

**RECOMMENDATION**

Adopt the proposed amendment to the Administrative Code as provided in Attachment A.

**ISSUE**

The FTA has released updated guidance on Title VI of the Civil Rights Act of 1964. The amendment to the Administrative Code reflects this update and is based on recent training and assistance received from the FTA as to the following: Revisions to the definitions of disparate impact and disproportionate burden.

**DISCUSSION**

**Title VI and Environmental Justice (E.J.)**

The new Title VI Guidance requires transit agencies to have Board approved definitions of what constitutes disparate impact and disproportionate burden for Environmental Justice populations. These definitions must be discussed with the public prior to approval by the Board. The proposed definitions were presented for discussion to the public through the five local Service Councils. A presentation is scheduled for the Citizen's Advisory Committee. In addition an invitation was extended to Sunyoung Yang and Eric Romann of the Bus Riders Union, however they declined to attend.

The Board had previously approved definitions for disparate impact and disproportionate burden, but the new Title VI Guidance has changed the emphasis from measuring changes in service levels and fares to the difference in demographics in affected populations.

This revised concept was explained to the public at each of the meetings. The proposed

Metro definitions are equal to, or slightly more stringent, than the examples provided by the FTA in the new guidance. The proposed definitions were acceptable to the participants at each of the meetings. One question that frequently arose at the meetings pertained to the reasons behind percentages between fare changes and service changes. In the case of major service changes, the population is stratified into only two groups: minority or non-minority and low income or not low income. In the case of fare changes, the analysis involves fare products with market shares as low as one half of one percent. This means that relatively few riders can result in a large percentage difference, and a slightly higher threshold would be appropriate.

If these changes are adopted, Metro may proceed with conducting required Title VI and EJ analyses.

### **DETERMINATION OF SAFETY IMPACT**

Approval of the amendments will have no safety impact.

### **FINANCIAL IMPACT**

No new direct costs or revenues are anticipated with the approval of these amendments.

### **ALTERNATIVES CONSIDERED**

If the Board does not adopt compliant definitions for disparate impact and disproportionate burden, the agency would not be in a position to conduct the necessary equity analyses and would not be in compliance with FTA guidance. There would be a risk of financial sanctions by the FTA.

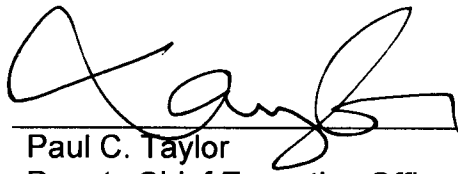
### **NEXT STEPS**

If adopted the proposed change will be incorporated into the Administrative Code and the appropriate staff notified of the change.

### **ATTACHMENTS**

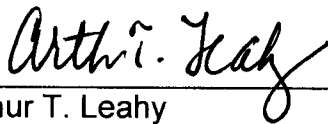
A. Administrative Code Amendments Section 2-50-005

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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 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. The thresholds for disparate impacts, or disproportionate burdens in the case of fare or major service changes shall be a change that results in at least a least a 20 percent more adverse service or fare and a 5 percent absolute difference in the overall percentages~~
- C. **For major service changes a disparate adverse impact will be 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 a 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 at 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 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 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 by the fare change and the overall percentage of low-income persons is at least 5% or if there is a 35% or greater percent difference between the percentages of these two groups