

Title VI of the Civil Rights Act of 1964

FTA Title VI Circular 4702.1B

Service and Fare Equity (SAFE) Analysis
Title VI Equity Policies



Office of Civil Rights

Agenda

I. Title VI Overview

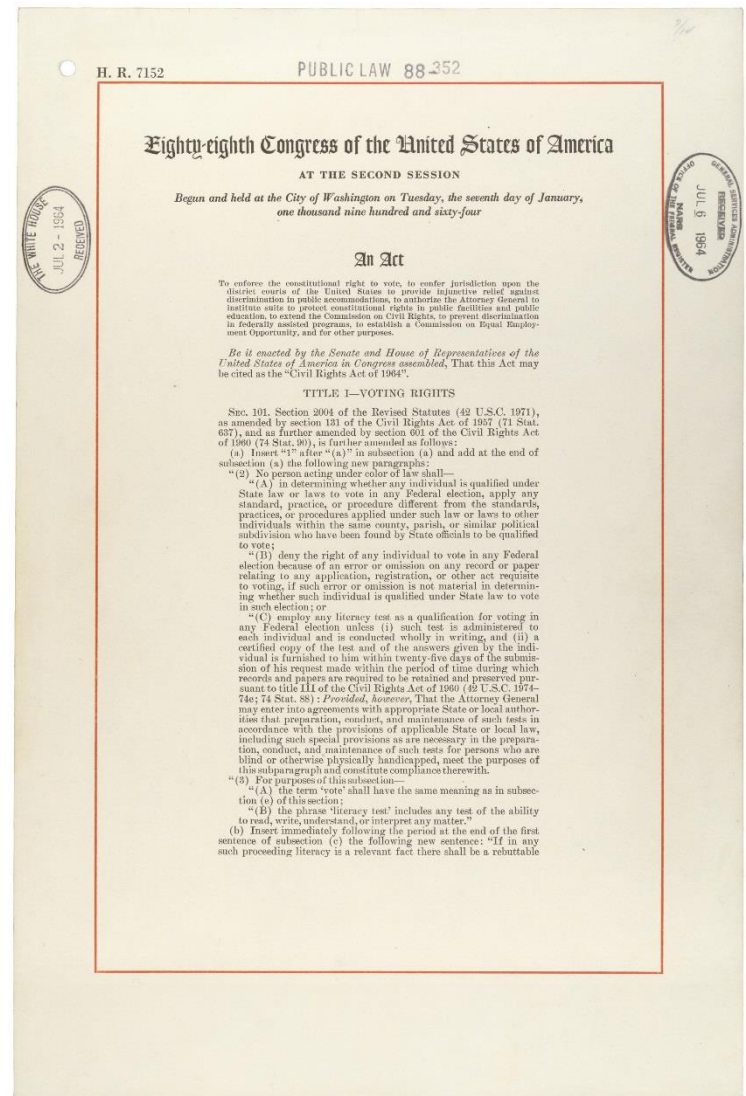
II. Review of Title VI Equity Policies

- Major Service Change Policy
- Disparate Impact Policy
- Disproportionate Burden Policy

III. Questions

The Civil Rights Act of 1964

- Passed by Congress on June 15, 1964
- Enacted on July 2, 1964
 - Public Law 88-352
- Sections called "Title" addressed discrimination in different areas
- Transportation Section Found in Code of Federal Regulations 49 CFR 21.5



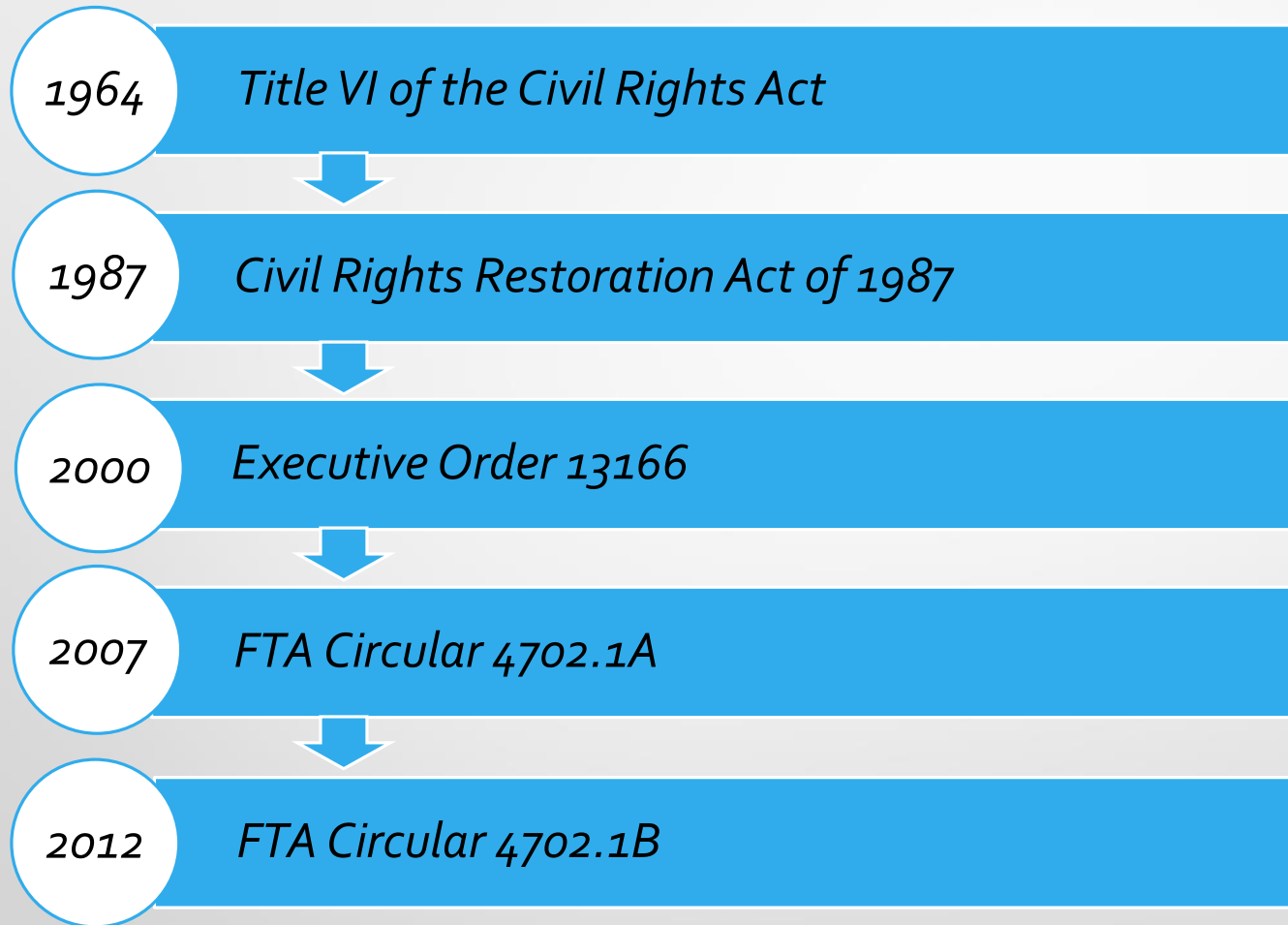
Section 601 of the Civil Rights Act of 1964

“No person in the United States shall, on the grounds of **race, color, or national origin**, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving **Federal financial assistance.**”

What is Title VI?

- Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in **programs or activities** that receive Federal financial assistance.

History of Title VI Regulation and Guidance



FTA Circular 4702.1B

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf



U.S. Department
of Transportation

Federal Transit
Administration

CIRCULAR

FTA C 4702.1B

October 1, 2012

**Subject: TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL
TRANSIT ADMINISTRATION RECIPIENTS**

1. **PURPOSE.** The purpose of this Circular is to provide recipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out U.S. Department of Transportation ("DOT" or "the Department") Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005).
2. **CANCELLATION.** This Circular supersedes FTA Circular 4702.1A "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients," dated May 13, 2007.
3. **AUTHORITY.**
 - a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
 - b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
 - c. 49 CFR § 1.51.
 - d. 49 CFR part 21.
 - e. 28 CFR § 42.401 et seq.
4. **WAIVER.** FTA reserves the right to waive any requirements of this Circular to the extent permitted by law.
5. **FEDERAL REGISTER NOTICE.** In conjunction with publication of this Circular, FTA published a notice in the *Federal Register* on August 28, 2012, addressing comments received during development of the Circular.
6. **AMENDMENTS TO THE CIRCULAR.** FTA reserves the right to update this Circular to reflect changes in other revised or new guidance and regulations that undergo notice and comment, without further notice and comment on this Circular. FTA will post updates on our

Board Communication

- Your board must be aware of the agency's responsibilities under Title VI
- Board approval (or equivalent) is now a requirement under the Title VI Circular



Evaluate Service and Fare Changes

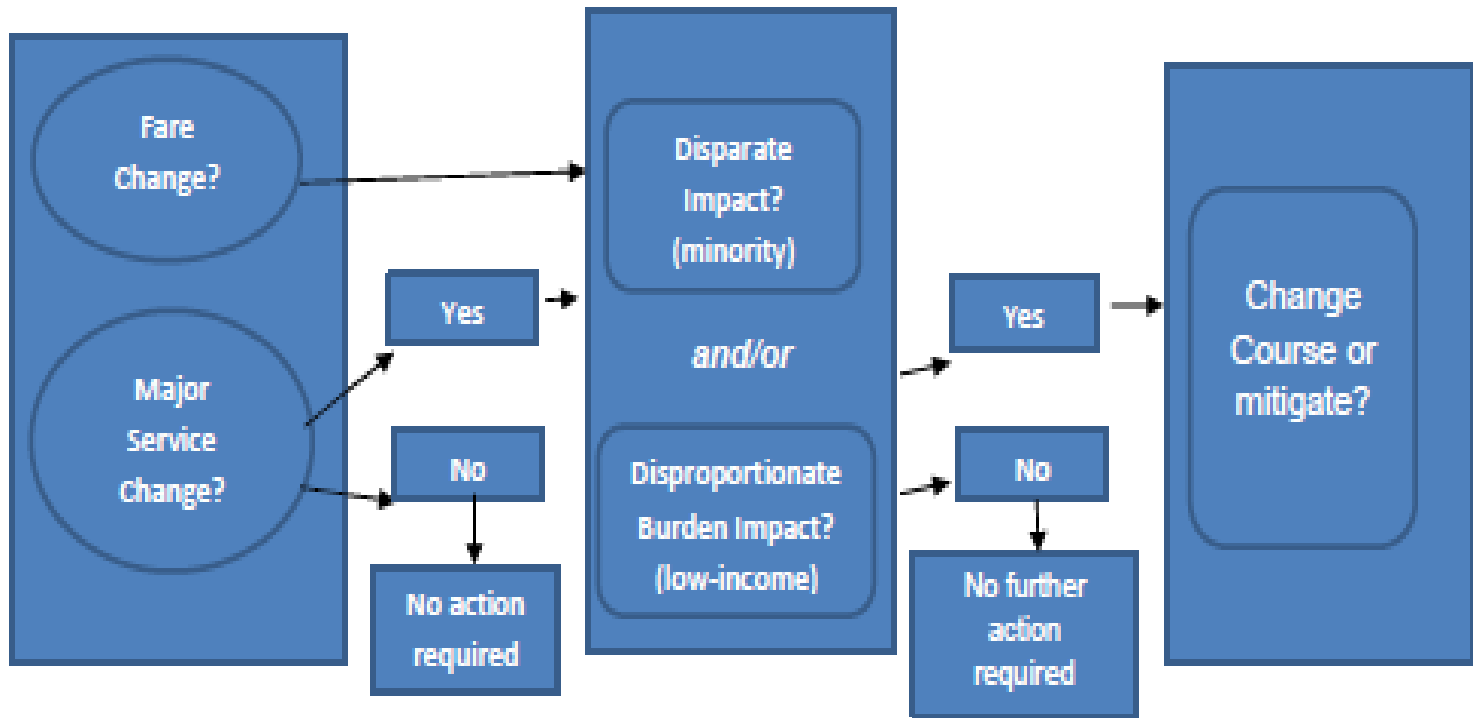
- Applies only to transit providers that operate 50 or more fixed route vehicles in peak service and located in Urbanized Area (UZA) of 200,000 or more in population
- **Note:** it is the responsibility of all transit agencies with fixed route transit, regardless of size, to ensure equitable service and fare changes

Overview of Metro's Title VI Equity Analysis Process

Change?

Evaluate Possible Impacts

Evaluate Alternatives



Metro's Major Service Change Policy

For the 2019 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 new subsections above.

Metro's Major Service Change Policy Continued...

- a. Experimental, demonstration or emergency service changes may be instituted for one year or less without a Title IV 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 mode or operator providing a service with the same headways, fare, transfer options, span of service and stops.

Disparate Impact Definition

- Facially neutral policy or practice that disproportionately affects members of a protected class identified by race, color, or national origin

Metro's Disparate Impact Policy

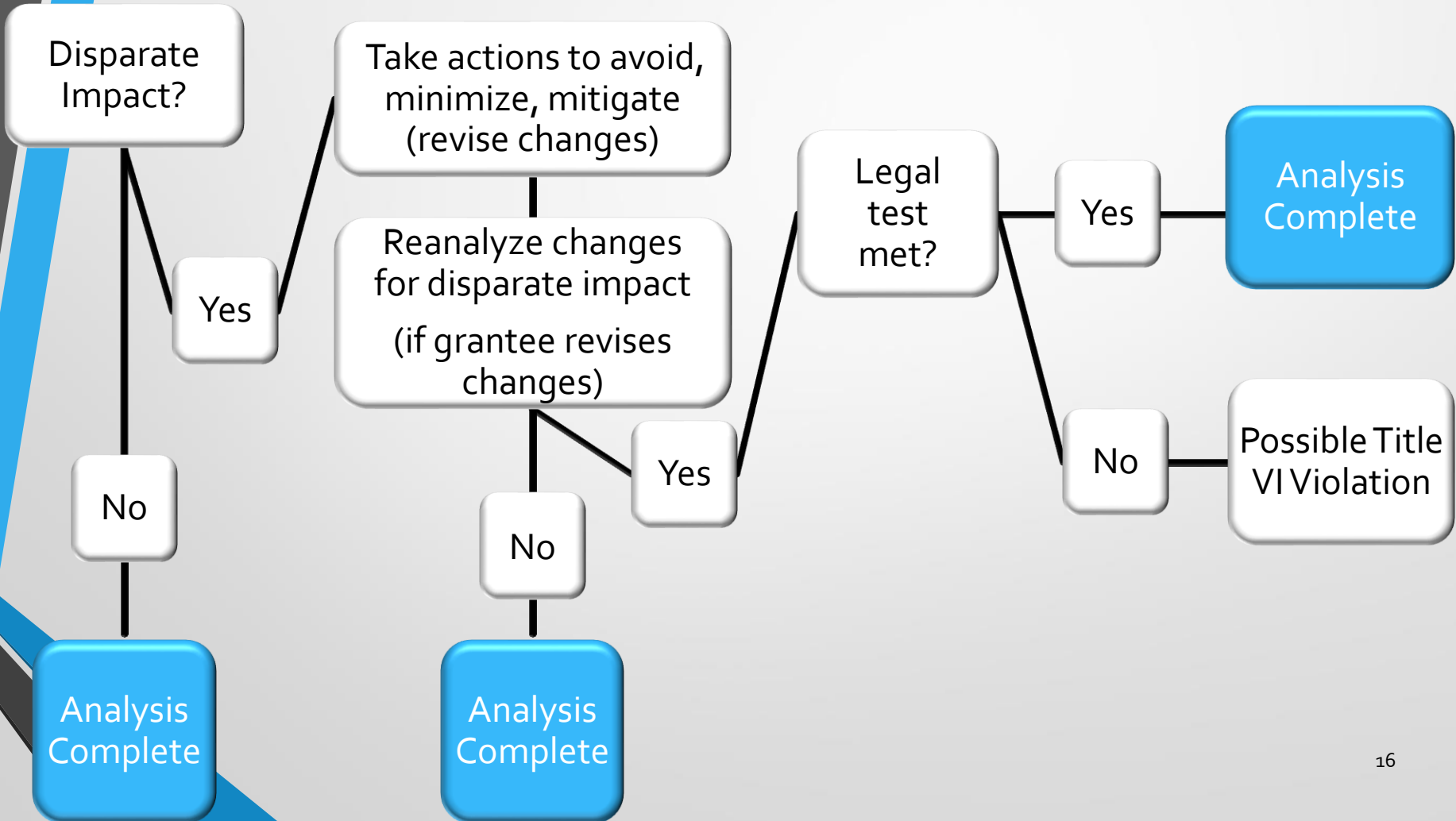
- For major service changes a disparate adverse impact will be deemed to have occurred if the absolute difference between the percentage of minorities adversely affected and the overall percentage of minorities is at least five percent (5%) ~~or there is a 20%~~ or greater percent difference between the percentages of these two groups.
- 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 affect the overall percentage of minorities is at least five percent (5%) ~~or there is a 35%~~ or greater percent difference between the percentages of these two groups.

Disparate Impact Legal Test

- The transit provider has a substantial legitimate justification for the proposed service change,

and
- The transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals

Steps Taken if Disparate Impact Found



Disproportionate Burden

- Disproportionate Burden refers to an adverse impact bore by low-income populations

Disproportionate Burden Policy

- 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%) ~~or if there is a 20%~~ or greater percent difference between the percentages of these two groups.
- 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%) ~~or if there is a 35%~~ or greater percent difference between the percentages of these two groups.

If Disproportionate Burden Found

- At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed fare change, the transit provider should take steps to avoid, minimize or mitigate impacts where practicable. The transit provider should describe alternatives available to low-income populations affected by the service and fare changes

Determine Mitigation

Avoid

- The service change that results in WORST IMPACTS
- Revise service change, requiring reanalysis

Minimize

- Alignment changes located to nearby lines with same origin and trip destinations
- Cost containment strategies to limit impacts to riders.
- Market mitigation strategies that may help offset impacts

Mitigate

- Expand demand-response service in impact area
- Guaranteed ride home program

Sample: Calculate Effects of Service Change Using Population Data

Sample Agency- Regional Population & Household Data				
Total Population	Minority Population	Percent Minority	Low-income Population	Percent Low-income
242,916	50,829	21%	43,000	18%

Set threshold with demographic data

Sample Agency - Affected Traffic Analysis Zone (TAZ) Area Population Data						
Route #	Change type	Total Population in the Corridor	Minority Population	Percent Minority	Low-income Population	Percent Low-income
Route 6	Discontinued	5,870	800	14%	250	4%
Route 7	Discontinued	9,500	2,500	26%	2,100	22%
Total		15,370	3,300	21%	2,350	15%

Analysis with demographic data

Disparate Impact and Disproportionate Burden Policy: 5%
 Regional Population data of 21% compared to 21% of total routes adversely affected;
 compare the 21% to Route 7 which is 26%

Alternative Services Available

- What alternative services are available for people impacted by the service change?
- How would the use of alternatives affect riders' travel times and costs?
 - Example: Other lines or services, potentially involving transfers and/or other modes, that connect affected riders with destinations they typically access
 - Can test alternatives using a trip planner

Questions?

Thank you!



Office of Civil Rights

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