



Board Report

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 policies 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

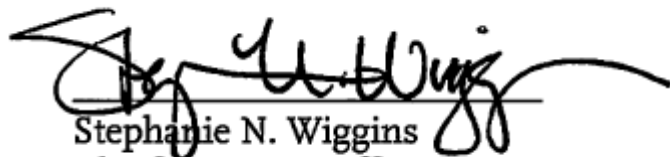
Attachment A - Major Service Change Policy
Attachment B - Disparate Impact Policy
Attachment C - Disproportionate Burden Policy

Prepared by: Aida Berry, Senior Manager, Civil Rights Programs,
(213) 922-2748

Joseph Forgiarini, Senior Executive Officer, Service Development, Scheduling &
Analysis, (213) 418-3400

Teyanna Williams, Deputy Chief Civil Rights Officer (Interim), (213) 418-3168

Reviewed by: Nicole Englund, Chief of Staff, (213) 922-7950



Stephanie N. Wiggins
Chief Executive Officer