

Title VI Update: New Federal Requirements

Metropolitan Council Transportation
Committee – November 26, 2012



Overview of Title VI

- The Title VI of the Civil Rights Act of 1964
 - 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.”
- From transit service perspective
 - Are transit services and facilities distributed equitably?
 - Do service or fare changes have disparate impact?

FTA Title VI Guidance

- Circular 4702.1B
 - Effective October 1, 2012, replaced 4702.1A (2007)
 - www.fta.dot.gov/civilrights/title6/civil_rights_11704.html
- Applies to both direct recipients of federal funding and subrecipients
- Defines minority and low-income areas
 - Minority: greater than regional average of 27.9% minority
 - Low-income: greater than regional average of 11.9% low-income

General Title VI Requirements

- Submit **Title VI Program** every 3 years (next 2014)
- Notify customers of rights under Title VI
- Develop Title VI complaint procedures and record complaints and investigations
- Promote inclusive public participation
- Provide meaningful access to Limited English Proficiency (LEP) persons
- Provide assistance to subrecipients and monitor their compliance
- Review support facility location decisions

Requirements for Fixed Route Transit Providers

- Set system-wide standard and policies
- Monitor transit service
- Collect and report demographic data
- Evaluate service and fare changes
- Only providers in large cities and with over 50 buses in peak service must monitor service and evaluate service and fare changes
 - Metro Transit, MVTA, SouthWest Transit

System-wide Standards and Policies

- Set standards for vehicle loads, headways, on-time performance, service availability, distribution of amenities, vehicle assignment
- Already covered by Service Design standards in Transportation Policy Plan plus various department policies and procedures.

Monitor Transit Service

- Compare service and facilities to standards
- Compare minority vs. non-minority areas
Compare low-income vs. non-low-income areas
- Metro Transit completed Monitoring Studies in 2009 and 2012
- Major effort; SRF under master contract to conduct Title VI analyses and prepare reports

Collect Demographic Data

- Census Data, American Community Survey
- Metro Transit Customer Survey: 2010, 2012
- Travel Behavior Inventory (TBI) surveys: 2005, 2010
- Expanded emphasis in new Circular
- Basis for evaluation of impacts of service and fare changes in current riders and potential riders

Evaluate Service Changes

- Determine if service change has disparate impacts
- Applies to service increases, decreases and restructuring
- Metro Transit has lead industry in developing methodology and GIS tools for service equity analysis
 - Service reductions, sector studies, route eliminations
- Recently completed review of Central Corridor plan
- Staff continue to improve methodology
- Only required for major service changes
- **NEW:** Board must seek public input and adopt definition of major service change

Evaluate Fare Changes

- Now applies to fare increase or decrease
- More specific guidance on methodology
- Council sets regional fare policy. Subrecipients do not need to evaluate fare changes.
- Past evaluations
 - 2008 Fare Increase
 - Original Northstar fares.
- Will require evaluation of future fare changes

Disparate Impact Definition

- When is a difference between minority and non-minority areas, or between low-income and non-low-income areas, a disparate impact?
- We have used Four Fifths Rule
 - If the quantitative results indicate that analysis results in predominantly minority/low-income areas is less than four fifths, or 80 percent, of the rate for non-minority/non-low income areas, there could be evidence of disparate impacts
- **NEW:** Circular requires Board to seek public input and adopt policy to define disparate impact

Upcoming Work / Council Action

- Define major service change, adopt policy
- Define disparate impact, adopt policy
- Both required by March 31, 2013
- Evaluation of major service changes
 - Implementation of service changes in Minnetonka
- Evaluation of fare changes
 - Northstar reduced fares (if continued beyond demonstration)
 - Future fare increases or fare policy changes
- Support and monitor subrecipients

Questions?

John Levin

Director of Service Development

Metro Transit

john.levin@metrotransit.org

612-349-7789