

Transportation Committee

Meeting date: October 8, 2018

For the Metropolitan Council meeting of October 24, 2018

Subject: 2018 Title VI Service and Facilities Standards Monitoring Study

District(s), Member(s): All

Policy/Legal Reference: 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964"

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Division/Department: Metro Transit/Service Development

Proposed Action

That the Metropolitan Council approve the results of the 2018 Title VI Service and Facilities Standards Monitoring Study.

Background

To comply with federal Title VI guidelines, the Metropolitan Council has adopted system standards and policies to guard against discriminatory service design and operations decisions. The FTA requires certain transit providers to monitor these service standards at least once every three years by comparing the level and quality of service provided to predominantly minority and/or low-income populations with service provided to other areas to ensure disparate impacts have not resulted from policies and decisions. To ensure that the service design, delivery and amenity distribution of Metro Transit and MTS contracted service is not discriminatory, the system was reviewed against standards in these areas:

- Vehicle assignment
- Maximum passenger load
- On-time performance
- Service availability
- Headway standards
- Distribution of transit amenities

Title VI guidelines require the board to approve the results of the monitoring study and include them in the agency's next Title VI Plan submittal in 2020.

Rationale

The 2018 Title VI Service and Facility Standards Monitoring Study analyzed Fall 2017 data for ten different standards for two population groups, low-income populations and minority populations. For each standard the analysis reviewed the service design and delivery to see if there were patterns that exceed the statistical threshold for potential disparate impacts. An executive summary that includes a table with the results for the evaluation of each standard is attached, and the entire report can be found on the Office of Equal Opportunity's MetNet site in the

Special Projects Unit. The study will be posted on our website after it is approved.

Of the 20 total analyses, two areas showed a potential for disparate impact: bus shelter amenities in low-income and minority areas. This result is due to the availability of heated shelters at most Marq2 bus stops and all arterial BRT stations, areas currently served primarily by non-low-income and non-minority routes. With the addition of heat to shelters on Nicollet Mall in early 2018, as additional arterial BRT corridors are planned and constructed in predominantly low-income and minority areas (C Line opens in 2019), and as additional heated shelters are added through the Better Bus Stop program, it is expected that the distribution of heated shelters will be addressed.

Thrive Lens Analysis

The 2018 Title VI Service and Facility Standards Monitoring Study directly aligns with the principles of the Equity outcome, ensuring that we do not discriminate in how we design and operate service or locate passenger amenities. This formal review compares the amount and quality of service in minority and low-income areas as compared to the rest of the system to determine if there are any disparate impacts.

Funding

The 2018 Title VI Service and Facility Standards Monitoring Study was funded using existing Metro Transit and Metropolitan Council transit service operating resources.

Known Support / Opposition

There is no known opposition to the proposed action.

Executive Summary

In order to comply with Federal Transit Administration (FTA) Title VI guidelines, federal funding recipients are required to adopt quantitative system standards necessary to guard against discriminatory service design and operations decisions. The FTA requires transit systems to monitor service standards at least once every three years by comparing the level and quality of service between minority routes and non-minority routes and between low-income routes and non-low-income routes to ensure that the current distribution of service does not result in discrimination against minority and/or low-income populations.

A note on the language and terminology used in this report: Many of the terms used in this report such as “minority” and “low-income” may not be consistent with efforts by Metro Transit and the Metropolitan Council to use respectful and inclusive language. However, these terms are used in this report to match the terminology used in the FTA Title VI Circular and other federal guidance.

Technical Analysis of Service Standards and Policies

This analysis reviewed the distribution and quality of service for each of the standards and policies listed below. Metro Transit’s established service standards and policies are described primarily in the Council’s *2040 Transportation Policy Plan (TPP), Appendix G: Regional Transit Design Guidelines and Performance Standards*, and other guidance such as newly developed shelter placement and vehicle load guidelines.

- Vehicle Load
- Vehicle Headway
- On-Time Performance
- Service Availability
 - Route Spacing
 - Midday Headway
 - Bus Stop Spacing
- Transit Amenities
 - Bus Shelter Distribution
 - Customer Information
 - Transit Facility Amenities
- Vehicle Assignment

The analysis was completed for bus (local, express, and BRT), light rail, and commuter rail (Northstar) modes independently. The results for light rail and Northstar are shown primarily for informational purposes. Metro Transit has only one commuter rail route and both of the light rail lines (Blue Line and Green Line) are identified as minority and low-income routes. It is therefore impossible to make comparisons between these route designations as it is with the bus system.

Disparate Impact, Disproportionate Burden, and the Four-Fifths Threshold

The FTA defines “disparate impacts” as facially neutral policies or practices that disproportionately affect members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance. Title VI states, “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.” President Clinton’s Executive Order 12898 extends similar protections to low-income persons.

If the results of this evaluation indicate a potential for disparate impacts, further investigation is required. Metro Transit has defined its disparate impact threshold using the “four-fifths rule.” The four-fifths rule states that there may be evidence of disparate impacts if:

- Benefits are being provided to minority populations at a rate less than 80 percent (four-fifths) of the benefits being provided to non-minority populations, or
- Adverse effects are being borne by non-minority populations at a rate less than 80 percent (four-fifths) of the adverse effects being borne by minority populations.

The four-fifths rule originates from employment law but is applied in this setting to compare the distribution of benefits and/or adverse impacts among various population groups. The four-fifths rule suggests that a selection rate for any racial, ethnic, or gender group that is less than four-fifths or 80 percent of the rate for the group with the highest selection rate will be regarded as evidence of adverse impact. Although it is a “rule of thumb” and not a legal definition, it is a practical way for identifying adverse impacts that require mitigation or avoidance. Metro Transit’s decision to use the four-fifths rule was subject to a formal public outreach process before being adopted by the Metropolitan Council in 2013.

Metro Transit uses a similar approach when comparing the distribution of benefits and adverse impacts for low-income and non-low-income populations. However, when the distributions for low-income populations fall outside of the four-fifths threshold, this is referred to as a disproportionate burden rather than a disparate impact.

In this analysis, if the quantitative results indicate that service standard compliance in predominantly minority/low-income areas is less than 80 percent of the compliance rate for non-minority/non-low-income areas, this could be evidence of disparate impacts or disproportionate burdens. In these cases, additional analysis will be conducted, and potential mitigation measures will be identified if necessary.

Summary of Results

A summary of the results of each evaluation is shown in Table 1. The potential for disparate impacts to minority populations and disproportionate burdens to low-income populations was identified in the Transit Amenities: Bus Shelter Amenities category. The specific amenity in question is the distribution of heaters at stops with shelters. Additional discussion of the potential causes of these results and the steps Metro Transit will undertake are discussed in detail in the Transit Amenities section.

Table 1. Summary of Results

Standard/Policy	Minority Results	Low-Income Results
Vehicle Load	No Disparate Impacts	No Disproportionate Burdens
Vehicle Headway	No Disparate Impacts	No Disproportionate Burdens
On-Time Performance	No Disparate Impacts	No Disproportionate Burdens
Service Availability	-	-
Route Spacing	No Disparate Impacts	No Disproportionate Burdens
Midday Service Availability	No Disparate Impacts	No Disproportionate Burdens
Stop/Station Spacing	No Disparate Impacts	No Disproportionate Burdens
Transit Amenities	-	-
Bus Shelter Amenities*	Potential Disparate Impacts Identified	Potential Disproportionate Burdens Identified
Customer Information	No Disparate Impacts	No Disproportionate Burdens
Transit Facilities	No Disparate Impacts	No Disproportionate Burdens
Vehicle Assignment	No Disparate Impacts	No Disproportionate Burdens

* Amenities reviewed include shelter distribution and the availability of heat and light in shelters. The availability of heat at shelters was the only area showing potential impacts.

The purpose of this document is to satisfy Metro Transit’s requirement to monitor and evaluate compliance with FTA Title VI Requirements as they apply to the implementation of the agency’s service standards and policies. The review found that nearly all of Metro Transit’s standards and policies are implemented fairly and equitably with no potential for disparate impacts to minority populations or disproportionate burdens to low-income populations. As noted above, some minor issues were identified for individual standards or policies under the Bus Shelter Amenities category. Additional analysis of this result identified the implementation of heated shelters at A Line BRT and MARQ2 bus stops in downtown Minneapolis one of the main causes of the negative result. It is anticipated that the implementation of additional planned BRT lines in the near future will address these issues. These BRT lines represent a significant investment in transit infrastructure for the region and will be implemented in predominantly minority and/or low-income areas. The locations of transit routes by Title VI classification and the locations of bus shelter heaters are highlighted in Figure i. Metro Transit will continue to monitor the impact of heated shelters installed on these additional routes to ensure compliance with Title VI requirements.

Figure i. Transit Service and Area by Title VI Classification

