

Committee Report

Transportation Committee



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Committee Meeting Date: October 10, 2022

For the Metropolitan Council: October 26, 2022
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Business Item: 2022-235

2023-2025 Title VI Program

Proposed Action

That the Metropolitan Council shall approve the 2023-2025 Title VI Program.

Summary of Transportation Committee Discussion/Questions

Metropolitan Council's ADA & Title VI Administrator, Guthrie Byard, presented this item. Chamblis asked for clarification on the history of the 25% threshold. Metro Transit Service Development Director Adam Harrington stated that historically we only looked at an analysis if there was a 25% reduction in service but now, we will look at either a 25 % reduction or a 25 % increase.

Motion by Chamblis, seconded by Cummings. Motion carried.



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2023-2025 Title VI Program

District(s), Member(s):	All
Policy/Legal Reference:	49 CFR Part 21; FTA C 4702.1B
Staff Prepared/Presented:	Guthrie Byard, ADA & Title VI Administrator, 612-349-7762
Division/Department:	Regional Administration/Office of Equity and Equal Opportunity

Proposed Action

That the Metropolitan Council shall approve the 2023-2025 Title VI Program.

Background

Title VI of the Civil Rights Act of 1964 is a federal law that protects individuals and groups from discrimination on the basis of race, color and national origin in programs and activities that receive federal financial assistance.

In accordance with 49 CFR Part 21 barring discrimination by governmental agencies receiving federal funding effectuating Title VI of the 1964 Civil Rights Act, and as a condition of Federal Transit Administration Funding (outlined in the [FTA Circular 4702.1B](#)), The Metropolitan Council (and its subrecipients) must have a triennially updated Title VI Program.

The Metropolitan Council's Title VI Program is divided into three parts:

- **Part 1** focuses on general requirements applicable to all FTA recipients, including a public participation plan. Language assistance plan, and a Title VI grievance process.
- **Part 2** focuses on the requirements specific to operators of regular route transit service. This section is limited to the planning and operations of Metro Transit.
- **Part 3** focuses on the requirements specific to the Metropolitan Council as the designated Metropolitan Planning Organization (MPO).

Rationale

As a requirement of receiving FTA funding the Council must update its Title VI Program triennially and submit to the FTA for review and approval. This updated Title VI Program fulfills this obligation.

Thrive Lens Analysis

This effort promotes the Council's Equity Thrive outcome by attempting to connect all residents with viable transportation.

Funding

N/A

Small Business Inclusion

N/A





2023-2025 Title VI Program Update

Guthrie Byard
ADA & Title VI Administrator

October 10, 2022
Transportation Committee



Agenda

- Title VI overview
- Updates to the 2023-2025 Title VI Program

What is Title VI?

Title VI – 1964 Civil Rights Act

- Applies to race, color and national origin
- Prohibits discrimination by recipients of federal funding
- 1994 Executive Order extends protections to low-income populations
- FTA Circular 4702.1b outlines requirements
- Applies to Metropolitan Council and our subrecipients

What is the Title VI Program?

- A reporting tool summarizing existing Council policies and operational practices
 - Compilation of our Title VI for the last three years (July 2019-June 2022)
 - This work was informed by projects and plans that were the subject of extensive public engagement
- The FTA required part of the Council equity plan
- Must be updated every three years, approved by Council

Title VI Program Sections

3 sections including tables, figures and attachments

1. General Requirements
2. Fixed Route Provider Requirements
3. MPO Requirements

Additional General Requirements

Public Engagement Efforts and Language Assistance Plan

- Detailed list of transit public engagement efforts
- Inclusion of broader Council practices
 - Public Engagement Plan
 - Transportation Policy Plan
 - Regional Solicitation
 - TIP
- Language assistance plan detailing translation and interpreter efforts
 - Four-factor analysis done to determine which languages to translate
 - "Vital documents" determines what to translate

Fixed Route Provider Requirements

Set systemwide standards and policies

- Vehicle load, service frequency, service availability, on-time performance, distribution of amenities, vehicle assignment
- Standards found in TPP, Council policy and procedures, department best practices
- Used in Service Monitoring Study (updated 2021)

Report demographic data

- Service data profile maps and charts
- Survey data re: customer demographic and travel patterns

Additional Fixed Route Provider Requirements

Providers with more than 50 vehicles in peak service must do an equity analysis for all proposed fare changes, major service changes and new support facilities to determine if there is potential for disparate impact or disproportionate burden.

Evaluating Service and Fare Changes

A service or fare equity analysis determines whether a service or fare change could result in a disparate impact or disproportionate burden to low-income or BIPOC communities.

Transit agencies must establish two policies:

- Major service change
- Disparate impact/disproportionate burden threshold

Major Service Change Policy

- For an existing route(s), one or more service changes resulting in at least a 25% change in the weekly in-service hours within a 12-month period (minimum of 3,500 annual in-service hours)
- A new route in a new coverage area (minimum net increase of more than 3,500 annual in- service hours)
- Restructuring of transit service throughout a sector or sub-area of the region as defined by Metro Transit
- Elimination of a transit route or branch without alternate fixed route

Disparate Impact and Disproportionate Burden Policy

- Policy or practice that disproportionately impacts members of a group more than the overall population.
- “Disparate impact” is used for race, color, national origin
- “Disproportionate burden” is used for low-income communities

What is the Current DIDB Threshold?

80%

Disproportionate Burden

- Benefits are being provided to low-income populations at a rate less than 80% than the benefits being provided to non-low-income populations.

Disparate Impact

- Adverse effects are being borne by those who are white at a rate less than 80% the adverse effects being borne by those who are BIPOC .

MPO Requirements

Demographics and Fund Distribution Information

1. Planning area demographics
2. TVI principles as applied to regional planning
3. Distribution of state and federal funds, related analyses
4. Subrecipient engagement in funding process

Updates to the 2023-2025 Title VI Program

- Updated DIDB Policy and community engagement
- Updated (2021) Service Standards and Policies Monitoring Evaluation
- Service equity analyses (no DIDB found):
 - Orange Line
 - D Line
 - Routes 63 and 323
- Adjusted poverty threshold to 185% to be consistent across Council
- More inclusive language – BIPOC instead of minority

Action Requested

- That the Metropolitan Council shall approve the 2023-2025 Title VI Program.