

## POLICY

### Title VI Disparate Impact and Disproportionate Burden Policy

OEE0 6-2

**Category:** Office of Equity and Equal Opportunity

**Business Unit Responsible:** RA: Office of Equity and Equal Opportunity

**Policy Owner:** Lila Eltawely, Enterprise Equity Senior Manager

**Policy Contact:** Guthrie Byard, ADA & Title VI Administrator

**Synopsis:** Metro Transit is required under Title VI of the 1964 Civil Rights Act and in accordance with U.S. DOT regulations and Federal Transit Administration guidance to have a Disparate Impact and Disproportionate Burden Policy for measuring when major service changes or proposed fare changes may have disparate impacts on BIPOC communities and disproportionate burdens on low-income populations.

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## POLICY

The Metropolitan Council will use the “four-fifths” rule as the threshold to determine if a proposed fare change, major service change or triennial monitoring review of system-wide standards and policies shows evidence of potential for disparate impact or disproportionate burden. The “four-fifths” rule measures when 1) adverse impacts are borne disproportionately by minority or low-income populations and 2) benefits are not equitably shared by minority or low-income populations.

The “four-fifths” rule states that there could be evidence of disparate impact or disproportionate burden if:

- Benefits are being provided to minority or low-income populations at a rate less than 80% (four-fifths) than the benefits being provided to non-minority or non-low-income populations
- Adverse effects are being borne by non-minority or non-low-income populations at a rate less than 80% (four-fifths) than the adverse effects being borne by minority or low-income populations

If a potential disparate impact for minority populations is found, the FTA requires recipients to analyze alternatives. A provider may modify the proposed change to avoid, minimize or mitigate potential disparate impacts. A transit provider may proceed with the proposed change if there is substantial legitimate justification, and no legitimate alternatives exist with a less disparate impact that still accomplish the provider’s legitimate program goals.

If potential disproportionate burden on low-income populations is found, the FTA requires recipients to take steps to avoid, minimize or mitigate impacts where practicable.

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## IMPLEMENTATION & ACCOUNTABILITY

The language in this section was not included in the policy approved by Metropolitan Council in 2013, but has been added to further clarify internal processes for ensuring this policy is applied when appropriate.

The Office of Equity and Equal Opportunity is accountable for ensuring the Metro Transit Service Development department implements the Disparate Impact and Disproportionate Burden Policy whenever applicable. All major service changes must be reviewed against the Disparate Impact and Disproportionate Burden Policy prior to implementation.

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## RESOURCES

### Related Policies

- [OEE0 6-1 Title VI Major Service Change Policy](#)
- [FM 12-2 Transit Fare Policy Changes](#)

### Related Procedures

- [FM 12-2a Transportation Service Fare Policy Changes Procedure](#)
- [PIC 2-2e Public Involvement in Transportation Service Changes and Restructuring](#)

### Related Work Instruction

- Major Service Change Work Instruction (in-progress)

### Statutory Resources (Minnesota Statutes or Rules, U.S. Code, Federal Regulations)

- Title VI, 42 U.S.C. § 2000d et seq
- [FTA Circular 4702.1B](#)

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## HISTORY

### Version 2 – Template Update

07/09/2022 – Updated into new template and added “Implementation and Accountability” section.

### Version 1 – Approval Date ([Business Item 2013-129](#))

06/26/2013 – Version 1 was the original version approved in 2013 in business item 2013-129 by the Metropolitan Council and submitted to the FTA to meet the Title VI requirements.

### Last Reviewed Date

07/09/2022

### Next Content Review Date

07/09/2023

### Version

2