



DRAFT 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

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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.

POLICY

The Metropolitan Council will use a 10% difference as the threshold to determine if the effects of a proposed fare change, major service change, or triennial monitoring review of systemwide standards and policies shows evidence of a potential disparate impact (DI) or disproportionate burden (DB).

If the effects borne by the BIPOC population, both adverse and beneficial, are not within 10 percent of the effects borne by the white population, then the proposed change would pose a potential disparate impact.

If the effects of a major service change borne by those of low-income, both adverse and beneficial, are not within 10 percent of the effects borne by those not of low-income, then the proposed change would pose a potential disproportionate burden.

If either a potential disparate impact or disproportionate burden is found, the FTA requires recipients to analyze alternatives. A provider may modify the proposed change to avoid, minimize or mitigate potential impacts or burdens. 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.

The Metropolitan Council's DI/DB policy does not consider a beneficial effect beyond 10% difference to BIPOC and low-income populations as evidence of DI/DB. The intent of Title VI is to ensure non-discrimination against BIPOC and low-income communities. Therefore, analysis that finds a beneficial effect for BIPOC and/or low-income communities would be documented as such and will not require the agency to analyze alternatives.

IMPLEMENTATION & ACCOUNTABILITY

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.

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](#)

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

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