

T Transportation Committee
Meeting date: December 10, 2012
For the Council Meeting of December 12, 2012

ADVISORY INFORMATION

Date: December 1, 2012
Subject: Title VI Policies Authorization for Public Hearings
District(s), Member(s): All
Policy/Legal Reference: Policy 1-3 Transportation Planning and Transit Services Policy; Policy 1-3a Transportation Service Changes and Restructuring Procedure; Policy 1-3b Public Involvement in the Transportation Planning Process Procedure; Policy 2-1 Accountability to the Public Policy; Policy 2-1a Public Participation Procedure; Policy 2-1b Public Hearings Procedure
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Division/Department: Metro Transit

Proposed Action

That the Metropolitan Council authorizes public hearings on proposed policies to define Major Service Change, Disparate Impact, and Disproportionate Burden as required by FTA Title VI Circular 4702.1B.

Background

The Federal Transit Administration (FTA) released Title VI Circular 4702.1B, effective October 1, 2012 which requires that transit providers receiving federal funding located in an urbanized area of more than 200,000 and operating at least 50 peak vehicles must establish policies defining the threshold for major service changes and the determination of disparate impact/disproportionate burden applied to Title VI equity analyses. In our region, this requirement applies to the Metropolitan Council, including services provided by Metro Transit and Metropolitan Transportation Services, and to Minnesota Valley Transit Authority (MVTA) and possibly SouthWest Transit.

The FTA requires that the public be engaged in the decision-making process to develop these policies. In addition, these policies must be approved by the policy board or other governing entity by March 31, 2013.

The Council currently has a major service change procedure (1-3a), which determines when a public hearing is required, but the public was not formally engaged in developing this policy. Similarly, we have been using a threshold to determine if the potential for disparate impact/disproportionate burden exists when performing Title VI Monitoring and Service and Fare Equity reviews, but the public was not formally engaged in developing this standard, nor was it adopted by the Council.

Staff has been working with MVTA and SouthWest Transit in an effort to develop a common set of proposed policies for major service changes, disparate impact and disproportionate burden and to coordinate the public review of the policies. The intent is

that the Metropolitan Council, MVTA Board and Southwest Metro Transit Commission will individually approve the same or similar policies based on public feedback as appropriate for each provider.

Rationale

Council policy requires authorization for public hearings 45 days before the hearings begin. State law requires public notice of the public hearings 30 days before the hearings begin.

In order to maximize access to the public hearings, staff recommends that five hearings be held during the midday, early evening, and on a Saturday. The proposed public hearings locations, dates and times are listed below.

Wednesday, February 6 (or as amended)
6-7:30 p.m.
Southwest Station
13500 Technology Dr.
Eden Prairie, MN 55344

Thursday, February 7 (or as amended)
6 p.m.-7:30 p.m.
Dakota County Library - Burnhaven Branch
1101 W County Road 42
Burnsville, MN 55306

Saturday, February 9 (or as amended)
12:30-2 p.m.
Hennepin County Library - Augsburg Park Branch
7100 Nicollet Avenue
Richfield, MN 55423

Tuesday, February 12 (or as amended)
11 a.m.-12:30 p.m.
University of Minnesota Urban Research and Outreach-Engagement Center (UROC)
2001 Plymouth Avenue North
Minneapolis, MN 55411

Wednesday, February 13 (or as amended)
6 p.m.-7:30 p.m.
East Side YMCA
875 Arcade Street
Saint Paul, MN 55106

In addition to providing comments at the hearings, the public will be invited to submit comments via telephone, fax, mail, e-mail and the Council website. The comment period will extend 10 days after the last public hearing.

In January staff will bring forward a separate item to approve the proposed Major Service Change, Disparate Impact and Disproportionate Burden policies for the purpose of public review. Once approved, these proposed policies will be published no less than 10 days before the first public hearing.

After the comment period closes, staff will consider changes to the proposed policies to address the comments submitted by the public. A recommendation for final adoption of the policies will then be brought to the Council in March.

Funding

The outreach and public meetings will be funded through existing operating budgets.

Known Support / Opposition

There is no known opposition to scheduling public hearings to establish these policies.