

Transportation Committee

Meeting date: November 9, 2015

For the Metropolitan Council meeting of November 18, 2015

Subject: Approve the 2015 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"

Staff Prepared/Presented: Brian Lamb, General Manager, 612-349-7310

Adam Harrington, Director of Service Development, 612-349-7797

Mary Karlsson, Assistant Director of Route and System Planning, 612-349-7622

Cyndi Harper, Manager of Route Planning, 612-349-7723

Division/Department: Metro Transit/Service Development

Proposed Action

That the Metropolitan Council approve the results of the 2015 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 2017. Last month staff shared the preliminary results with the FTA as part of the recent 2015 Triennial Review.

Results

The 2015 Title VI Service and Facility Standards Monitoring Study analyzed 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 online at metrotransit.org/TitleVI.

Of the 20 total analyses, one area showed a potential for disparate impact: customer information in low-income areas. This result is most likely due to system map displays located at park and rides facilities in suburban areas primarily served by non-low-income routes. The distribution of system maps is currently being reviewed by Metro Transit staff. Full system maps are often not as useful as local maps showing the immediate area around a stop or station, Local maps, which include common destinations in the area and show connecting bus routes, show more detail and are more useful to riders trying to navigate the area. By 2017 approximately 3,000 stops will feature route level maps.

Funding

The 2015 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.

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 policies for each of these standards and policies are described in the *2030 Transportation Policy Plan (TPP)* and the *Regional Transitway 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, 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 are identified as minority and low-income routes. It is therefore impossible to make comparisons between 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, and 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 23. No disparate impacts to minority populations were identified in these evaluations. Only one potential disproportionate burden to low-income populations was identified: Customer Information (System Maps). This result is discussed further in the next section.

Table 1. Summary of Results

Standard	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	No Disparate Impacts	No Disproportionate Burdens
Customer Information	No Disparate Impacts	Potential Disproportionate Burden Identified
Transit Facilities	No Disparate Impacts	No Disproportionate Burdens
Vehicle Assignment	No Disparate Impacts	No Disproportionate Burdens

Additional Analysis

Customer Information: System Map Displays

The results of this analysis identified a potential disproportionate burden to low-income populations. Full system maps are displayed at only 23 locations throughout the system and most of these maps are displayed at suburban park-and-rides that are served primarily by non-low-income routes. While some system maps are also displayed at urban transit centers and other facilities served by low-income routes, this is not enough to counterbalance the impact of the park-and-ride system maps.

The distribution of system map displays is currently being reevaluated by Metro Transit staff. In contrast to the full system map displays, local area maps showing all nearby routes are located on all LRT and Northstar station platforms. These maps show much more detail than the full system maps and are more useful for customers trying to navigate the area and/or find connecting bus service. It has been determined that full system map displays are often not as useful for navigational purposes as these local area maps.

Metro Transit has also embarked on a system-wide program to provide a map of the route(s) serving a particular stop, shelter or transit center at all bus stops with ten or more boardings a day. At full implementation, approximately 25% of all bus stops (approximately 3,000 locations) will feature route level maps. This project, which is expected to be substantially complete in 2017, will be more useful to customers than system maps by providing more detail about routes serving a specific location such as frequency, span of service and local landmarks.

Service Availability: Route Spacing (Urban Crosstown, Market Area I)

The results of the analysis for this standard did not identify disparate impacts to minority populations or disproportionate burdens to low-income populations. However, the results for the minority analysis were very close (82.9%) to violating the four-fifths rule and warrant further discussion.

The coverage of the urban crosstown routes in Market Area I is substantially lower than the coverage for the other route categories. This is primarily due to the limited crosstown service in portions of Saint Paul east of downtown and south of the Mississippi River. While these areas are heavily covered by urban radial service, the configuration of the street network and a number of natural barriers make the implementation of crosstown service difficult. Metro Transit is aware of these crosstown service gaps and makes efforts to restructure service to provide adequate transit service when feasible. Two new urban crosstown routes began operating in 2014 in an effort to improve crosstown coverage.