

# 2021 Title VI Service Monitoring Study

## In Compliance with FTA Circular 4702.1B

October 27, 2021

Prepared for:



Prepared by:



# EXECUTIVE SUMMARY

This report satisfies the Federal Transit Administration (FTA) Title VI requirement to monitor transit system performance relative to system-wide service standards and policies at least once every three years. FTA requires recipients of federal funding who provide fixed route service, including Metro Transit, to **develop and monitor quantitative system standards and policies to guard against discrimination toward racial and ethnic minorities and low-income communities related to the quality of and access to fixed route public transit service and facilities.**

While Metro Transit continually monitors its route and system-wide performance using a variety of measures (including incorporation of racial and socioeconomic equity), formal Title VI service monitoring to meet FTA requirements last occurred in fall 2018.

This Title VI Service Monitoring Study is one element of Metropolitan Council and Metro Transit's ongoing Title VI work. Further, Title VI compliance is one component of the broader equity and inclusion framework that Metro Transit uses to foster a community that thrives because each individual has access to their destination and feels welcomed.

## Title VI and Environmental Justice

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. *Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, extends these protections to low-income communities as well. **Title VI was identified as one of several Federal laws that should be applied "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects."**<sup>1</sup>

## Purpose

The purpose of the Title VI service monitoring requirement is to ensure that prior decisions related to the distribution of fixed route transit service and facilities have not resulted in a disparate impact on the basis of race, color, or national origin. If such is found, "the transit provider shall take corrective action to remedy the disparities to the greatest extent possible."<sup>2</sup>

While not specifically required by FTA, Metro Transit expands its service monitoring to include assessment of disproportionate burden on low-income populations, a protected class under the Environmental Justice executive order.

To meet the Title VI service monitoring requirement, Metro Transit fixed route service and facilities data from fall 2019 and fall 2020, and the latest residential and rider demographic data are compiled and analyzed relative to Metro Transit's established service standards and policies. Documented in

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<sup>1</sup> Federal Transit Administration, *Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients*, October 1, 2012, page I-6, [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf).

<sup>2</sup> FTA, *Circular 4702.1B*, page IV-10.

the Metropolitan Council's current [Title VI Program \(adopted in early 2020\)](#), Metro Transit's service standards and policies address the following:

- Vehicle load: To prevent overcrowding
- Vehicle headway: How often service comes
- On-time performance: To prevent early and late service
- Service availability: Through route spacing, midday service, and stop spacing
- Distribution of transit amenities: To ensure fair access to bus shelters, customer information, and other facility amenities
- Vehicle assignment: To ensure access to newer vehicles is fairly distributed

To meet the Title VI service monitoring requirement, service outcomes and compliance rates for each of these standards and policies are compared between routes (or stops or areas) designated as Black, Indigenous, and People of Color (BIPOC) and those designated as non-BIPOC, and similarly between low-income routes (or stops or areas) and those designated as non-low-income.

## Extent of Analysis

This analysis includes all regular fixed routes directly operated by Metro Transit and those operated under contract to the Metropolitan Council (including METRO Red Line) under the Metro Transit brand in either fall 2019 or fall 2020. Metro Transit historically uses data from the most recent fall schedule for service monitoring and broader analysis performed throughout the agency, as this time of year is most representative of transit demand and typical service levels.

## A Note on COVID-19 and its Impacts on Transit

While the long-term ridership impacts of the COVID-19 pandemic are not known, the short-term effects have been significant. Metro Transit modified its service levels and schedules throughout spring and summer 2020 as part of the ongoing, shared effort to respond to the COVID-19 pandemic. Service changes were made within the Governor's Peacetime Emergency declaration and in response to public health guidance and changes in travel demand, operations, and resources. In light of these factors, this study monitors service from fall 2019 and, where practical, fall 2020. Four local and 51 commuter and express routes regularly provided by Metro Transit remained suspended in Fall 2020; these routes are represented by fall 2019 service data in this analysis.

## Title VI Definitions and Concepts

### Racial and Ethnic Minorities

FTA defines a "minority" person as one who self-identifies as American Indian/Alaska Native, Asian, Black or African American, Hispanic or Latino, and/or Native Hawaiian/Pacific Islander. However, as part of efforts to use respectful and inclusive language, **Metro Transit and the Metropolitan Council prefer to use the term Black, Indigenous, and People of Color (BIPOC) rather than "minority" when referring to people who identify as one or more of the above racial or ethnic groups.** As such, references to BIPOC in this report should be interpreted to mean the same thing as "minority".

For the purposes of this evaluation, “non-minority” or “non-BIPOC” persons are defined as those who self-identify as non-Hispanic white. All other persons, including those identifying as two or more races and/or ethnicities, are defined as BIPOC.

## Low-Income Population

This Title VI service monitoring analysis uses 185% of the 2019 U.S. Census Bureau poverty thresholds to determine low-income status. The Council uses 185% of poverty thresholds to define poverty in its place-based equity research, regional policies, and other initiatives, and this Title VI analysis mirrors that approach.

## Discrimination, Disparate Impact, and Disproportionate Burden

In *Circular 4702.1B*, FTA defines **discrimination** as referring to:

any action or inaction, whether intentional or unintentional, in any program or activity of a federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.<sup>3</sup>

**Disparate impact**, a key concept for understanding Title VI regulations, is defined in the *Circular* as:

a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.<sup>4</sup>

Similarly, FTA defines **disproportionate burden** as:

a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations.<sup>5</sup>

Per FTA guidance, Metro Transit uses its disparate impact and disproportionate burden thresholds as evidence of impacts severe enough to meet the definition of disparate impact or disproportionate burden.

**Metro Transit has defined its disparate impact and disproportionate burden policies and thresholds using the “80% rule,”** which states that there may be evidence of disparate impacts/disproportionate burden if:

- *Benefits* are being provided to *BIPOC/low-income* populations at a rate less than 80% of the benefits being provided to *non-BIPOC/non-low-income* populations, or
- *Adverse effects* are being borne by *non-BIPOC/non-low-income* populations at a rate less than 80% of the adverse effects being borne by *BIPOC/low-income* populations.

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<sup>3</sup> Federal Transit Administration, *Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients*, October 1, 2012, page I-2, [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf).

<sup>4</sup> FTA, *Circular 4702.1B*, page I-2

<sup>5</sup> FTA, *Circular 4702.1B*, page I-2

The 80% 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.<sup>6</sup> Metro Transit's decision to use the 80% rule for its disparate impact and disproportionate burden thresholds was subject to a formal public outreach process before being adopted by the Metropolitan Council in 2013.

In this analysis, **if the quantitative results indicate that service standard/policy compliance for BIPOC/low-income routes (or stops or areas) is less than 80 percent of the compliance rate for non-BIPOC/non-low-income routes (or stops or areas), this could be evidence of disparate impact/disproportionate burden.** In these cases, additional analysis will be conducted, and potential mitigation measures will be identified if necessary.

## Route, Stop, and Area Designations

This analysis uses U.S. Census Bureau 2015-2019 American Community Survey 5-year estimates and the Metropolitan Council's Travel Behavior Inventory On-Board Survey to designate:

- each route as either BIPOC or non-BIPOC and either low-income or non-low-income;
- each stop as either BIPOC or non-BIPOC and either low-income or non-low-income; and
- each census block group within the Metro Transit service area as either BIPOC areas or non-BIPOC areas and either low-income areas or non-low-income areas.

Doing so enables comparison of service outcomes and service standard and policy compliance rates between BIPOC and non-BIPOC routes/stops/areas and between low-income and non-low-income routes/stops/areas and subsequent determination of disparate impact and disproportionate burden.

## Service Standards and Policies: Analysis Results

The following summarizes the service standards and policies Metro Transit uses to meet FTA requirements and the high-level results of the evaluations completed in this report.

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<sup>6</sup> Section 60-3.4(D), *Uniform Guidelines on Employee Selection Procedure* (1978); 43 FR 38295, August 25, 1978, <https://www.ecfr.gov/current/title-41/subtitle-B/chapter-60/part-60-3>.

**Table i. Summary of Service Standards and Policies and their Analysis Results**

Standard/Policy	What does it address?	What are the results?
Vehicle Load	<p>Metro Transit’s standards for what constitutes and “overloaded” (too crowded) vehicle accounts for seated and standing passengers and differs by route type and vehicle type</p>	<p>In fall 2019, trips scheduled on BIPOC routes were less likely to be overloaded (1.30% of observed trips) than those on non-BIPOC routes (2.12%). Therefore, this analysis identifies <b>no disparate impact based on vehicle loads.</b></p> <p>Trips scheduled on low-income routes were less likely to be overloaded (1.21%) than those on non-low-income routes (2.98%) in fall 2019. Therefore, this analysis identifies <b>no disproportionate burden based on vehicle loads.</b></p>
Vehicle Headway	<p>Metro Transit is required to set standards for how frequent service should be, given certain parameters, to ensure frequent service is not benefitting only certain people.</p> <p>Metro Transit’s vehicle headway standards are based on the route type, day period, and Transit Market Area.</p>	<p>BIPOC routes had higher vehicle headway compliance rates than non-BIPOC routes in both fall 2019 and fall 2020. Therefore, this analysis identifies <b>no disparate impact based on vehicle headways.</b></p> <p>Low-income routes had higher vehicle headway compliance rates than non-low-income routes in both fall 2019 and fall 2020. Therefore, this analysis identifies <b>no disproportionate burden based on vehicle headways.</b></p>
On-Time Performance	<p>Metro Transit measures whether a bus or train was on time for each instance it serves or passes a route’s scheduled timepoint by comparing the arrival time to that in the schedule.</p> <p>Bus service is considered “on-time” if it arrives at scheduled timepoints between 1 minute early and 5 minutes late. Light rail and commuter rail service is considered on-time if it arrives at stations between 1 minute early and 4 minutes late.</p>	<p>BIPOC routes had higher on-time performance (85%) than non-BIPOC routes (81%) in fall 2019. Therefore, this analysis identifies <b>no disparate impact based on on-time performance.</b></p> <p>In fall 2019, low-income routes had higher on-time performance (84%) than non-low-income routes (82%). Therefore, this analysis identifies <b>no disproportionate burden based on on-time performance.</b></p>

Standard/Policy	What does it address?	What are the results?
<p>Service Availability: Route Spacing</p>	<p>Route spacing guidelines seek to balance service coverage with route productivity and transit demand. Routes spaced too closely together will have overlapping service areas and compete for riders, reducing the productivity of both routes. Routes spaced too far apart will lead to coverage gaps.</p> <p>Are BIPOC areas well-covered by routes, or are there large gaps in service? How does this coverage compare to that of non-BIPOC areas? How does this differ between low-income areas and non-low-income areas, if at all?</p>	<p>In both fall 2019 and fall 2020, route spacing results varied depending on route type and Transit Market Area. Generally, BIPOC areas and low-income areas experienced greater service coverage in Market Area I, but slightly worse service coverage (by two percent) in Market Area II, compared to non-BIPOC areas and non-low-income areas, respectively.</p> <p>However, all route spacing results are within the minimum threshold for avoiding disparate impact and disproportionate burden. Therefore, this analysis identifies <b>no disparate impact nor disproportionate burden based on route spacing.</b></p>
<p>Service Availability: Midday Service</p>	<p>Midday service that operates frequently enough to meet the demand is crucial to developing a network that supports a transit-oriented lifestyle - one where transit is useful for more than the typical 9-to-5 work commute.</p> <p>Are BIPOC areas and low-income areas well-covered by midday service that meets vehicle headway standards? How does this coverage compare to that of non-BIPOC areas and non-low-income areas, respectively?</p>	<p>In both fall 2019 and fall 2020, BIPOC areas had greater midday service coverage than non-BIPOC areas, and low-income areas had greater midday service coverage than non-low-income areas. Therefore, this analysis identifies <b>no disparate impact nor disproportionate burden based on midday service availability.</b></p>

Standard/Policy	What does it address?	What are the results?
Service Availability: Stop Spacing	<p>Stop spacing standards must balance the competing goals of providing greater access to service with faster travel speeds. More stops spaced closer together reduce walking distance and improve access to transit but tend to increase on-board travel time.</p> <p>What percentage of stops along BIPOC routes have stops spaced too closely or too far apart, relative to the applicable standard range? How does this compare to stops along non-BIPOC routes? What are the dynamics based on income status?</p>	<p>In fall 2019, BIPOC routes had more instances of stops spaced within the standard ranges than non-BIPOC routes. Similarly, low-income routes performed better than non-low-income routes. Results were nearly identical using fall 2020 service. Therefore, this analysis identifies <b>no disparate impact nor disproportionate burden based on stop spacing.</b></p>
Distribution of Amenities: At Bus Stops, Transit Centers, and Stations	<p>Metro Transit has developed policies for the distribution of customer information, seating, shelter, shelter lighting and heaters, and trash receptacles at the stops it serves. These policies differ by stop type, with standard and optional features varying for bus stops, stops at transit centers, and stops (platforms) at light rail, BRT, and commuter rail stations.</p>	<p>For all amenity types, at all stop types, amenity placement rates at BIPOC stops were greater than or equal to those at non-BIPOC stops; and amenity placement rates at low-income stops were greater than or equal to those at non-low-income stops. Therefore, this analysis identifies <b>no disparate impact nor disproportionate burden based on the distribution of amenities at bus stops.</b></p>
Vehicle Assignment	<p>Metro Transit maintains a fleet of about 1,000 vehicles across five bus garages and two light rail and one commuter rail depots.</p> <p>Vehicle age is used as the standard measure for determining equitable vehicle assignment. Are newer and older vehicles distributed equitably throughout the system? Are newer vehicles assigned to non-BIPOC routes more often than BIPOC routes? Are low-income routes assigned older vehicles than non-low-income routes?</p>	<p>In fall 2019, BIPOC route trips were assigned newer vehicles than non-BIPOC route trips, at 6.72 years and 7.01 years, respectively, on average. Therefore, this analysis identifies <b>no disparate impact based on vehicle assignment.</b></p> <p>On average, low-income route trips were assigned vehicles approximately one year newer than those assigned to non-low-income route trips, at 6.62 years versus 7.64 years, respectively, in fall 2019. Therefore, this analysis identifies <b>no disproportionate burden based on vehicle assignment.</b></p>



## Conclusions

**This analysis identifies no disparate impact on BIPOC populations nor disproportionate burden on low-income populations based on Metro Transit’s Title VI standards and policies.**

Most measures of compliance with Metro Transit’s service standards and policies showed that BIPOC and low-income populations received better outcomes, on average, compared to non-BIPOC and non-low-income populations. The few exceptions to this are instances where compliance rates for BIPOC or low-income populations were within one to eight percent of those for non-BIPOC or non-low-income populations - well within the allowable difference of 20 percent established in Metro Transit’s disparate impact and disproportionate burden thresholds.

**Table ii. Disparate Impact and Disproportionate Burden Results Summary**

<b>Standard/Policy</b>	<b>Disparate Impact on BIPOC Population</b>	<b>Disproportionate Burden on Low-Income Population</b>
Vehicle Load	No	No
Vehicle Headway	No	No
On-Time Performance	No	No
Service Availability	No	No
Route Spacing	No	No
Midday Service	No	No
Stop Spacing	No	No
Distribution of Amenities	No	No
At Bus Stops	No	No
At Transit Centers	No	No
At Stations	No	No
Vehicle Assignment	No	No

Title VI is one piece of the broader strategic framework that Metro Transit uses to meaningfully advance equity in the region. Broader equity work, including additional quantitative analysis, is ongoing and continuous at Metro Transit. Equity is not achieved through one sole program, project, policy, or procedure, but in the integration of equity work throughout the agency.

Despite the lack of actionable Title VI findings from this study, Metro Transit continues to evaluate its service and improve equity of inputs and outcomes and will continue to evaluate service for disparate impact and disproportionate burden outside of triennial FTA Title VI service monitoring.