



Disparate Impact and Disproportionate Burden (DIDB) Policy Change

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Transportation Committee



Definitions

Disparate Impact

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.

Disproportionate Burden

Policy or practice that disproportionately affects low-income populations more than non-low-income populations.

Current DIDB Policy

The Metropolitan Council uses the 80% 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 disproportional burden.

The rule states that there could be evidence of disparate impact or disproportional burden if:

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

Proposed DIDB 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 of disproportionate burden.

Note: The 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.

Why Change?

- The current policy is nearly a decade old; we have better data available to us (TBI)
- Greater emphasis has been placed on aligning Metro Transit policies with agency equity and inclusion practices
- This is an opportunity to further explain our Title VI requirements and transit equity efforts in plain language.
- In line with our peer agencies that are conducting similar reviews of their DIDB policies

Service Equity Analysis – 10% Difference

Increase number of trips

- measure increased trips provided, per capita by population group
- e.g., 600 more weekly trips/person in BIPOC areas, 580 more weekly trips/person in white areas
- *calculation*: $[600 \div 580] = 1.035$ or **3.5% relative benefit** to BIPOC areas
- *decision*: no basis for disparate impact

Service reduction

- measure percent change in per-capita access by group
- e.g., 7% fewer weekly trips/person in BIPOC areas, 3% fewer weekly trips/person in white areas
- *calculation*: $[-0.07 - -0.03] = -0.04 = \mathbf{4\% \text{ negative impact}}$ to BIPOC areas
- *decision*: no basis for disparate impact

Fare Equity Analysis – 10% Difference

Extending the \$1.00 fare throughout the service day, both during non-rush hour and rush-hour

- Proposed fare change results in a decrease in average fares
- The average low-income rider would experience a \$0.10 decrease in transit fare
- The average non-low-income rider would experience a \$0.30 decrease in transit fare
- Decrease difference is greater than 10% (200%)
- **Potential for disproportionate burden to low-income riders.** Recipients must take actions to avoid, minimize or mitigate impacts and document those actions.

Public Engagement

Requirements

- The public is engaged in providing feedback on the proposed policy
- Policy approved by board/governing body
- Community engagement occurred during August
 - Metro Transit and METC Websites promoted policy change and requested feedback
 - Targeted engagement to several community agencies
 - 17 responses
 - Those who responded were in favor. Several additional concerns about the transit system overall.
 - Table with findings in the Title VI Program

Action Requested

- That the Metropolitan Council shall approve the DIDB Policy update, including the new threshold.