

Business Item

Transportation Committee



Committee Meeting Date: October 10, 2022

For the Metropolitan Council: October 26, 2022

Business Item: 2022-234

Title VI Disparate Impact and Disproportionate Burden Policy Update

District(s), Member(s): All
Policy/Legal Reference: 49 CFR Part 21; FTA C 4702.1B
Staff Prepared/Presented: Guthrie Byard, ADA & Title VI Administrator, 612-349-7762
Division/Department: Regional Administration/Office of Equity and Equal Opportunity

Proposed Action

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

Background

In accordance with 49 CFR Part 21 barring discrimination by governmental agencies receiving federal funding effectuating Title VI of the 1964 Civil Rights Act, and as outlined in the Federal Transit Administration FTA Circular 4702.1B, The Metropolitan Council must have a DIDB Policy in place.

The DIDB Policy sets parameters for when there could be discrimination in the increase or decrease in service or fare based on race or income. This policy is enacted whenever there is an identified public transit project that meets the threshold for a Major Service Change per the Metropolitan Council's Major Service Change Policy. If there is evidence of either Disparate Impact (DI) or Disproportionate Burden (DB), 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 current policy allows for a 20% threshold in difference for BIPOC (DI) and/or low-income populations (DB). Currently, 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 OR if 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 there could be evidence of either DI or DB.

The new policy, in line with more equitable and direct language used by the Council, minority is replaced with BIPOC, and non-minority is replaced with white. Additionally, the threshold has been reduced to a 10% difference. Therefore, 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 the those not of low-income, then the proposed change would pose a potential disproportionate burden

Rationale

The DIDB Policy was last updated in 2013. Much work has been done by Metro Transit and the Metropolitan Council to improve transit equity planning and analysis of potential transit infrastructure. Therefore, now is a good time to ensure that transit infrastructure efforts are held to a high standard than what has been in place.

Thrive Lens Analysis

This effort promotes the Council's Equity Thrive outcome by attempting to connect all residents with viable transportation.

Funding

N/A

Small Business Inclusion

N/A

