



2023-2025 Title VI Program Update

October 18, 2022

Equity Advisory Committee

Guthrie Byard

ADA & Title VI Administrator



METROPOLITAN
C O U N C I L

Agenda

- Provide Title VI overview
- Review updates to the 2023-2025 Title VI Program
- Review Disparate Impact and Disproportionate Burden (DIDB) Policy Update

What is Title VI?

Title VI – 1964 Civil Rights Act

- Applies to race, color and national origin
- Prohibits discrimination by recipients of federal funding
- 1994 Executive Order extends protections to low-income populations
- FTA Circular 4702.1b outlines requirements
- Applies to Metropolitan Council and our subrecipients

What is the Title VI Program?

- A reporting tool summarizing existing Council policies and operational practices
 - Compilation of our Title VI for the last three years (July 2019-June 2022)
 - This work was informed by projects and plans that were the subject of extensive public engagement
- The FTA required part of the Council equity plan
- Must be updated every three years, approved by Council

Title VI Program Sections

3 sections including tables, figures and attachments

1. General Requirements
2. Fixed Route Provider Requirements
3. MPO Requirements

General Requirements

- Notify customers of their rights
- Documented complaint process
- Use inclusive public participation processes, specifically for those whose first language is not English

YOUR RIGHTS UNDER TITLE VI

The Metropolitan Council operates its services and programs without regard to race, color or national origin. Contact us to file a discrimination complaint, or to learn more about Title VI obligations.

El Metropolitan Council opera sus servicios y programas sin distinción de raza, color u origen nacional. Comuníquese con nosotros para presentar una queja por discriminación o para obtener más información sobre las obligaciones de Title VI.

Metropolitan Council (Hội Đồng Thành Phố) điều hành các dịch vụ và chương trình của mình mà không phân biệt đối xử dựa trên chủng tộc, màu da hay nguồn gốc quốc gia. Hãy liên lạc với chúng tôi để nộp khiếu nại về hành vi phân biệt đối xử hoặc để tìm hiểu thêm về các quy định của Tiêu Mục VI.

Metropolitian Council waxay adeegyadeeda iyo barnaamijyadeeda ku fulisaa iyadoo aan la eegayn jinsi, midab iyo asal qaran. Nala soo xariir si aad u xarayso cabashada la xariirta faquuqa, ama si aad wax badan uga ogaato waxyaabo ku saabsan waajibadyada Title VI.

၀. နိဒါန်း။ မြို့တော်က ဝန်ထမ်းများ နှင့် နယ်လုံး တစ်ဝန်း ကျယ်လောင်စွာ အလုပ် လုပ်ဆောင်နေပြီး ကျွန်ုပ်တို့၏ အလုပ်များသည် မြို့တော်အတွက် အရေးကြီးပါသည်။ မြို့တော်၏ အလုပ်များကို ဆောင်ရွက်ရာတွင် မြို့တော်အတွက် အကျိုးရှိစေရန်၊ ပြည်သူများ၏ စီးပွားရေးနှင့် ဖွံ့ဖြိုးတိုးတက်မှုကို အားပေးရန်၊ မြို့တော်၏ ဝန်ထမ်းများ၏ အကျိုးစီးပွားကို ထိန်းသိမ်းရန်နှင့် မြို့တော်၏ ဝန်ထမ်းများ၏ အကျိုးစီးပွားကို ထိန်းသိမ်းရန် အတွက် လိုအပ်ချက်များကို ဖြည့်ဆည်းပေးရန် ရည်ရွယ်ချက်ဖြင့် ဖွဲ့စည်းတည်ထောင်ခဲ့ပါသည်။

Lub koom haum Metropolitan Council yuav khiav lawv cov kev pab cuam thiab kev pab yam tsis xam txog leej twg haiv neeg, thiab teb chaws yug. Hu cuag peb kom ua ntaub ntawv tsis txaus siab, los sis yog xav paub ntxiv txog cov tes dej num ntawm txoj cai Title VI.

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Additional General Requirements

Public Engagement Efforts and Language Assistance Plan

- Detailed list of transit public engagement efforts
- Inclusion of broader Council practices
 - Public Engagement Plan
 - Transportation Policy Plan
 - Regional Solicitation
 - TIP
- Language assistance plan detailing translation and interpreter efforts
 - Four-factor analysis done to determine which languages to translate
 - "Vital documents" determines what to translate

Fixed Route Provider Requirements

Set systemwide standards and policies

- Vehicle load, service frequency, service availability, on-time performance, distribution of amenities, vehicle assignment
- Standards found in TPP, Council policy and procedures, department best practices
- Used in Service Monitoring Study (updated 2021)

Report demographic data

- Service data profile maps and charts
- Survey data re: customer demographic and travel patterns

SAFE Analyses

Providers with more than 50 vehicles in peak service must do an equity analysis for all proposed fare changes, major service changes and new support facilities to determine if there is potential for disparate impact or disproportionate burden.

A service or fare equity analyses determines whether a service or fare change could result in a disparate impact or disproportionate burden to low-income or BIPOC communities.

Transit agencies must establish two policies:

- Major service change
- Disparate impact/disproportionate burden threshold

Major Service Change Policy

- For an existing route(s), one or more service changes resulting in at least a 25% change in the weekly in-service hours within a 12-month period (minimum of 3,500 annual in-service hours)
- A new route in a new coverage area (minimum net increase of more than 3,500 annual in- service hours)
- Restructuring of transit service throughout a sector or sub-area of the region as defined by Metro Transit
- Elimination of a transit route or branch without alternate fixed route

Disparate Impact and Disproportionate Burden Policy

- Policy or practice that disproportionately impacts members of a group more than the overall population.
- “Disparate impact” is used for race, color, national origin
- “Disproportionate burden” is used for low-income communities

What is the Current DIDB Threshold?

80%

Disproportionate Burden

- Benefits are being provided to low-income populations at a rate less than 80% than the benefits being provided to non-low-income populations.

Disparate Impact

- Adverse effects are being borne by those who are white at a rate less than 80% the adverse effects being borne by those who are BIPOC .

MPO Requirements

Demographics and Fund Distribution Information

1. Planning area demographics
2. TVI principles as applied to regional planning
3. Distribution of state and federal funds, related analyses
4. Subrecipient engagement in funding process

Updates to the 2023-2025 Title VI Program

- Updated (2021) Service Standards and Policies Monitoring Evaluation
- Service equity analyses (no DIDB found):
 - Orange Line
 - D Line
 - Routes 63 and 323
- Adjusted poverty threshold to 185% to be consistent across Council
- More inclusive language
- Updated the Disparate Impact and Disproportionate Burden Policy

DIDB 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

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