

Los Angeles County  
Metropolitan Transportation Authority

# Civil Rights Policy Updates

Presented to

All Service Councils

December 2011

Dan Levy

Director, Civil Rights Programs Compliance



**Metro**

# What is Going On?

- Metro must follow federal regulations and guidance based on Title VI of the Civil Rights Act and the Executive Order on Environmental Justice (EJ)
- The Title VI & EJ guidance was last updated in 2007; new updates are being proposed by the FTA

# Why Change?

- The changes do not significantly change the requirements and it makes sense to update our policies based on the new guidance which is much more clear and unambiguous

# Civil Rights Primer

- Civil Rights Act prohibits Disparate Treatment & Disparate Impacts based on race, color & national origin
- Disparate Treatment is overt discrimination
- Disparate Impacts is discrimination resulting from a facially race neutral policy

# Environmental Justice Primer

- EJ based on an Executive Order and its purpose is to protect minorities and persons with low income from disproportionate, high and adverse impacts of changes as a result of government action - including transit service and fares changes

# Role of Equity Analysis

- To determine if there are disparate impacts OR disproportionate, high and adverse impacts resulting from service or fare changes
- Leads to need to define disparate impacts and disproportionate, high and adverse impacts

# Administrative Code

- Staff will request the Board amend the Administrative Code to add definitions of a major service or fare Change
- Both changes would require an Equity Analysis

# How Does Proposed Policy Differ ?

- The current service change policy mixes requirements for public hearings and equity analysis and does not consider cumulative impacts or other special conditions

# Proposed Service Change Definition

- A revision to an existing transit route that increases or decreases the revenue miles operated by the lesser of 25%, or by 250,000 revenue service miles cumulatively over any consecutive 24 month period;
- A revision to an existing transit service that increases or decreases the revenue hours operated by at least 25% or by 25,000 revenue service hours cumulatively over any consecutive 24 month period;
- The implementation of a new transit route that results in a net increase of more than 25,000 annual revenue hours or 250,000 annual revenue miles;

# Proposed Service Change Definition *Continued*

- A change of more than 25% over any consecutive 24 month period in the number of total revenue trips scheduled on routes serving a rail or BRT station, or an off street bus terminal serving at least 4 bus routes;
- During the planning and programming stage of any new guideway project (e.g. BRT line or rail line) or off an street transit station serving at least four routes and resulting in route adjustments;

# Proposed Service Change Definition *Continued*

- Experimental or emergency service changes may be instituted for 180 days or less without an Equity Analysis being completed and considered by the Board of Directors. If the service is required to be operated beyond 180 days the Equity Analysis must be completed and considered by the Board of Directors within 270 days of the start of the service
- A Title VI Equity Analysis shall not be required if a Metro transit service is replaced by a different mode or operator providing a service with the same headways, fare, transfer options, span of service and stops

# Proposed Fare Change Definition

- Fare Equity Analysis shall be prepared for any fare change (increase or decrease). This includes, but is not limited to permanent fare changes, temporary changes, promotional fare changes and pilot fare programs. This includes fares not available to the general public such as special discount programs for students, groups or employers;
- An Equity Analysis is not required for changes to fares set at levels to comply with FTA requirements (Off peak fares for seniors, persons with disabilities, and Medi-care card holders).

# Proposed Fare Change Definition *Continued*

- The fare Equity Analysis shall not be limited to an analysis of changes in price of fare products, but will also consider changes in fare media types, or availability of outlets to purchase fare media products.

# Definition of Disparate Impacts

- The proposed guidance requires a definition of disparate impact for equity analyses
- Staff proposes a definition of disparate impact based on case law and long standing practice for EEO and Title VII of the Civil Rights Act

# Service Change Application Civil Rights

- A Title VI protected route is one that has a higher than average number of minority transit users
- Disparate impacts if a service change creates a 20% or greater negative impact on travel time, walking distance or cost for Title VI routes, than for services that are not Title VI

# Fare Change Application Civil Rights

- If the cost of a specific fare product used disproportionately by Title VI populations is increased more than 20% higher than those fare products not disproportionately used by Title VI populations it shall be considered to have disparate impact (unless caused by rounding to the nearest \$0.05)
- For other fare system changes such as, but not limited to, eliminating a fare or product, increasing a fee or changing the availability of a specific product an appropriate evaluation shall similarly determine if the change or alternatives creates disparate impacts.

# Definition Disproportionate High & Averse Impacts

- The new guidance does not require Metro to define disproportionate, high and adverse impacts but it seems appropriate to do so

# What is an EJ Route?

- Any service with at least 50% minority or low income ridership, or
- Any service where the proportion of minority or low income ridership is significantly greater than the countywide average (in LA applies to low income)

# EJ Proposed Definition-Service

- Disproportionately high and adverse impacts exist if results of the service change create a 20% or greater negative impact on travel time, walking distance or cost of taking a trip for on EJ routes than for services that are not EJ routes, and there are no mitigating or offsetting benefits. If there are no services that are not EJ routes, any change that results in a 20% or greater negative impact compared to the original service shall be deemed to have a disproportionately high and adverse impact.
- In order to determine if there are mitigating benefits Metro shall consider additional factors. These include but not limited to improved schedule reliability, increased station or stop amenities, more seating or on board space, and fewer transfers.

# Proposed Definition-Fares

- If the cost of a specific fare product that is disproportionately used by EJ populations is increased more than 20 percent higher than the increase in the Consumer Price Index (since the last fare increase) it shall be considered to have a disproportionately high and adverse effect;
- For other fare system changes such as, but not limited to, eliminating a fare or product, increasing a fee or changing the availability of a specific product an appropriate evaluation shall similarly determine if the change or alternatives creates disproportionate high and adverse effects.

# What are We Asking You?

- Do you agree with, or have suggested changes to the major service and fare change definition?
- Do you agree with or have suggested changes the new definition of disparate impacts?
- Do you agree with or have suggested changes to the new definition of disproportionate, high and adverse impacts

# Next Steps...

- Presentations to all Service Councils in December
- Public Outreach in early January including meetings and social media activities
- Refine proposals based on input received, and present for Board consideration in February