

Civil Rights Update



Metro

Disparate Treatment

- When an individual of a protected group is shown to have been singled out and treated less favorably than others similarly situated on the basis race, color, sex or national origin.
- Intentional Discrimination

Disparate Impact

- A facially neutral policy or practice that disproportionately affects members of a group identified by **race, color or national origin**.

Disproportionate Burden

- An Environmental Justice (EJ) term that refers to a neutral policy or practice that disproportionately affects **low-income** populations more than non-low income populations.

Title VI of Civil Rights Act Responsibilities

Statutory

- Title VI says recipients of Federal funding shall not exclude, deny benefits, or discriminate against individuals
- Must not create disparate impact as a result of service or fare changes based on race, national origin or color
 - National Origin includes language.

EJ Responsibilities

- **Executive Order**
- Ensure that our stakeholders, regardless of race, color, national origin, and **income** are:
 - Treated fairly and
 - Provided with the opportunity for meaningful involvement
- Ensure that our service and fare changes do not have a **disproportionate burden** on low-income stakeholders

Title VI/EJ Analysis

- Compares populations (**minority/low - income**) impacted by service or fare change to determine if populations negatively impacted (disparate impact or disproportionate burden) are more minority and more low income than populations not impacted or benefited by change.

Metro's Thresholds and Policies

- 2013 Metro's Board adopted:
 - Major Service Change Threshold
 - Disparate Impact Threshold
 - Disproportionate Burden Threshold
- Public Engagement

Major Service Change Thresholds

- Changes in route by 25% or more revenue miles or 250,000 revenue miles in a row or within a period of 36-consecutive months
- Changes in routes by 25% or more of revenue hours or 25,000 revenue hours in a row or within a period of 36-consecutive months
- A change of 25% in number of trips serving a station
- Change of more than 20% of the total system revenue miles or hours within a 12-month period
- A new service of more than 25,000 miles or 250,000 hours
- Service wide service cut of 20% in 12-months
- 6 months before new guideway project opens



Fare Change Requirement

- All fare increases or decreases must be analyzed for Title VI and EJ

Disparate Impact and Disproportionate Burden Thresholds

	<u>Service Change</u>	<u>Fare Change</u>
<u>Disparate Impact</u>	<p><u>5%</u> absolute difference in the overall percentages or <u>20%</u> difference between the percentages of minority in service area and minority impacted</p>	<p><u>5%</u> absolute difference in the overall percentages or <u>35%</u> difference between the percentages of minority in service area and minority impacted</p>
<u>Disproportionate Burden</u>	<p>5% absolute difference in the overall percentages of low-income in service area and low-income impacted or 20% difference between the percentages of low-income in service area and low-income impacted</p>	<p>5% absolute difference in the overall percentages of low-income in service area and low-income impacted or 35% difference between the percentages of low-income in service area and low-income impacted</p>

Title VI and EJ Analysis Not Required

- If service replaced by different mode or operator with same headways, fares, transfer options, span of service and stops
- Temporary changes of less than 180 days
- Experimental fares of less 6 months or experimental services of less than 12 months
- Not required for free fares for all passengers, temporary reductions to mitigate for changes, or promotional fares

Service Change Example

Metro Expo Line - Santa Monica Extension Equity Evaluation				
	TITLE VI		ENVIRONMENTAL JUSTICE	
	Impacted Population	Impacted Minority Population	Impacted Population	Impacted Poverty Population
Expo Line Extension - 7 Stations	45,310	37,893	117,009	16,095
Route 534 - Discontinue	-35,194	-21,401	-62,074	-9,522
Route 534 - New	6,488	1,704	9,860	1,655
Routes 734/234 & 788	18,505	7,699	27,643	4,039
- add extension via Sepulveda Bl.				
Totals	35,109	25,895	92,438	12,267
Shares of New Impacted Population		73.76%		13.29%
Metro System Percentages		70.50%		15.90%
Absolute Difference		3.26%		-2.63%
Relative Difference		4.62%		-16.54%

Beneficial changes shown as positive values; adverse changes shown as negative values



What to do in case of DI or DB?

- **Disparate Impact (DI)**
 - Board must pass resolution that says:
 - There is a substantial legitimate justification for the proposed change AND
 - There are no alternatives with a lesser negative impact on minority populations
- **Disproportionate Burden (DB)**
 - Change can proceed but avoid, minimize and mitigate for negative consequences of change