

Civil Rights Update

Service Councils

January 2013



Metro



The Issue

- **In July 2011 the FTA conducted a Civil Rights Compliance Review of Metro**
 - It was a review of compliance with civil rights guidance, not an investigation of a civil rights complaint
- **5 deficiencies found, 2 remaining**
 - Service/Fare Equity on past changes
 - Limited English Proficiency

Metro Response

- **In December 2011 Metro submitted a Corrective Action Plan**
- **In February 2012 Metro updated the Plan**
- **No response was ever received**
- **In the Spring Metro advised FTA that errors were found in the Compliance Review Report**

FTA Response

- **FTA acknowledged errors but reiterated seriousness of issues**
 - Monitoring deficiency was resolved
 - Capital program requirement was eliminated
 - Agreed that Metro did not find any disparate impacts
- **FTA set new requirements**

Service Equity

- **FTA Rejected Service Equity methodology**
 - Prepare new methodology and after approval 60 days to complete
 - Methodology developed and provided to FTA
- **FTA Rejected Fare Equity methodology**
 - Analysis found issues with fares that were lowered
 - Work with FTA to develop new methodology

Department of Justice

- **New Methodology for service changes submitted**
 - Approval not received
- **DOJ orders FTA to conduct service equity analysis rather than Metro**
 - Metro turns over 4.5 gigs of data, and 3,000 files to allow FTA to prepare analysis of 50 changes from 2009-2011

New Civil Rights Guidance

- **In September the FTA releases new Civil Rights Guidance**
 - **Effective Oct 1, 2012**
 - **Radically changes guidance on how to prepare service and fare equity reports**

FTA Changes Direction

- **FTA advises that it would be preferable if Metro prepared service equity analysis using new guidance that all systems are using**
- **FTA stated that Metro is to use unique methodology for Fare equity analysis**

Metro Responds in November

- **Service Equity Methodology based on new guidance provided to FTA – Waiting for response**
- **Fare equity submitted using New methodology, not unique version**
 - No issues

Limited English Proficiency (LEP)

- **Factor 4 and Language Assistance Plan Draft Completed and updates submitted to FTA on November 9**
 - Now awaiting FTA review and approval

Schedule

- **Depends on how quickly FTA responds to our submissions**
 - **Original target of Jan 2013 unlikely to be met now for service equity**

New Guidance

- **Clarifies requirements for Service and Fare Equity**
 - Analysis that need to be done to ensure that fare and service changes to do create disparate impacts or disproportionate burden
 - Disparate Impacts trigger need for Board Action
 - Disproportionate burdens trigger need to look at methods to mitigate

New Guidance

- **Requires public discussion of definition of disparate impact and disproportionate burden**
 - ***Disparate Impact*** – Unintentional discrimination based on race, national origin or color resulting from a neutral policy
 - ***Disproportionate Burden*** – Affects low income populations more than non-low income populations as a result of neutral policy

Fares Disparate Impact/Disproportionate Burden

- Past methodology based on measuring difference in *fare change* between predominately minority fares, and non minority fares
- New methodology based on measuring *demographics of groups* affected by fare changes

Proposed Disparate Impact Definition Fares

- **Proposed definition is when ridership has 5% absolute or 35% differential between minority and non-minority**
 - Differential threshold (35%) required due to many different fares and small market shares
- **Slightly more aggressive than example provided by FTA**
 - FTA examples are 5% absolute and 50% differential

Fare Equity Analysis Example

Fare Type	Minority Riders	Low Income Riders	All Riders	Absolute Difference Minority (>5%)	Minority Difference from Overall (>35%)	Absolute Difference Low Income (>5%)	Low Income Difference from Overall (>35%)	Cost Existing	Cost Proposed	Fare Change Absolute	Fare Change %
Cash	29.2%	26.4%	20.2%	9.0%	44.6%	6.2%	30.8%	\$ 1.50	\$ 1.55	\$ 0.05	3.3%
1 Day Pass	21.1%	25.7%	20.1%	1.0%	5.0%	5.6%	28.0%	\$ 4.50	\$ 5.50	\$ 1.00	22.2%
Senior	1.3%	3.2%	2.1%	-0.8%	-38.1%	1.1%	52.4%	\$ 0.50	\$ 0.50	\$ -	0.0%
Disability	2.1%	6.5%	1.7%	0.4%	23.5%	4.8%	282.4%	\$ 0.50	\$ 1.00	\$ 0.50	100.0%
Adult 31 Day	22.6%	11.4%	33.4%	-10.8%	-32.3%	-22.0%	-65.9%	\$ 57.00	\$ 50.00	\$ (7.00)	-12.3%
Student 31 Day	14.0%	17.6%	14.4%	-0.4%	-2.8%	3.2%	22.4%	\$ 30.00	\$ 35.00	\$ 5.00	16.7%
Adult 7 Day	9.6%	9.1%	7.6%	10.0%	26.3%	1.5%	19.7%	\$ 15.00	\$ 17.00	\$ 2.00	13.3%
Stored Value	0.1%	0.0%	0.5%	-0.4%	-80.0%	-0.5%	-100.0%	\$ 13.50	\$ 18.00	\$ 4.50	33.3%
Total	100.0%	100.0%	100.0%								
	Disparate Impact					Disproportionate Burden					
Cash	Disproportionately minority, (fare change is 3.3%)					Disproportionately EJ, (fare change is 3.3%)					
1 Day Pass	Not disproportionately minority					Disproportionately EJ, (fare change is 22.2%)					
Senior	Not disproportionately minority					Disproportionately EJ but no fare change					
Disability	Not disproportionately minority					Disproportionately EJ & (fare change is 100%)					
Adult 31 Day	Disproportionately non-minority (fare change -12.3%)					Disproportionately not EJ (fare change is -12.3%)					
Student 31 Day	Not disproportionately minority					Not disproportionately EJ					
Adult 7 Day	Disproportionately minority (change is 13.3%)					Not disproportionately EJ					
Stored Value	Not disproportionately minority					Not disproportionately EJ					

Red Text = Disparate Impact

Blue Text = Disproportionate Burden

Service Equity Analysis Methodology

- **Old guidance defined disparate impact based on level of service change for minority or non-minority routes**
- **New Guidance does not define routes, and calculates disparate impact or disproportionate burden based on demographics of affected population**

Proposed Definitions

- **Disparate Impacts occurs when there is a 5% absolute difference or 20% differential between minority and non-minority**
- **Disproportionate burden occurs when there is 5% absolute or 20% differential between EJ (low income) and not EJ (not low income)**

Census Data or Ridership Data

- **New guidance allows Metro to use census data or ridership data to determine demographics**
- **Ridership is preferable, but not always available or current**
- **Two possible methodologies – *both are cumulative***

Sample Ridership Based Service Equity Analysis

Route Number	Minority Riders	Low Income Riders	Total Ons	Percent Minority	Percent Low Income	Impacted Minority Riders	Impacted Low Income Riders	Total Impacted Riders
1	21,602	25,081	50,340	42.9%	49.8%	624	724	1,453
5	10,639	20,727	56,929	18.7%	36.4%	864	1,683	4,623
9	7,414	15,902	39,479	18.8%	40.3%	450	965	2,396
12	4,509	7,309	18,396	24.5%	39.7%	169	273	688
13	13,172	21,450	52,845	24.9%	40.6%	392	638	1,572
18	248	446	952	26.1%	46.8%	62	111	237
22	2,012	679	4,562	44.1%	14.9%	291	98	659
23	414	465	1,781	23.2%	26.1%	65	71	280
45	4,093	4,177	13,596	30.1%	30.7%	349	357	1,161
60	4,965	7,186	19,406	25.6%	37.0%	260	377	1,014
75	22,653	33,005	65,337	34.7%	50.5%	187	402	998
701	3,864	7,565	19,409	19.9%	39.0%	93	150	378
823	4,359	7,379	21,728	20.1%	34.0%	232	378	931
Riders Lines Changed	99,944	151,371	364,760	27.4%	41.5%	4,038	6,227	16,390
Total % Impacted						24.6%	38.0%	
Ridership All Routes	381,169	527,728	1,266,568	30.1%	41.7%			

No Disparate Impact or Disproportionate Burden




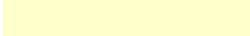
Disparate Impact Analysis



Disproportionate Burden Analysis

Sample Census Based Service Equity Analysis

Type of Service Change	Minority Proportion of Population				Low Income Proportion of Population			
	Census Blocks Along Routes	Average Population in Service Area	Absolute	Diff	Census Blocks Along Routes	Average Population in Service Area	Absolute	Diff
Changes in Routes	88.7%	70.0%	18.7%	26.7%	18.2%	16.0%	2.2%	13.8%
Changes in Headways	72.0%	70.0%	2.0%	2.9%	19.5%	16.0%	3.5%	21.9%
Routes Discontinued	65.0%	70.0%	-5.0%	-7.1%	16.8%	16.0%	0.8%	5.0%

 Disparate Impact
 No Disparate Impact

 Disproportionate Burden
 No Disproportionate Burden

What it Means for Fares

- **For fares the new guidance and proposed definitions recognize Metro's diverse rideship**
 - **Unlikely to be a fare related disparate impact**
 - **With 90% minority ridership, all changes should be proportionate**
 - **More likely to have disproportionate burden unless care is taken with fare adjustments**

What it Means for Service 1

- **When we can use ridership data the chances of a disparate impact are low, as 90% of our ridership is minority**
- **When we must use census data the chances seem more likely that disparate impacts could occur as the minority threshold is lower at 70% (County average)**

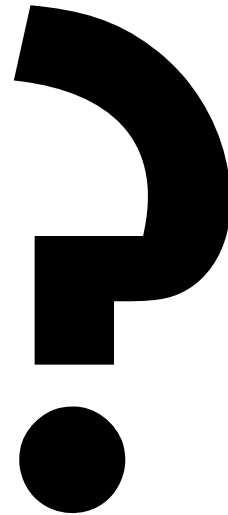
What it means for Service 2

- **There is a chance of disproportionate burden for service changes**
 - **Areas with a predominance of low incomes likely have higher ridership – less likely to have service cuts**

Why the Difference between Fares & Service

- **Service calculations are always just 2 factors**
 - **Minority vrs Non-Minority; or EJ vrs Non-EJ**
- **Fares has many products or divisions with small market shares**
 - **E.g. College monthly pass 1.5% of boardings**
 - **E.g. Transfers to munis – 0.1% of boardings**
 - **Cash Express fares – 0.6% of boardings**

What do you think?





Civil Rights Update

Service Councils

January 2013



Metro