

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

Action Information

MEAD Number:
200411

Resolution:
 Yes No

TITLE:

Title VI Required Definitions

PRESENTATION SUMMARY:

Proposed policy definitions for Major Service Change (Metrobus and Metrorail) and Disparate Impact/Disproportionate Burden

PURPOSE:

To request Board approval for required Title VI program definitions for: major service change (Metrobus and Metrorail); disparate impact (minorities) and disproportionate burden (low income).

DESCRIPTION:

FTA's Title VI Circular requires WMATA to prepare and submit service and fare equity analyses for major service changes and all fare changes prior to implementing service and/or fare changes. The analyses are to determine whether the planned changes will have a disparate impact on the basis of race, color, or national origin, or if low-income populations will bear a disproportionate burden of the changes. Upon completion of a service or fare equity analysis, WMATA must brief the Board of Directors on the equity impacts of the service and/or fare change. As the foundation of this process, WMATA must identify what constitutes a "major service change" for its fixed route service as only "major service changes" are subject to a service equity analysis.

In addition, WMATA must develop policies for measuring disparate impacts on minority populations and disproportionate burdens on low-income populations. These policies establish a threshold for determining when adverse effects of service changes or fare changes are disparate or disproportionate. In establishing these policies, WMATA must engage the public in the decision-making process to develop the disparate impact and disproportionate burden policy.

Key Highlights:

- Management is seeking Board approval of the definitions for major service changes, disparate impact and disproportionate burden at this time for two reasons: 1) to allow the November Metrobus service changes to go forward (no agency is allowed to make major service changes without Board approved definitions under the new circular) and 2) to build the foundation for the agency's Title VI plan, which requires Board approval in its entirety in June 2014 for submittal to FTA in September 2014.
- Staff has evaluated a number of approaches to defining disparate impact and disproportionate burden; has collected public input on proposals; has conducted

- peer review; and has consulted FTA Headquarters and Region III.
- The recommended definitions have been tested with WMATA's analytic approach to conducting equity analyses and meet all desired objectives.

Background and History:

Title VI of the Civil Rights Act of 1964, as amended, as well as subsequent legislation and regulation, seeks to ensure that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The FTA is the agency that provides oversight to WMATA's Title VI program.

WMATA has a depth of institutional experience with Title VI. In the history of WMATA's filings, the FTA has never rejected, or found substantial fault with our Title VI filings. The only requests from FTA have been for minor editing changes and clarifications. Other transit agencies have contacted WMATA for peer sharing based on a suggestion from FTA.

In October of 2012, the FTA released the most recent update to its Title VI Circular. This circular presents guidance and instructions for recipients of Federal financial assistance to comply with current U.S. Department of Transportation (USDOT) Title VI regulations. Changes made in this revision include the addition of several requirements, including Board adoption of policy definitions for what constitutes a major service change, disproportionate burden and disparate impact.

Last month, staff discussed the proposed major service change policy and detailed the objectives staff would meet in the development of disparate impact and disproportionate burden definitions.

Discussion:

WMATA has established policies for determining major service changes on Metrobus and now must establish such policies for Metrorail. An interdepartmental working group was established to develop the major service change proposal for Metrorail as well as to evaluate several approaches to create a policy definition for disparate impact and disproportionate burden that reflects peer transit agency approaches, considers input from the public who will be affected by it, recognizes the complexity of Metro services, has been tested using our approach to equity analysis and is easy to understand.

This past August, staff collected public input on the proposals for all definitions through focus groups with community organizations and an online survey. WMATA staff met with around 100 customers and community organization staff that represented diverse populations. In total, nearly 400 survey responses were collected. The majority of survey participants agreed with the proposed Title VI definitions for major service change for Metrorail and Metrobus. Respondents also believed even small differences between impacts on minority and non-minority riders are considered major.

Since the Committee last met, WMATA briefed the Jurisdictional Coordinating Committee on September 27 to gain input on our approach and learn of their plans to address the Title VI circular requirements. The majority of the jurisdictions are still in the beginning

stages of developing their plans. A number of jurisdictions indicated they are monitoring Metro's progress on the circular to help guide their own process and approach. We will continue to work with the jurisdictions on this process.

Major Service Change Policies:

Subsequent to the staff work and public input, staff recommends the following definitions for major service change on Metrorail and Metrobus be approved:

Parameters	Metrobus Definitions	Compact Public Hearing Required?
Span	Increase or decrease in span of service on a line of more than one hour in a single fiscal year.	Yes, if there is a reduction of more than one hour in span of service on a line
Frequency	Increase or decrease in revenue miles on a line of more than 20% in a single fiscal year.	Yes, if there is a reduction of more than 20% in revenue miles
Coverage / Availability	Increase or decrease in route miles on a line of 15% in a single fiscal year.	Yes, if there is a reduction of 15% in route miles
	Projected Increase or decrease of 10% of the riders on a line in a single fiscal year.	Yes, if there is a reduction of 10% of riders

Parameters	Metrorail Definitions	Current Operations	Compact Public Hearing Required?
Span	Change in span of normal operations above or below the current service levels.	Start: 5 AM Monday-Friday; 7 AM on weekends. End: 12 AM Sunday-Thursday; 3 AM Friday and Saturday.	Yes, if service is reduced
Coverage / Availability	Complete and permanent scheduled station closure for one or more days in a week; opening of a new station.		Yes
	Addition or abandonment of a line.		

Parameter	Metrorail Definition	When		Core Interlined	All Others	Compact Public Hearing Required?
Frequency	Change in frequency of normal operations above or below the current service levels	Weekday Rush *		3 Min.	6 Min.	Yes, if service is reduced
		Weekday Midday		6 Min.	12 Min.	
		Weekday Evening		15 Min.	20 Min.	

* 12 minutes at Arlington Cemetery on Weekday Rush

Disparate Impact and Disproportionate Burden Definitions (DI/DB)

To develop the policy for measuring adverse impacts, staff conducted a peer review of transit properties nationwide and found a wide variety of compliance approach proposals. Most of the agencies whose policies we reviewed are either still developing their approach or are waiting for FTA concurrence with their proposals – FTA’s Civil Rights staff confirmed that only LA Transit’s Title VI definitions have been approved.

At the same time, staff conducted the outreach described earlier to determine what our customers and the public consider to be adverse impacts.

With this feedback in mind, a policy was developed that additionally recognized the accuracy of WMATA’s passenger survey data and also took in to account the complexity of WMATA’s system with respect to mode, jurisdictional distribution and fare structure.

Since the Board was last briefed, staff met with the FTA Civil Rights staff to begin working collaboratively on establishing the standards. We received valuable feedback on our proposal and are optimistic that we will receive positive comments after incorporating some of their suggestions.

In developing a measure or standard most appropriate for WMATA, staff considered a number of models and formulas, including the thresholds being used by peer transit agencies and newly developed modeling approaches. The various approaches were tested using more than 200 past and hypothetical service changes. The final approach and thresholds consider WMATA’s passenger survey data and reflect feedback received from the FTA.

Staff proposes the following definition for determining disparate impact (minorities) and disproportionate burden (low-income) in an equity analysis.

*For **major** service changes:*

WMATA will consider a proposed service change to be disparate/disproportionate when the difference between the systemwide percentage of minority and low-income ridership and the percentage of minority/low-income ridership affected by the service change differs by the amount shown in the following table for the size of the change. For example, our

systemwide minority ridership is 55%. If riders impacted by a service change affecting 100,000 riders were 58% minority, the difference is less than 5%, so would not be considered disparate.

The same thresholds shall apply for proposed service reductions and increases.

Total Riders Affected by Service Change (per weekday)	Acceptable difference between groups
Up to 10,000	8%
10,001 to 20,000	7%
20,001 to 40,000	6%
Over 40,000	5%

** Based on natural breaks in WMATA passenger survey data*

Exceptions to using the above thresholds may occur if Metro has limited survey data available and the margin of error in the data is 10% or greater. In such cases, Metro will collect new data to ensure a margin of error consistent with this definition.

For **fare** changes:

A disparate impact or disproportionate burden may exist if the difference between the average fare increase (represented as a % change) for minority/low-income populations and the average fare increase (represented as a % change) non-minority/non-low-income populations is greater than 5% (percentage points). For example, if the average fare increase on minority riders was 10% and the average fare increase on non-minority riders was 4%, the difference is greater than 5% and would be considered disparate.

FUNDING IMPACT:

Project Manager:	Tawnya Moore-McGee
Project Department/Office:	Human Resources/Equal Opportunity and Employee Relations

TIMELINE:

Previous Actions	02/2000 Rules and Regulations for Metrobus Operations 09/2013 Information: Title VI Required Service Standards, Policies and Definitions
Anticipated actions after presentation	06/2014 – Action: Approval of WMATA’s Title VI Program Update 09/2014 - Title VI Program Submittal to FTA

RECOMMENDATION:

Approval of proposed definitions for major service change, disparate impact and disproportionate burden.

PRESENTED AND ADOPTED: October 24, 2013

SUBJECT: WMATA'S DEFINITIONS OF MAJOR SERVICE CHANGE, DISPARATE IMPACT AND DISPROPORTIONATE BURDEN FOR TITLE VI REQUIREMENTS

2013-27

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

WHEREAS, The Board of Directors adopted definitions of major and minor service decreases and increases for Metrobus service in Resolution #96-51; and

WHEREAS, No such Board of Directors-approved definition exists for Metrorail service; and

WHEREAS, The Federal Transit Administration issued regulations in Circular 4702.1B, outlining guidance and instructions for compliance with US DOT Title-VI regulations; and

WHEREAS, Staff has conducted public outreach as required by the Title VI regulations soliciting input from minority and low income groups as it relates to WMATA's definition of major service change, disparate impact and disproportionate burden; and

WHEREAS, Staff has briefed the Board of Directors on proposed definitions of major service change, disparate impact and disproportionate burden; now, therefore be it

RESOLVED, That the Board of Directors approves a new definition of major service increases and decreases, applicable to both Regional and Non-Regional Metrobus service, shown in Attachment A, *Washington Metropolitan Area Transit Authority Title VI Definitions*; and be it further

RESOLVED, That the Board of Directors approves the definition of major service increases and decreases applicable to Metrorail service, shown in Attachment A, *Washington Metropolitan Area Transit Authority Title VI Definitions*; and be it further

RESOLVED, That the Board of Directors approves the definition of disparate impact and disproportionate burden, applicable to all Metrobus and Metrorail service shown in Attachment A, *Washington Metropolitan Area Transit Authority Title VI Definitions*; and be it finally

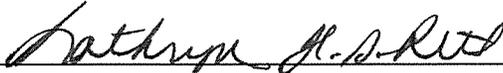
Motioned by Mrs. Hudgins, seconded by Mr. Dyke

Ayes: 7 – Mr. Downs, Mr. Downey, Mr. Nichols, Mrs. Hudgins, Mr. Dyke, Ms. Bowser, and Mr. Acosta

Abstain: 1 – Mr. Goldman

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Kathryn H.S. Pett
General Counsel

WMATA File Structure Nos.:
4.4 Grants
18.8 Public Hearings and Meetings

Attachment A, Washington Metropolitan Area Transit Authority Title VI Definitions

Policy Definition for Major Service Change Policy - Metrobus

Parameters	Metrobus Definitions	Compact Public Hearing Required?
<i>Span</i>	Change in span of service on a line of more than one hour in a single fiscal year.	Yes, if there is a reduction of more than one hour in span of service on a line
<i>Frequency</i>	Change in revenue miles on a line of more than 20% in a single fiscal year.	Yes, if there is a reduction of more than 20% in revenue miles
<i>Coverage / Availability</i>	Change in route miles on a line of 15% in a single fiscal year.	Yes, if there is a reduction of 15% in route miles
	Projected change of 10% of the riders on a line in a single fiscal year.	Yes, if there is a reduction of 10% of riders

Policy Definition for Major Service Change Policy - Metrorail

Parameters	Metrorail Definitions	Current Operations	Compact Public Hearing Required?
<i>Span</i>	Change in span of normal operations above or below the current service levels.	Start: 5 AM Monday-Friday; 7 AM on weekends. End: 12 AM Sunday-Thursday; 3 AM Friday and Saturday.	Yes, if service is reduced
<i>Coverage / Availability</i>	Complete and permanent scheduled station closure for one or more days in a week; opening of a new station.		Yes
	Addition or abandonment of a line.		

Parameter	Metrorail Definition	When	Core Interlined	All Others	Compact Public Hearing Required?
<i>Frequency</i>	Change in frequency of normal operations above or below the current service levels	Weekday Rush *	3 Min.	6 Min.	Yes, if service is reduced
		Weekday Midday	6 Min.	12 Min.	
		Weekday Evening	15 Min.	20 Min.	

* 12 minutes at Arlington Cemetery on Weekday Rush

Attachment A, Washington Metropolitan Area Transit Authority Title VI Definitions

Policy Definition for Disparate Impact and Disproportionate Burden

The same thresholds shall apply for proposed service reductions and increases.

*Total Riders Affected by Service Change (per weekday)	Threshold for Significant Disparity (between % minority/low-income riders affected by service change and % of minority/low-income riders for the system or mode)
Up to 10,000	8%
10,001 to 20,000	7%
20,001 to 40,000	6%
Over 40,000	5%

Exceptions to using the above thresholds may occur if Metro has limited survey data available and the margin of error in the data is 10% or greater. In such cases, Metro will collect new data to ensure a margin of error consistent with this definition.

For **fare** changes:

A disparate impact or disproportionate burden may exist if the difference between the average fare increase (represented as a % change) for minority/low-income populations and the average fare increase (represented as a % change) non-minority/non-low-income populations is greater than 5% (percentage points). For example, if the average fare increase on minority riders was 10% and the average fare increase on non-minority riders was 4%, the difference is greater than 5% and would be considered disparate.