

Report by Executive Committee (A) 12-14-2023

Washington Metropolitan Area Transit Authority Board Action/Information Summary

☒ Action ☐ Information

Document
Number:
205640

Resolution:
☒ Yes ☐ No

Presentation Name:

2023 Title VI Program Update

Project Manager:

Jan M. Bryant

Project Department:

People, Culture and Inclusion/Office of Equal Employment Opportunity

Purpose/Key Highlights:

To request Board approval of the 2023 Title VI Program, as required by the FTA Title VI Circular.

Interested Parties:

Not applicable

Background:

Title VI of the Civil Rights Act of 1964 provides 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.

Under the requirements established in the FTA Title VI Circular, agencies must submit the following elements as part of its program to the FTA:

- Title VI Assurances
- Title VI notices to the public of their rights
- Title VI complaint form and procedures
- List of Title VI investigations, complaints, and lawsuits
- Public Participation Plan and summary of public outreach
- Language Assistance Plan
- Racial composition of non-elected committees and councils
- Description of how the agency monitors its sub-recipients (not applicable to Metro)

- Title VI equity analyses for construction of new facilities
- Board approval of Title VI Program prior to submission to FTA

As a large fixed route transit provider, Metro must also submit:

- Demographic data, service profiles, and rider survey data
- Description of public engagement process to define major service change, disparate impact, and disproportionate burden policies, including Board approval of major service change, disparate impact, and disproportionate burden policies
- Title VI equity analyses of major service changes and fare changes, including Board approval of equity analyses results
- Title VI system-wide service standards and service policies for each fixed route mode:

- Service standards for vehicle load, vehicle headway, on time performance, and service availability
- Service policies for transit amenities and vehicle assignment

- Results of monitoring of transit service, including Board approval of monitoring results

Staff from several departments, have been working to update the Title VI Program since 2022. This group reviewed:

- Title VI system-wide service standards and policies
- Major service change, disparate impact, and disproportionate burden policies
- Results of monitoring transit service.

Discussion:

Metro's 2023 Title VI Program Update addresses numerous requirements, as published in FTA Circular C 4702.1B. Metro's work to comply with each requirement is described below as well as proposed changes to its Title VI Program.

Title VI Program Changes – Service and Fare Equity Analyses

Staff is proposing modifications to Metro's Title VI program that relate to how Metro conducts service and fare equity analyses. These modifications will allow for better alignment with Metro's Strategic Plan by focusing on service excellence, improving Metro's ability to equitably connect a growing region, and providing a more inclusive definition of low-income. The modifications include:

- **Better Bus Network Redesign:** Census data will be used instead of rider survey data to define a major service change and to test for equity *for the Network Redesign*. The current rider survey data work well in analyzing the impacts to current customers for typical service changes. However, these survey data cannot provide the detail needed for substantial reconfigurations of service or expanding service into new areas as envisioned in the Network Redesign. This change is only in reference to the Network Redesign.

- **Major Rail Service Change:** Clarify the definition of a major frequency service change from “any change in normal operations” to a set of quantifiable metrics:
 - Any reduction in service relative to all-day (non-rush hour) approved service levels on any rail line
 - Any increase in service of more than 20% on any rail line
 - Any reduction in weekday rush hour service more than 20% on any rail line

In addition, in terms of service coverage, “any change in service patterns” such as turnback would be considered a major change, and any change in rail span of 30 minutes or more would also be considered a major service change.

Note that any change below those levels would also be considered a major service change in terms of Metro’s Compact public hearing requirements.

- **Low-Income Definition:** Adopt a definition that is based on 200% of the federal poverty level. This change would align the Title VI Program with the definition of income used locally for the Supplemental Nutrition Assistance Program (SNAP), Metro’s LIFT low-income fare product, and move closer to the low-income thresholds used by many of Metro’s transit peers in the region.

Metro conducted public outreach on the proposed Title VI program changes. Survey results from the approximately 600 respondents support these changes.

Approximately 78% of those surveyed support using Census data for the equity analysis for the Bus Network Redesign, 81% support the change in major service change definition for Metrorail, and 83% support the new definition of low-income.

Title VI Service Monitoring

To ensure that transit service is provided in a non-discriminatory way, transit agencies are required to monitor fixed-route service at least once every three years using Board-approved service standards and policies (FTA Title VI Circular 4702.1B). As established in FTA’s Title VI Circular, transit agencies must establish four types of service standards and monitor them to ensure that no one is denied equitable transit service based on:

- On-time performance
- Vehicle headways
- Vehicle load
- Service availability

In addition, the Circular requires that transit agencies monitor two service policies: the distribution of transit amenities and vehicle-type assignments for each fixed-route mode of service. The analysis shows that there is no potential disparate treatment in terms of the service provided to minority and low-income customers using these criteria. Attachment A summarizes the results of this analysis.

Updates in 2023 Title VI Program

Update of tracking and documenting for Title VI complaints filed against the agency.

Update of recording and reporting of transit-related Title VI investigations, complaints,

and lawsuits.

Metro has developed enhanced procedures for investigating and tracking Title VI complaints and Title VI customer complaints. Metro's Title VI complaint form has also been updated and made available on its website. Metro has improved oversight of the investigation, documentation, and the resolution of customer complaints.

The maintenance of files for customer complaint documentation created within Metro previously has continued to be used. There were no formal Title VI complaints filed with Metro during this Title VI Plan period. Metro continues to monitor and document customer complaint handling for all customer complaints implicating discriminations, which is a larger number of bases than noted in Title VI. The list of customer complaints will be submitted as part of the Title VI Program Update, including the status of the complaint, and the findings of the investigations conducted.

Metro uses the information gathered from complaints to examine policies and practices of the organization and implement operational changes as appropriate; to detect misconduct in its earliest stages; to improve the customer service skills of frontline employees; and identify areas that should be emphasized in future training. In addition, Metro's Title VI rights brochure has been made available on-line, disseminated to Community-Based Organizations (CBOs) that serve minority, low-income, and LEP populations and is provided to patrons who lodge a complaint that may be related to Title VI. Additionally, "Take-One" notices in Metrorail stations via fixed durable placards as well as placards on Metrobuses provide contact information to obtain further information concerning complaint procedures.

Update of the collected demographic data analysis for minority groups in the service area and travel patterns.

Metro has collected and analyzed socioeconomic data from the U.S. Census Bureau showing the extent to which members of minority groups and low-income persons are beneficiaries of its programs. Population data by languages has resulted in minor changes in the Language Assistance Plan and how Metro will engage with potential patrons "in language" to provide critical information necessary to enjoy the benefits of public transit programs.

The Public Participation Plan showcases Metro's commitment to public participation by serving as a guiding tool to guarantee customers and community members receive high-quality information, communication and feedback opportunities, along with fulfilling federal obligations. Updates to the 2023-2026 edition reflect the agency's evolution in public communication and outreach including new direction from Metro's 2023 Strategic Transformation Plan, new leadership and changes in organizational structure, successes and lessons learned over the past three years, and changes to outreach best practices after the Covid-19 pandemic.

Annual Title VI Certifications and Assurances

Provide annual Title VI certifications and assurances to FTA.

Metro's Federal Fiscal Year 2020 FTA Certification and Assurances was executed on May 1, 2020 by Metro's former General Manager and CEO. The Federal Fiscal Year

2023 FTA Certification and Assurances was executed April 27, 2023 by Metro's General Manager and CEO Randy Clarke, acting as the Official Certifying Officer for Metro.

Provide notice to the public regarding the agency's Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

The Title VI notice to the public is provided through several formats and venues, including posting and distributing notice of Title VI rights brochures on its website; disseminating notice of Title VI rights brochures to CBOs that serve low-income, minority, and LEP populations and at public meetings sponsored by Metro; distributing Take-One notices on MetroAccess vehicles and in Metrorail Stations; and notice of Title VI rights displayed as placards inside Metrobuses and available in the headquarters building lobby. Title VI notice brochures and Take-One notices are translated into the top six languages spoken by LEP individuals in the service area: Spanish, Chinese, Korean, Amharic, Vietnamese, and French.

Evaluate service and fare changes to determine whether those changes will have a discriminatory impact on minority and low-income persons.

Metro conducted five equity analyses between 2020 and 2023 using policies and procedures consistent with FTA Circular C 4702.1B. Equity analyses were completed for fare and service changes and as part of the FY21, FY22, FY23 and FY24 Operating Budgets. For each service and fare proposal, staff developed the equity analysis and presented the findings to the Metro Board. The Board approved all the equity analyses conducted during the reporting period.

Provide minority representation on non-elected committees and councils.

The *Riders' Advisory Council* (RAC) is an all-volunteer group that obtains input from a broad range of riders and advises Metro's Board of Directors on ways to improve the system. The RAC is currently comprised of 11 members. The demographics of the current 11 members on the RAC include Male-72.7%, Female-27.3%, Caucasian-63%, African-American-18%, Hispanic-9%, and Asian-9%. Overall, minority representation on the RAC is 36%.

The *Accessibility Advisory Committee* (AAC) consists of 18 volunteers committed to helping Metro enhance the travel experience of people with disabilities and senior citizens. The AAC membership is diverse to reflect geographical areas, various types of disabilities, race, color, and national origin. The current AAC members include Male-50%, Female-50%, Caucasian-55%, African-American-40%, Hispanic-0%, and Asian-5%. Overall, minority representation on the AAC is 45%.

Complete a Title VI equity analysis when determining the site or location of facilities.

Facilities include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. Metro has several projects that are scheduled to be constructed or leased in the upcoming three (3) Federal fiscal years.

Provide Title VI assistance to sub-recipients of Federal financial assistance.

Metro does not pass through FTA funds to any sub-recipients and is therefore not subject to these requirements.

Funding Impact:

Failure to submit Board-approved Title VI Program update to the Federal Transit Administration could jeopardize future federal financial assistance. FTA requires submission of a Title VI Program Update every three years. Approval of the 2023 Title VI Program Update has no impact on operational or capital funds.

Previous Actions:

October 2020: 2020 Title VI Program Update approved by the Board

Next Steps:

January 2024: Submission of 2023 Title VI Program Update to the FTA

Recommendation:

Approval to: approve the 2023 Title VI Program Update.

SUBJECT: APPROVAL OF 2023 TITLE VI PROGRAM

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

WHEREAS, Federal Transit Administration (FTA) Circular 4702.1B requires the Board of Directors to review and approve the Title VI Program and service monitoring results; and

WHEREAS, FTA requires grant recipients, such as WMATA, to submit a Title VI Program every three years; and

WHEREAS, the 2023 Title VI Program updates several program elements, including demographics of the Transit Zone and customers; the Language Assistance Plan; the Public Participation Plan; monitoring of service standards (set forth in Attachment A); and Title VI complaints received and investigated; and

WHEREAS, the 2023 Title VI Program revises service and fare equity analyses, including modifying the analysis for the Better Bus Network Redesign and revising the definition of "low-income person," as well as the major service change policy for bus and rail; and

WHEREAS, WMATA is committed to ensuring its programs and policies are designed to provide meaningful participation in and equal access to transit services regardless of race, color, or national origin;

NOW, THEREFORE, be it

RESOLVED, That the Board of Directors approves the 2023 Title VI Program, including the service monitoring results in Attachment A to this Resolution; and be it finally

RESOLVED, That in order to comply with the FTA submission deadline, this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,

Patricia Y. Lee
Executive Vice President and General Counsel

WMATA File Structure No.:
18.2.1 Federal Government Relations

Attachment A: Service Monitoring Analysis

I. Background

The Civil Rights Act of 1964 states that no one should be denied the benefits of any program receiving federal financial assistance “on the grounds of race, color, or national origin.” To ensure that transit service is provided in a non-discriminatory way, transit agencies are required to monitor fixed-route service at least once every three years using Board-approved service standards and policies (FTA Title VI Circular 4702.1B). Although the Title VI Circular only requires that transit agencies compare levels of service between minority and non-minority riders, Metro also evaluates its service for low-income passengers.

II. Overview

As established in FTA’s Title VI Circular, transit agencies must establish four types of service standards and monitor them to ensure that no one is denied equitable transit service based on these standards:

- On-time performance (OTP)
- Vehicle headways
- Vehicle load
- Service availability

Additional information about these standards can be found in the appendix to this document.

In addition, the Circular requires transit agencies monitor the two types of “service policies” including the distribution of transit amenities and vehicle assignment for each fixed-route mode of service. The Circular also requires that the monitoring results be reported to a transit agency’s governing board for its “consideration, awareness and approval.”

Staff analysis shows that there is no potential disparate treatment in terms of the service provided to minority and low-income customers using these criteria.

III. Title VI Analysis

A. Data Sources and Methods

The monitoring analysis focuses on minority and low-income passenger trips experiencing service that does not meet Metro’s established standards or policies, comparing the demographic make-up of those customers to that of the total ridership

during the same time period.

Operating data from spring 2023 were integrated with demographic data to evaluate differences in service for different customer segments. Staff used the 2022 Metrorail Passenger Survey and the 2018 Metrobus Passenger Survey as its primary sources of demographic data for most of the analyses. However, to evaluate the service availability standard, staff used the American Communities Survey (2016-2020) data since this standard does not pertain to existing customers, but to the availability of service to the region's population overall. To evaluate whether service is equitably provided across each mode, Metro staff applied the Board-approved¹ disparate impact/disproportionate burden (DI/DB) test for those riders that experienced service that did not meet its Board-established standards or policies. As shown in Table One, the DI/DB thresholds vary based on the number of average daily customers impacted.

Table One: Metro's DI/DB Thresholds

Total Daily Riders Impacted	Threshold for Significant Disparity
Up to 10,000	8%
10,001 to 20,000	7%
20,001 to 40,000	6%
Over 40,000	5%

The DI/DB service test provides the threshold for determining when the benefits of Metrorail and Metrobus services are disproportionately denied to minority or low-income customers. If, for example, 70,000 daily customers experience service that is not on-time, the DI/DB threshold would be five percent, because more than 40,000 daily customers are impacted. If the variance from the Metrorail system averages for minority or low-income customers was greater than five percent, then Metro would consider this finding to be a DI or DB and take steps to mitigate the disparity.

B. Metrorail and Metrobus Service Standards: On-time Performance, Vehicle Load, Scheduled Headways, and Service Availability

As shown in Table Two, minority and low-income Metrorail customers are not denied the benefits of transit service relative to Metro's on-time performance, scheduled headways, and vehicle load standards. In all cases, the percentage of minority and low-income customers experiencing service not meeting a certain standard did not exceed the DI/DB threshold. Note that a negative number in the difference column indicates that minority or low-income passengers experience better service than the system average, as less of them experience service that does not meet the guideline. For scheduled headways, the service levels established meet the rail service guidelines for all customers therefore, there is no disparate treatment.

¹ Adopted October 24, 2013, Res. 2013-27

Table Two: Metrorail Service Monitoring Results, OTP, Headways, Load

Service Standard	DI DB Threshold	Difference Minority	Difference Low Income	Pass DI/DB Test
On-Time Performance	6.0%	-1.3%	-0.3%	Yes
Headways	Service Levels Meet Guidelines			Yes
Vehicle Load	8.0%	-2.3%	-1.1%	Yes

Table Three shows the results of service monitoring for Metrobus. As with Metrorail, there is not potential disparate treatment for minority and low-income customers in terms of on-time performance, scheduled headways, or vehicle load. Note that a negative number in the difference column indicates that minority or low-income passengers experience better service than the system average, as less of them experience service that does not meet the guideline.

Table Three: Metrobus Service Monitoring Results OTP, Headways, Load

Service Standard	DI DB Threshold	Difference Minority	Difference Low Income	Pass DI/DB Test
On-Time Performance	5.0%	-0.6%	-0.5%	Yes
Headways	6.0%	-10.9%	-9.1%	Yes
Vehicle Load	8.0%	-4.3%	-3.6%	Yes

Table Four shows the results of the monitoring for service coverage. Unlike Tables Two and Three, a positive number means more service is available for minority or low-income persons living in the region while a negative number means less service. Overall service coverage (Metrorail + Metrobus) is generally better for minorities and low-income residents. The only exception is minorities who live within a ½ mile of Metrorail.

Table Four: Service Availability

Mode	DI DB Threshold	Difference Minority	Difference Low Income	Pass DI/DB Test
½ Mile Rail Station	-5.0%	-1.4%	4.9%	Yes
¼ Mile Bus Stop	-5.0%	3.9%	17.8%	Yes
Within Either	-5.0%	3.7%	31.3%	Yes

C. Service Policies: Passenger Amenities, Vehicle Assignment

Metro monitors the distribution of passenger amenities through the rail transit network such as the distribution of elevators, escalators, passenger information displays and other amenities at its stations. Metro does not own bus stops except for those located on Metrorail station property. Consistent with the Title VI Circular, Metro therefore only assessed distribution for those bus stops on Metrorail station property.

Metro's vehicle assignment policies focus on fleet age, and whether minority and low-income riders disproportionately ride on buses or railcars that are significantly older than the system average. The following paragraphs describe the staff analysis for each policy by mode.

Metrorail:

Passenger Amenities: Staff determined that all stations in the Metrorail system have the amenities therefore there is no potential disparate treatment.

Vehicle Assignment: The average age of a rail vehicles across the system is 16.2 years². For minority and low-income passengers, the average vehicle age is somewhat higher, at 16.5 years and 16.4 years, respectively. Although the ages are somewhat higher, the difference is below the established Title VI threshold of five percent, therefore there is no potential disparate treatment.

² Vehicle deployment as of mid-2023, weighed by passenger trip.

Metrobus:

Passenger Amenities: Not applicable, other than for bus bay shelters at rail stations, which are included in the Metrorail analysis.

Vehicle Assignment: – The average age for a bus across all Metrobus lines is 7.2 years.³ For minority and low-income customers, the averages are virtually the same as the system average, 7.2 and 7.2 years respectively. This analysis shows an equitable distribution of vehicles throughout the system. Therefore, there is no potential disparate treatment.

³ Ibid.

Appendix

Table A1: Metrorail Service Standards

FTA Monitoring Requirement	Metro's Standard	Definition
Vehicle Load	Passenger time in crowded conditions	Percent of passenger time spent on vehicles that exceed crowding guideline. The guideline is 100 passengers per car during rush hour periods and seated load during other times.
Vehicle Headway	Frequency	Scheduled time interval between trains. Minimum frequencies vary by line and by time of day
On-Time Performance	Customer on-time performance	Percent of customer journeys completed on time. Each station-to-station pair has a defined travel time target
Service Availability	Population served by Metrorail	Percent of population living near a Metrorail station

Table A2: Metrobus Service Standards

FTA Monitoring Requirement	Metro's Standard	Definition
Vehicle Load	Passenger time in crowded conditions	Percent of passenger time spent on vehicles that exceed crowding guidelines. Guidelines vary by route and by time of day, with 120% of seated load on certain routes during rush hours and 100% seated load in other cases

Vehicle Headway	Frequency	Scheduled time interval between buses. Minimum frequencies vary by route type and by time of day
On-Time Performance	Schedule adherence	Percent adherence to scheduled service. Measured as the percent of timepoint pull-outs that between two minutes early and seven minutes late
Service Availability	Population served by Metrobus	Percent of population living near a Metrobus stop

PROPOSAL