

# Title VI Proposed Policy Changes

**Transportation Advisory Board**

**May 18, 2021**



# Title VI of the Civil Rights Act



Title VI of the Civil Rights Act of 1964 (as amended) is intended to ensure the fair delivery of public services.

“...no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.”



# FTA Title VI Policies



## Two Policies Established in 2013

- Major Service Change Equity Policy
- Fare Equity Policy

## Public Review Process

## Proposed Changes

# Major Service Change & Equity Policy



## Three Separate Policies

- Major Service Change Policy
- Disparate Impact Policy
  - Minority populations
- Disproportionate Burden Impact Policy
  - Low-Income populations



# Major Service Change & Equity Policy



## Major Service Change Policy

- Establish threshold of when service changes are considered major
- Current threshold is 25% - industry standard and we are **not recommending a change**
- Once threshold is reached, a Title VI analysis will be done
- Analysis compares the minority and low-income ridership or population on the effected service to the system's non-minority and non-low-income ridership or population



# Major Service Change Equity Policy



## Disparate and Disproportionate Burden Impact Policies

- Establish threshold to determine when a major service change would result in an impact
- Current threshold is the margin of error with the dataset being used. This is generally 3-4%
- **Proposed threshold – 5%**
  - Provides more consistency

# Major Service Change Equity Policy



## Disparate and Disproportionate Burden Impact Policies

- Provided clarity that we are comparing minority to non-minority riders or population

*When the difference in adverse impacts between minority ridership and/or population and non-minority ridership and/or population on the affected service is equal to or greater than five percent compared to the transit system's minority and non-minority ridership and/or population, there would be a disparate impact.*



# Major Service Change & Equity Policy



## Other Proposed Changes

- Provide clarity for basis of the policy
- Adverse Effect Definition – added current practice:  
A reduction or addition in service includes but is not limited to
  - changes in span of service,
  - changes to frequency of service,
  - the addition of new routes,
  - the elimination of routes or route segments, or
  - the modification of routes or route segments.



# Major Service Change & Equity Policy



## Other Proposed Changes

- Finding a Disparate or Disproportionate Burden Impact – Language added to address situations when “avoiding, minimizing, or mitigating impact” is not feasible:
  - *A substantial legitimate justification for the proposed major service change(s) exists and, there are no alternative(s) serving the same legitimate objectives that would have less disproportionate impact on minority populations or riders.*
  - *Since low-income populations are not a protected class under Title VI, failure to complete this analysis will not result in a finding of noncompliance under Title VI*

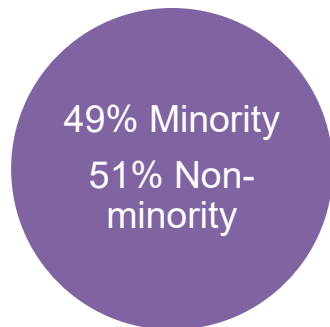
# Major Service Change Policy



Route X Ridership

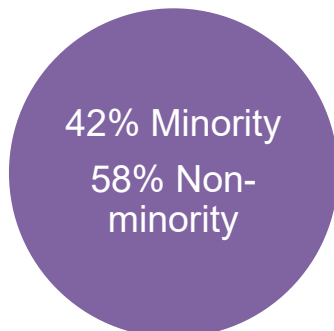


System Ridership

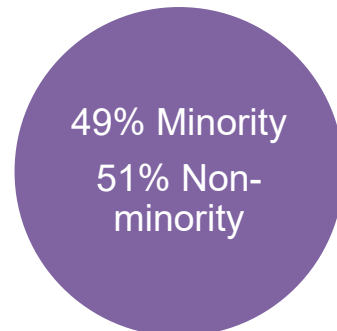


## Example 2: Proposed 30% Service Reduction on Route Y

Route Y Ridership



System Ridership





# Fare Equity Policy

## Two Separate Policies

- Disparate Impact Policy
  - Minority populations
- Disproportionate Burden Impact Policy
  - Low-Income populations





# Fare Equity Policy

**All proposed fare changes must undergo an analysis**

## **Disparate and Disproportionate Burden Impact Policies**

- Establish threshold to determine when a fare change would result in an impact
- Current threshold is 4%
- **Proposed threshold – 5%**
  - Consistent with our peers and consistent with the Major Service Change & Equity Policy

# Fare Equity Policy

## Disparate and Disproportionate Burden Impact Policies

- Provided clarity that we are comparing minority to non-minority riders and low-income to non-low-income riders

*When there is any fare adjustment Valley Metro and the City of Phoenix will compare the percent change between minority riders and non-minority riders. When the absolute difference in a fare adjustment between minority riders and non-minority riders is equal to or greater than five percent, there would be a disparate impact.*





## Other Proposed Changes

- Data Analysis – Compare all services and fare media
  - *Determine the numbers and percentage of users for each fare media and for each transit mode being changed;*
  - *Review all the fares before and after the proposed change; and*
  - *Compare the differences for each particular fare media between minority users and non-minority users and low-income users and non-low-income users.*
  - *Compare the differences for each particular fare media between local and express service and between minority users and non-minority users and low-income users and non-low-income users.*

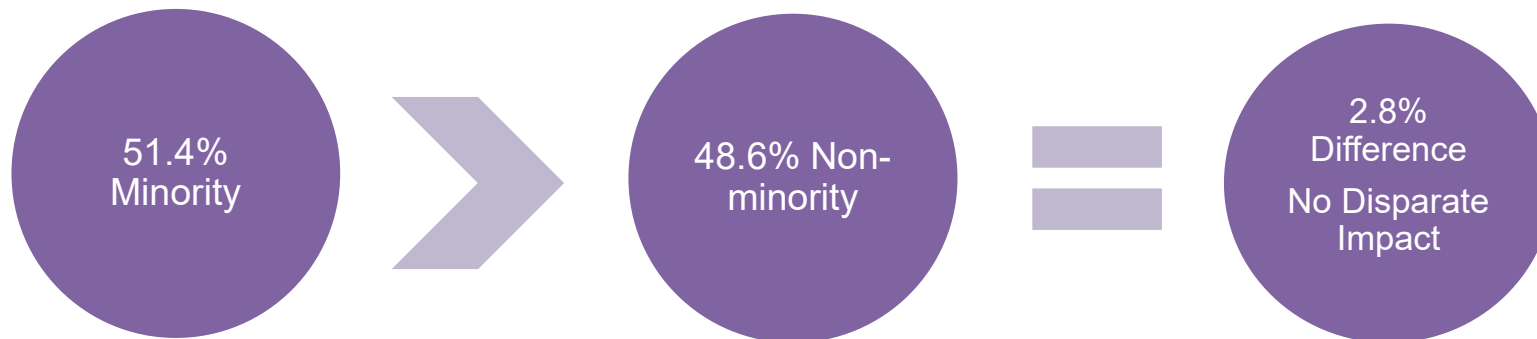


## Other Proposed Changes

- Finding Disparate or Disproportionate Burden Impact – Language added to address situations when “avoiding, minimizing, or mitigating impacts” is not feasible:

*A substantial legitimate justification for the proposed fare change(s) exists, and there are no alternative(s) serving the same legitimate objectives that would have less disproportionate impact on minority populations or riders.*

# Fare Equity Policy





# Community Involvement



- 5% proposed threshold
  - Provides more consistency
- 5% threshold
  - Consistent with our peers
  - Provides consistency with major service change and equity policy