



<p>TITLE: DISPARATE IMPACT POLICY DISPROPORTIONATE BURDEN POLICY: SERVICE CHANGES</p> <p>ORIGINATING UNIT: Planning and Development</p> <p>EFFECTIVE DATE: REVISION: 0</p>
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As a recipient of federal financial assistance, Metrolink is required to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice. Title VI and Environmental Justice require that federal recipients administer all of their programs and initiatives without regard to race, color, national origin, and low-income status. The purpose of this policy is to establish specific measures to avoid, minimize and mitigate disproportionate impacts that may be experienced by minority and low-income populations associated with changes to Metrolink’s service operation or stops/stations.

This policy establishes a threshold for determining whether a service change or stop/station change proposal would result in a fair distribution of positive and negative effects on minority and low-income populations or would result in a disparate impact¹ on minority populations or a disproportionate burden² on low-income populations, as defined by FTA Circular 4702.1B.³

This policy uses the Metrolink Major Service Change Policy to determine when service or stop/station changes would require a Service Equity Analysis. The Major Service Change Policy is incorporated by reference.

¹ Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin where the recipient’s policy or practice lacks a substantial legitimate justification and where there exist one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin

² Disproportionate Burden refers to a facially neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of Disproportionate Burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.

³Per FTA Circular 4702.1B, “The...threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority [and low income] populations compared to impacts borne by non-minority [and non-low income] populations. The...threshold must be applied uniformly...and cannot be altered until the next Title VI Program submission.

Disparate Impact:

The measure of Disparate Impact involves a comparison of impacts borne by minority populations compared to impacts borne by non-minority populations.

- Service Change proposals are determined to have a *Disparate Impact* on minority populations if, when viewed cumulatively, the adverse impacts experienced by minority riders is at least 5% higher than the adverse impacts experienced by non-minority riders.
- Additionally, if benefits associated with the service change accrued to non-minority riders is greater than 5% when compared to minority riders, then that change will be determined to have a *Disparate Impact*.
- Adverse impacts from service decreases may be offset by benefits incurred from service increases.

Disproportionate Burden:

The measure of Disproportionate Burden involves a comparison of impacts borne by low-income populations compared to impacts borne by non-low-income populations.

- Service Change proposals are determined to have a *Disproportionate Burden* on low-income populations if, when viewed cumulatively, the adverse impacts experienced by low-income riders is at least 5% higher than the adverse impacts experienced by non-low-income riders.
- Additionally, if benefits associated with the service change accrued to non-low-income riders are greater than 5% when compared to low-income riders, then that change will be determined to have a *Disproportionate Burden*.
- Adverse impacts from service decreases may be offset by benefits incurred from service increases.

Definitions:

Adverse Impacts: Negative impacts experienced as a result of the contemplated change. For service-related changes this includes but is not limited to: decreases in trains per hour (frequency), decreases in hours of operation (service span), elimination of stops at stations, reduction in services at stations, or elimination of a rail line or segment. This definition of adverse impacts does not apply to service reductions resulting from any exclusions referenced in the Major Service Change policy.

Low Income Populations: Following FTA's guidance to use locally developed and inclusive definitions of low-income status, specifically in regions with a high cost of living, Metrolink defines low income as falling at or below 200% of the Federal Poverty Guideline (FPG) as defined by the U.S. Department of Health and Human Services. This definition was selected after a comparison of thresholds used by other large rail operators in California: Coaster (150% FPG), Caltrain (200% FPG), BART (200% FPG), VTA (200% FPG). LACMTA uses the HUD income limits for *Very Low Income* for Los Angeles County for its Low-Income Fare Program (corresponding to 210% FPG).

Minority Populations: Any person that self identifies as non-white under the U.S. Census guidelines. This includes American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian or other Pacific Islander.

Service Equity Analysis Procedures:

- Service Equity Analyses will be conducted for major service changes contemplated by the agency other than those excluded from the requirement as noted in the Metrolink Major Service Change Policy.
- Service Equity Analyses will be prepared in accordance with Appendix K of Federal Circular 4702.1B and will include a comparison of the absolute and percentage change experienced by minority riders (and low-income riders) compared to the absolute and percentage change of non-minority riders (and non-low-income riders) for the service changes proposed.
- If the service change is part of the FTA New Starts or Small Starts program, a Service Equity Analysis will be prepared in conjunction with a Fare Equity Analysis 6 months prior to the commencement of revenue service whether or not the service change rises to the level defined in the Metrolink Major Service Change Policy.
- For service changes associated with existing service, the Service Equity Analysis will use the most recent and complete on-board survey data that is valid for ethnicity and income status, as well as other data points used in the analysis, such as boarding/alighting locations and time of day or day of week use.
- For service expansions or extensions where ridership information is not available or not useful, the Service Equity Analysis will use U.S. census data (American Community Survey or decennial census data if more current) to compare the ethnicity and income status of the population's current and proposed access to transit.
- The results of each Service Equity Analysis will be presented to the Board of Directors in advance of the approval of the proposed change.
- In the event that Service Equity Analyses result in disparate impacts or a disproportionate burden, the agency will examine ways to minimize or mitigate the impacts of the proposal. If mitigations fail to eliminate disparate impacts or a disproportionate burden, the equity analysis must demonstrate that the service change proposal is the least discriminatory option and that there is a substantial legitimate justification for the service change.
- All Service Equity Analyses will be included in the triennial Title VI program update, including the action taken by the board on the service proposal.