I. Presentations:
   1. Title VI Policy Update Presentation

II. Public Comment:

III. Items for Future Discussion:

IV. Adjournment

ADA Compliance

Reasonable modifications and equal access to communications are provided upon request. Please call (512) 369-6040 or email ed.easton@capmetro.org if you need more information.

BOARD OF DIRECTORS: Wade Cooper, Chair; Jeffrey Travillion, Vice Chair; Eric Stratton, Secretary; Terry Mitchell; Troy Hill; Ann Kitchen, Leslie Pool and Pio Renteria.

The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.
**Title:** Title VI Policy Update Presentation
Title VI Program Update

Public Hearing
May 12th, 2021
Title VI of the Civil Rights Act of 1964
42 U.S.C § 2000d, et seq

“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 subjected to discrimination under any program or activity receiving Federal financial assistance.”
Capital Metro receives federal funds and is required to:

- Adopt policies with **thresholds** for when to conduct an analysis for service and fare changes to determine their impacts on minority and low-income populations.
- If a threshold is met and analysis is conducted, present analysis to the Board prior to a service or fare change.
Why Does Capital Metro Make Changes?

We adjust services to meet the needs of our customers and growth of our community
**Capital Metro Service Change Process**

- **Consider Proposed Change to Service**
- **Consider the Impacts of a Proposed Change**
  - Demographics such as the impact to minority and low-income communities
  - Ridership
  - Resources such as vehicles, staff, and cost
  - New stops, new destinations, or transit connections
  - Accessibility and safety
  - **Title VI Analysis**
    - Conduct a Title VI analysis for major changes to service or fare changes to determine whether the change has a disproportionate impact on minorities or low income populations than it does for others in the community.
    - If Title VI analysis has a disproportionate impact we conduct additional Title VI analysis to avoid, minimize or mitigate the impact.
- **Collect Community Input**
- **Revise Proposed Change Based on Community Input**
- **Take Proposed Change to the Board for Notification or Approval**
Title VI Policies
Title VI Program Update Schedule

Why make updates now?
Capital Metro can only make changes to the program every 3 years when we submit to the FTA. This year is the window to review our program and policies and make any changes.

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Title VI Policy Update Approach

• Compliant with FTA Guidance
• Conduct peer review
  - Review peer agency metrics, thresholds, & demographics for perspective
• Major Service Change considerations
  - More clear and consistent with how we plan our services
• DI/DB policy considerations
  - Do thresholds & policy work for all fare & service changes?
  - Is the threshold appropriate for the agency’s demographics and use?
• Seek input – Conduct outreach

The best practice is to be forward-looking and ‘timeless’ in our policy approach
Required Title VI Policies

Major Service Change Policy

Disproportionate Burden Policy (Low-Income Population)

Disparate Impact Policy (Minority Population)
Capital Metro established a threshold for when a “major” service change is considered.

**Service Change Threshold**: If a route changes by more than 25% (annual miles or hours) it triggers an analysis of minority and low-income populations.

All fare changes require a Title VI analysis.
Disproportionate Burden Policy (Low-Income Populations)

- **Disproportionate Burden Policy**: Capital Metro established a threshold for determining if a given service or fare change would have a fair distribution of effects on low-income populations compared to non low-income populations.

- **Disproportionate Burden Threshold**: The difference in the impact to low-income and non low-income.

- If the threshold is exceeded, then it triggers further analysis of the routes and Capital Metro is obligated to avoid, minimize or mitigate impacts.
Disparate Impact Policy (Minority Populations)

- **Disparate Impact Policy**: Capital Metro established a threshold for determining if a given service or fare change would have a fair distribution of effects on minority populations compared to non-minority population.

- **Disparate Impact Threshold**: The difference in the impact to minority and non-minority populations. If the threshold is exceeded, then it triggers further analysis of the routes and Capital Metro is obligated to avoid, minimize or mitigate impacts to protected populations.
Disparate Impact Example

<table>
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<tr>
<th>People Trips</th>
<th>A</th>
<th>B</th>
<th>Change</th>
<th>% Change</th>
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<tr>
<td>Non-Minority</td>
<td>40</td>
<td>50</td>
<td>10</td>
<td>20%</td>
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<td>Minority</td>
<td>30</td>
<td>33</td>
<td>3</td>
<td>9%</td>
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Comparison of Change 11%

If the impact is greater than or equal to 10% it means additional analysis is necessary.
During the analysis Capital Metro found its current threshold for disparate impact and disproportionate burden of 2% very low and has proposed to change it to 10%.
### Objectives for Consideration of a Policy Change

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<th>Threshold Objectives</th>
<th>Benchmarking Thresholds</th>
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<td>2% (current policy)</td>
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<td><strong>1</strong> Thresholds that allow flexibility for future needs as identified in Project Connect modes, service expansions and anticipated fare changes.</td>
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<td><strong>2</strong> Thresholds that are responsive to the 50/50 service area demographics.</td>
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<td><strong>3</strong> Thresholds that allow for rounding.</td>
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<td><strong>4</strong> Do the thresholds meet the spirit of the regulation?</td>
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<td><strong>5</strong> Thresholds that allow for meaningful findings. Is the threshold consistent with FTA training guidance that states: &quot;If the statistical difference shows a disparate impact but it is based on a relatively small number, then the absolute magnitude is not present to conclude an actual disparate impact.”</td>
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Major Service Change Policy Recommendations

1. No change to current threshold (25% of annual revenue miles or hours

2. Policy Language Updates
   1. Removing specific references to modes to make the policy universal & timeless
   2. Adding exceptions for things beyond Capital Metro’s control (i.e. construction detours)
   3. Stating clearly all fare changes result in a Title VI analysis
Title VI Recommendations Summary

Consolidate three separate policies into one policy

1. Major Service Change Policy
   • 25% threshold (current policy)

2. Poverty Threshold
   • 25% higher than the Federal Poverty level (current policy)

3. Disproportionate Burden (Low-Income Populations)
   • 10% threshold that meets policy objectives (proposed change from 2% to 10%)

4. Disparate Impact (Minority Populations)
   • 10% threshold that meets policy objectives (proposed change from 2% to 10%)
# Title VI Program Update Schedule

## Policy Approval Process

After the public feedback is collected the Capital Metro Board must approve these policies before they can be included in the updated Title VI Program.

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Attachment: Title VI Program Update Public Meeting (4859: Title VI Policy Update Presentation)
Questions

feedback@capmetro.org
(512) 474-1200
THANK YOU