

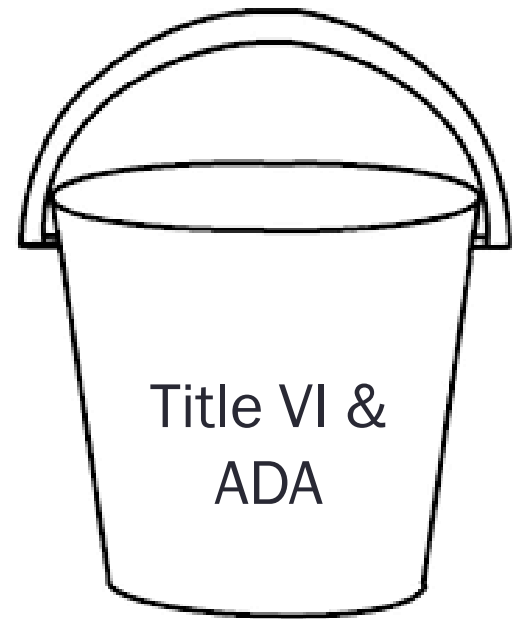
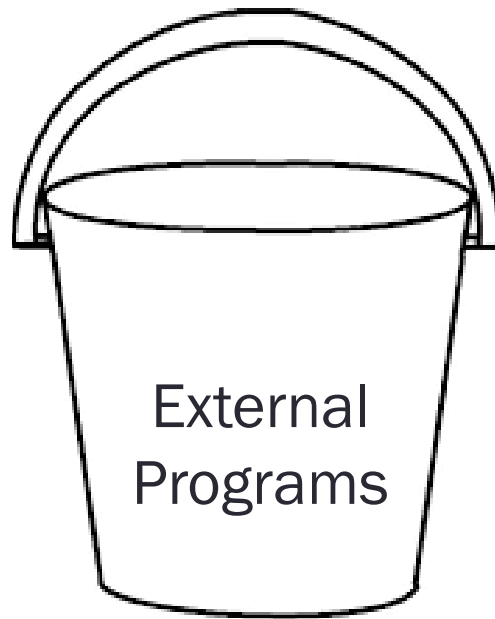
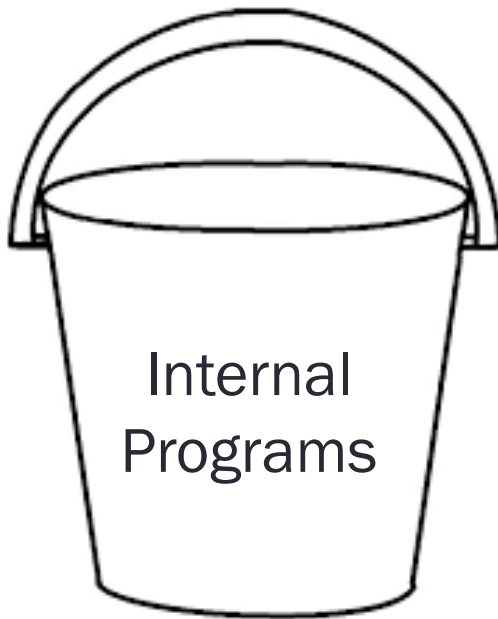
OFFICE OF DIVERSITY AND CIVIL RIGHTS

MassDOT and MBTA

Office of Diversity and Civil Rights

- ODCR assists the Secretary and CEO of MassDOT and the Acting General Manager of the MBTA in the development of policies and programs regarding civil rights in the transportation arena.
- Responsible for the monitoring and compliance of civil rights policies and executive orders, including but not limited to affirmative action, diversity, ADA and sexual harassment policies, ensuring that MassDOT and MBTA complies with all state and federal affirmative action and civil rights laws.

ODCR – Three Buckets of Work



Disparate Impact/Disproportionate Burden Policy

Briefing on Development and Public Engagement Process

October 17, 2016

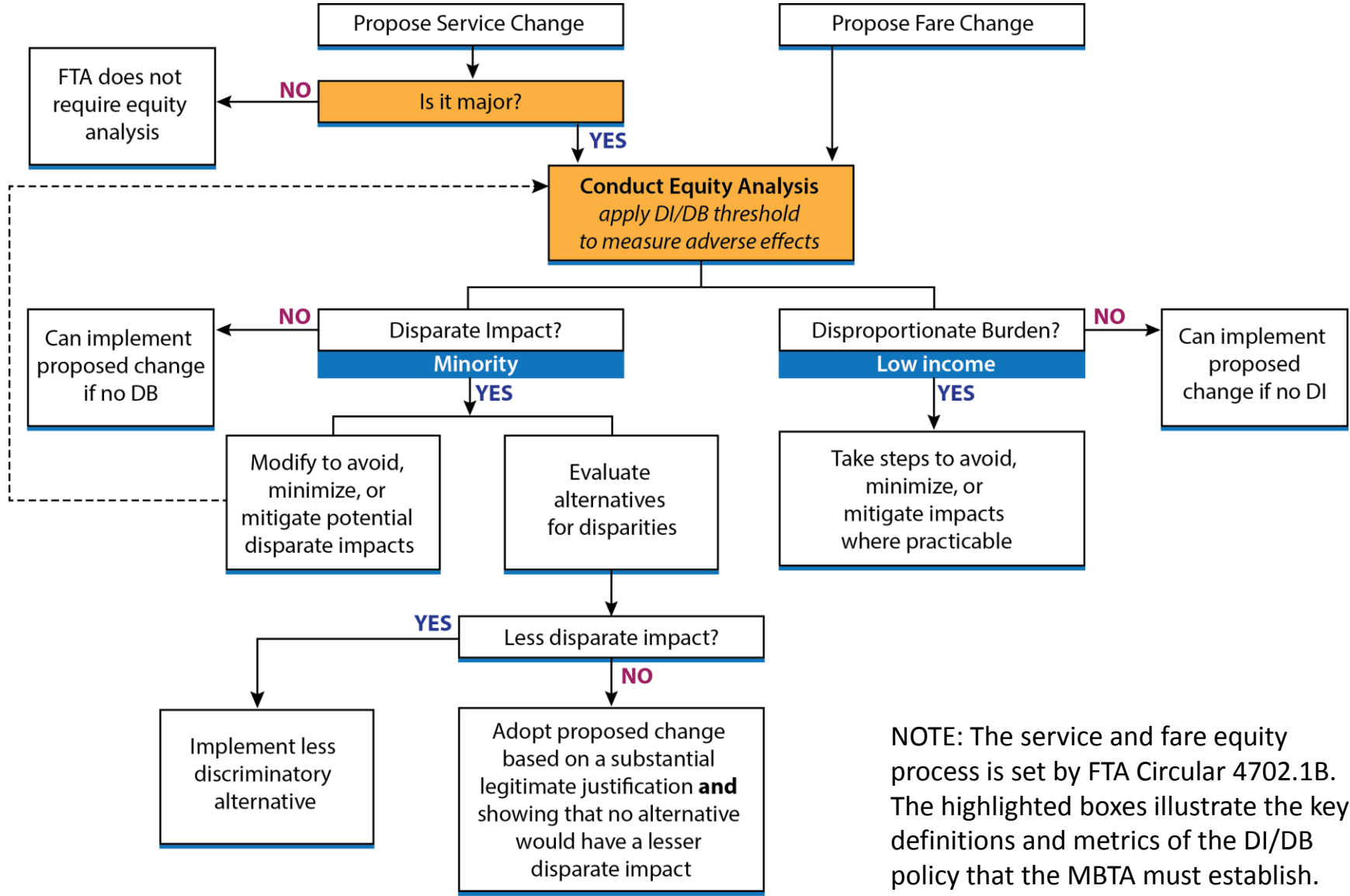
Presentation Objectives

- Update FMCB on Disparate Impact/Disproportionate Burden (DI/DB) Policy development process, including:
 - regulatory background
 - preliminary recommendations
 - stakeholder engagement
- Seek FMCB concurrence to conduct public meetings in November for feedback on draft policy.
- Explain next steps toward Board approval vote.

FTA Title VI Circular 4702.1B – Service and Fare Equity Analysis Requirement

- Large transit providers are required to conduct service and fare equity analyses, and submit with triennial Title VI program.
 - Analysis requires application of agency’s DI/DB Policy to evaluate adverse effects resulting from proposed “major service changes” and all fare changes.
 - DI/DB Policy incorporates a statistical threshold that forms the basis for evaluating the risk of disparity.
 - MBTA DI/DB Policy development process requires public engagement and MBTA Board approval.
- Note: FTA recognizes that the complex nature of service changes do not always allow for simple application of DI/DB standards and consults with transit providers to determine appropriate strategies.

Service and Fare Equity Process



NOTE: The service and fare equity process is set by FTA Circular 4702.1B. The highlighted boxes illustrate the key definitions and metrics of the DI/DB policy that the MBTA must establish.

Service Delivery Policy - defines key performance characteristics of quality MBTA transit services and includes quantifiable service standards.

Service Monitoring – For Title VI equity purposes, the MBTA periodically monitors:

- vehicle load, vehicle headway, on-time performance, service availability
- distribution of transit amenities and vehicle assignment
- all other measurable service standards

These studies do not require individual service or fare equity analyses.

Monitoring Results – Service monitoring evaluation results are used to correct identified disparities on an ongoing basis, if needed. Overall monitoring results are approved by the FMCB triennially as part of the MBTA Title VI Program.

Service Monitoring Threshold – The MBTA recommends a disparity assessment measure that is consistent with the DI/DB threshold for service equity analyses.

The MBTA will restate its service and fare change DI/DB equity analysis standards, defining key analytical terms and thresholds.

Policy Purpose: Evaluate major service changes and all fare changes, to identify potential risk of bias and take proactive measures where appropriate.

Policy Components:

1. Major service change definition
2. Definition of Adverse Effects, and;
3. Disparate impact and disproportionate burden thresholds.

Proposed Major Service Change

Definition and Justification

Goal: Identify proposed service changes significant enough to require an equity analysis.

Research conducted: Review of 14 peer agencies, prior T service and fare changes (12 year lookback) and stakeholder input (15 participating organizations).

Recommendation for definition of Major Service Change:

- **Modal Level:** a change in Revenue Vehicle Hours (RVH) per week of 10% or more.
- **Route Level:**
 - For all routes, a change in route length of at least 25% or 3 miles, whichever is less; or
 - For routes with 80 RVH per week or more, a change in RVH per week of 25% or more.

Note: All concurrently proposed changes are to be evaluated in the aggregate, and not at the route level.

Objective: Establish service change measures (RVH and route-length) that represent each adverse effect.

Research conducted: assessed various metrics of service availability and coverage.

Recommendation for Adverse Effects definition :

- MBTA proposes two measures of adverse effects from a service change:
 - Amount of Service Scheduled (RVH)
 - Service Coverage (route length)

Note: Adverse effects of service changes are measured in terms of the anticipated benefits (increases in service) and burdens (decreases in service).



Objective: Establish an equity measure to identify true risks of disparities given data limitations, such as margins of error.

Research conducted: Review of 14 peer agencies, prior T service and fare changes (12 year lookback) and stakeholder input (15 participating organizations).

Recommendation for DI/DB Thresholds:

➤ 20% DI/DB threshold for service equity analyses

Note: This threshold is also proposed as the measure for service performance monitoring. Stakeholders have recommended 15%.

➤ 10% DI/DB threshold for fare equity analyses

Note: All concurrently proposed changes are to be evaluated in the aggregate, and not at the route level.

1. Entered into Voluntary Compliance Agreement, and created multidisciplinary team (ODCR, Service Planning, OTP, OPMI, Community Relations, Policy, Legal, CTPS)
2. Reviewed current DI/DB definition and threshold for reasonableness in application of past and hypothetical service changes
3. Studied comparable transit provider DI/DB policies for potential adoption
4. Drafted preliminary recommendations
 - Reviewed with Legal Department
 - Reviewed with stakeholders
 - Created draft definitions and thresholds
 - Tested proposed standards against possible future service changes
 - Drafting protocols for applying DI/DB

1. Seek Board concurrence for public engagement (October 2016)
2. Host public engagement meetings and evaluate public comments for possible modification of draft policy, as needed, and respond to public questions (November-December 2016)
3. Present final draft to Board with recommendations for approval vote (December 2016-January 2017)