Eastside Phase 2 Transit Corridor

Title VI Service Equity Analysis

January 14, 2020

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1. Introduction

Title VI of the Civil Rights Act of 1964 is a Federal statute and provides that no person 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.

Federal Transit Administration (FTA) is responsible for ensuring that recipients of Federal funds follow Federal statutory and administrative requirements. In 2012, FTA issued Circular 4702.1B, which provides recipients of FTA financial assistance with guidance and instructions necessary to carry out the United States Department of Transportation Title VI requirements.

FTA and Los Angeles County Metropolitan Transportation Authority (Metro) propose the Eastside Phase 2 Transit Corridor Project, an extension of the existing Metro Gold Line at the current eastern terminus of Atlantic Station into eastern Los Angeles County. The new transit service would extend the existing Metro Gold Line approximately 6.9 to 16 miles, depending on the Build Alternative, to help accommodate the increasing population and employment growth in eastern Los Angeles County. The new service line would help to address the growing demand for transit service and meet the needs of existing communities, including the transit dependent populations and low-income residents.

FTA serves as the Lead Agency under the National Environmental Policy Act (NEPA) and Metro serves as the Lead Agency under the California Environmental Quality Act (CEQA). Metro is currently studying three Build Alternatives:

- SR-60 Alternative,
- Washington Alternative, and
- Combined Alternative (build out of both alternatives)

The SR 60 Alternative would extend the Metro Gold Line approximately 6.9 miles from East Los Angeles to the city of South El Monte. This alternative would generally follow the southern edge of the SR 60 Freeway ROW from the existing Atlantic Station east to Peck Road in the city of South El Monte.

The Washington Alternative would extend the Metro Gold Line approximately 9 miles from East Los Angeles to the city of Whittier. This alternative would relocate the existing Atlantic station underground and continue in an underground configuration approximately three miles, transitioning to an aerial and at-grade configuration east to Lambert in the city of Whittier.

The Combined Alternative explores the potential build out and operation of both the SR 60 and Washington Alternatives as described above. The Combined Alterative would require infrastructure and operational elements that would not otherwise be required if only one of the alternatives was operated as a “stand alone” line. Figure 1-1 through Figure 1-3 display the three Build Alternatives that are evaluated in this report.

Depending on the Build Alternative, the alignment would introduce a new service line in eastern Los Angeles County. Therefore, it is necessary to evaluate the alternatives to determine whether the

change will have a disparate impact on the minority population or a disproportionate burden on the low-income population. The ultimate goal is to avoid activities that have had the purpose or effect of denying persons the benefit of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, national origin.

Figure 1-1. SR 60 Alternative

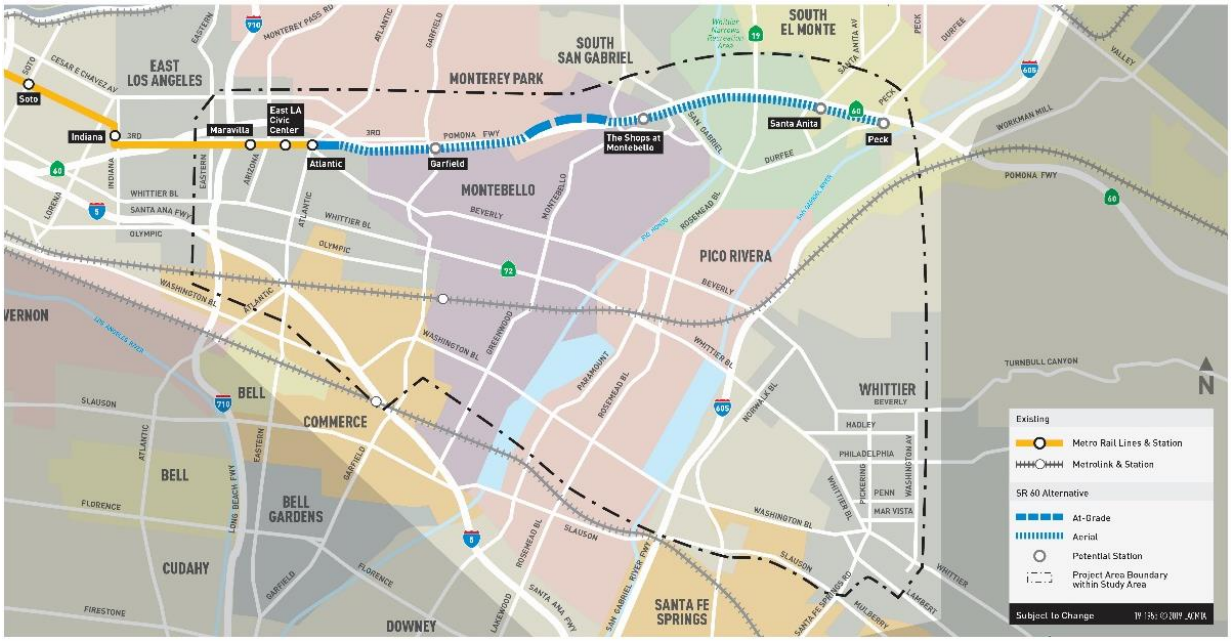


Figure 1-2. Washington Alternative

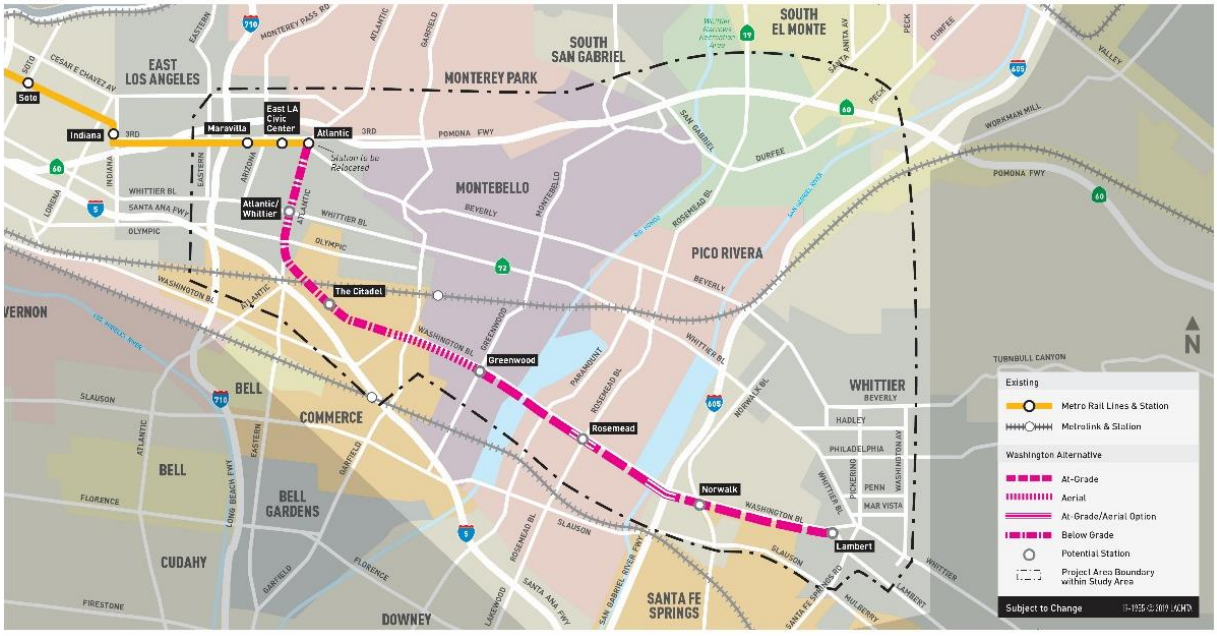
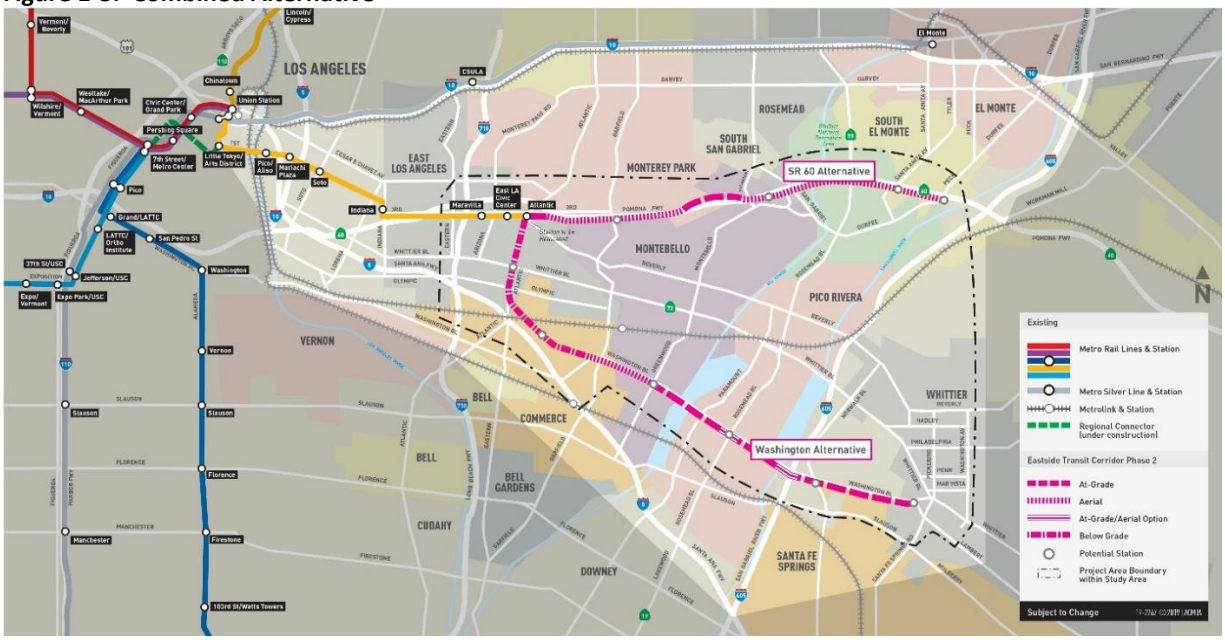


Figure 1-3. Combined Alternative



1.1 Report Purpose

The purpose of this report is to compare each of the three Build Alternatives, pursuant to Title VI of the Civil Rights Act of 1964, to the Metro Service Area for the purpose of selecting a Proposed Project for the environmental study. Additional analysis will be completed prior to the construction phase, based on final design decisions, as it relates to project facilities including the maintenance and storage facility and associated acquisitions.

2. Regulatory Setting

2.1 FTA Circular 4702.1B Chapter IV

Title VI of the Civil Rights Act of 1964 provides that no person 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. Chapter IV of the FTA's Circular 4702.1B further describes the requirements that FTA recipients must follow to ensure that the programs, policies, and activities comply with the Title VI requirements. The requirements set system-wide service standards and policies that apply to all fixed route providers of public transportation service.

Title 49 CFR Section 21.5 (b)(2) specifies that a recipient shall not "utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin." Section 21.5 (b)(2) requires recipients to "take affirmative action to assure that no person is excluded

from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin."

Transit providers that operate 50 or more fixed route vehicles in peak service and are located in an urbanized area (UZA) of 200,000 or more in population, are required to meet all requirements of Chapter IV (i.e., setting service standards and policies, collecting and reporting data, monitoring transit service, and evaluating fare and service changes).

2.2 Metro's Administrative Code, Chapter 2-50-005

Metro's Administrative Code includes Title VI requirements. Chapter 2-50-005, Major Services Changes, of Metro's Administrative Code states that "all major increases or decreases in transit service are subject to a Title VI Equity Analysis prior to Board approval of the service change. A Title VI Equity Analysis completed for a major service change must be presented to the Board of Directors for their consideration and then forwarded to the FTA with a record of the action taken by the Board."[1] As such, the Eastside Phase 2 Transit Corridor Project is classified as a major service change due to it falling under category 1 of Metro's Administration Code 2-50-005(B)(1) which states "A revision to an existing transit route that increases or decreases the route miles by 25% or the revenue service miles operated by the lesser of 25%, or by 250,000 annual revenue service miles at one time or cumulatively in any period within 36 consecutive months."

2.3 Metro Title VI Program Update

Metro prepared the Title VI Program Update in compliance with Title 49 CFR Section 21.9 (b) and with the FTA Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," issued in October 2012. The purpose of the Title VI Program Update is to document the steps Metro has taken and will take to ensure Metro provides services without excluding or discriminating against individuals on the basis of race, color, and national origin.

The Title VI Program Update provides an outline of Metro's Title VI policies including what constitutes a major service change, the disparate impact, and disproportionate burden policy. Metro staff recommended that the absolute difference be considered when evaluating service and fare changes. The Title VI Program Update also includes the general requirements for Title VI and the requirements for fixed route transit providers. In October 2019, the Metro Board approved the Metro Title VI Program Update. The latest Title VI Program Update was submitted to FTA by the due date of November 1, 2019, as outlined in the Title VI Program Update.[2]

The last Metro Title VI Program Update was submitted to FTA on November 17, 2016. A Concurrence letter from FTA sent to Metro on December 6, 2017 confirmed that the Title VI Program Update met the requirements set out in the FTA Title VI Circular, 4702.1B.

[1] Los Angeles County Metropolitan Transportation Authority Administration Code

[2] Los Angeles County Metropolitan Transportation Authority, Title VI Program Update, October 2019

2.4 Definitions

The following terms are used in this document:

Disparate Impact: Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color or national origin and the policy lacks a substantial legitimate justification, including one or more alternatives that would serve the same legitimate objectives but with less disproportionate effects on the basis of race, color or national origin. This policy defines the threshold Metro will utilize when analyzing the impacts to minority populations and/or minority riders. For major service changes, a disparate impact will be deemed to have occurred if the absolute difference between the percentage of minority adversely affected and the overall percentage of minorities is at least five percent (5%) per Metro's Title VI Program which was updated and approved by Metro's Board in October 2019.

Disproportionate Burden: Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden for major service and fare changes requires Metro to evaluate alternatives and mitigate burdens where practicable. For major service changes, a disproportionate burden will be deemed to exist if an absolute difference between percentage of low-income adversely affected by the service change and the overall percentage of low-income persons is at least five percent (5%) per Metro's Title VI Program which was updated and approved by Metro's Board in October 2019.

Low Income: Metro defines low-income riders or populations as anyone making below $41,500 which represents the median income of a three-person household in Los Angeles County.[3]

Noncompliance: Refers to an FTA determination that the recipient is not in compliance with the USDOT Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefit of excluding from participants in, or subjecting persons to discrimination in the recipient's program or activity on the basis of race, color, national origin.[4]

3. Methodology

As shown in Figure 1-1 through Figure 1-3, the three routes that are evaluated in this report are the SR 60 Alternative, the Washington Alternative, and the Combined Alternative. Depending on the alternative, the Project would provide a new transit service along the corridor cities within eastern Los Angeles County.

Metro serves as transportation planner and coordinator, designer, builder and operator for one of the country's largest, most populous counties. More than 10.1 million people live and work within the 1,433-square-mile service area.[5] Collectively, Metro operates multiple rail and bus lines which consists of over 50 rail vehicles in a UZA over 200,000 in population. Figure 3-1 provides an overview of the

[3] Los Angeles County Metropolitan Transportation Authority, Title VI Program Update, October 2019
[4] Federal Transit Administration, Title VI Circular 4702.1B, 2012
[5] Los Angeles County Metropolitan Transportation Authority, Title VI Program Update, October 2019

Metro rail and busway. Metro operates its service without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, as amended.

As Metro serves the core of Los Angeles County's population, this analysis focuses on the population falling within the borders of Los Angeles County. County data was used to evaluate Metro's Service Area for this evaluation. County data was comprised using 2017 American Community Survey (ACS) ethnicity and income demographic data.

A half mile boundary along each of the Build Alternatives was used to evaluate a reasonable walkshed to the proposed new transit service. This half mile buffer serves as each alternative's service area for this evaluation. Using 2017 ACS demographic data on ethnicity and income, the service area for each alignment was evaluated. For this report, census tract level was used for low-income populations below the poverty level. For minority populations block group level data was used for minority populations.

Figure 3-1. Metro Service Area

Source: Metro, 2018

In order to understand the characteristics of each Build Alternative's service area and assess whether the change will have a disparate impact on the minority population or a disproportionate burden on the low-income population, this report evaluates the ethnicity and income demographic data of the populations that would receive the new transit service. The data is then compared to the ethnicity and income demographic data of Metro Service Area. If the absolute difference between the percentage of minority or low-income residents along the alternatives and the Metro Service Area percentage is at least 5%, an impact would be deemed to have occurred.

However, the new transit service is considered a benefit since the Project would provide the communities of eastern Los Angeles County (depending on the alternative) with additional transportation options, increased access to high quality transit service, and improve accessibility to the regional transit network. Therefore, the benefiting populations should not have less minority or less low-income residents than the county population. If this is so, then there is a presumption of a disparate impact and/or disproportionate burden is made.

4. Impact Analysis

The minority and low-income demographics for Metro's Service Area are listed in Table 4-1 which was used in the disparate impact and disproportionate burden analysis for the SR 60, Washington and Combined Alternatives below.

Table 4-1. Metro Service Area Demographic Breakdown

Metro Service Area				
Total Population	Minority Population	Percent Minority	Low-Income Population	Percent Low-Income
10,105,722	7,428,740	73.5%	1,688,505	16.9%

Source: Source: ACS 2017, 5-Year Estimates
Note: LA County data used for Metro's Service Area

Using 2017 ACS data, the demographic data was analyzed using a half mile boundary along each of the proposed routes. The data within the Build Alternative's service area was then compared to the Metro Service Area data in order to evaluate any potential disparate impact or disproportionate burden.

4.1 Disparate Impact

Table 4-2 includes a comparison of the percentages of minority populations residing in each of the Build Alternative's service areas compared to the total minority population for the Metro Service Area. Figure 4-1 through Figure 4-3 display the demographic data for the Metro Service Area, overlaid with the proposed Build Alternatives and the half mile service area boundary. The minority absolute difference between SR 60 Alternative and Metro Service Area is 20%. The absolute difference between the Washington Alternative and Metro Service Area is 21%. While, the Combined Alternative has an absolute difference of 21%.

Table 4-2. Eastside Phase 2 Minority Percentage

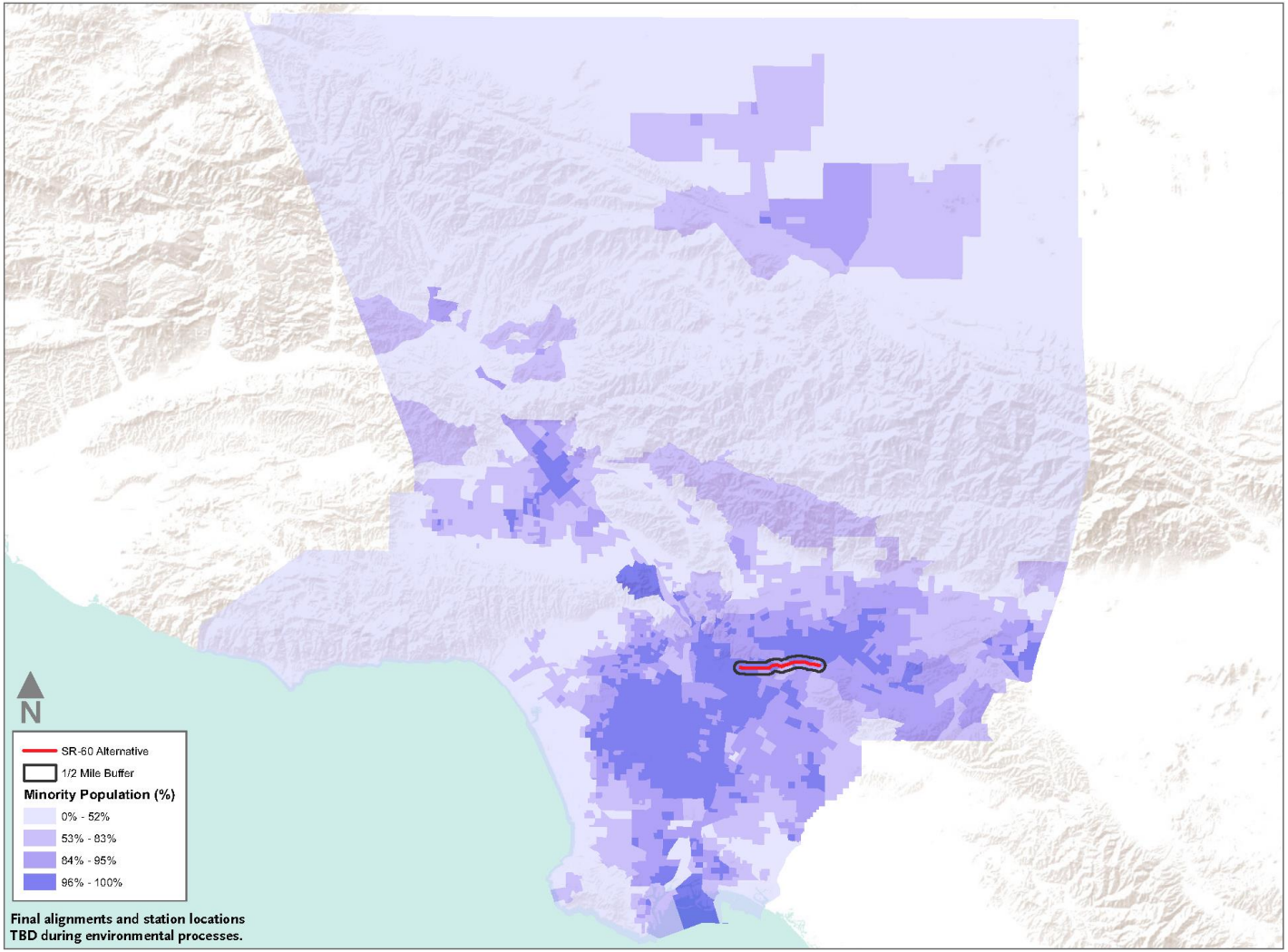
	Minority Percentage	Absolute Difference
SR 60	94%	20%
Washington	95%	21%
Combined Alternative	95%	21%

Source: ACS 2017, 5-Year Estimates
Note: Rounded to the nearest whole number

The absolute differences for the SR 60, Washington, and Combined Alternatives cross the Metro thresholds. Since the proposed new transit service is considered a benefit, as it provides additional transportation options, increases access to high quality transit service, and improves accessibility to the regional transit network, the calculations indicate that a higher percentage of minority populations will be served by the new transit service. Therefore, the new transit service is considered a benefit and a disparate impact legal test has been met. Since a higher percentage of minority populations will benefit, no disparate impact will occur should any of the three Build Alternatives be chosen as the Proposed Project for the environmental study. If the Washington Alternative is chosen as the Proposed Project, no impact would occur.

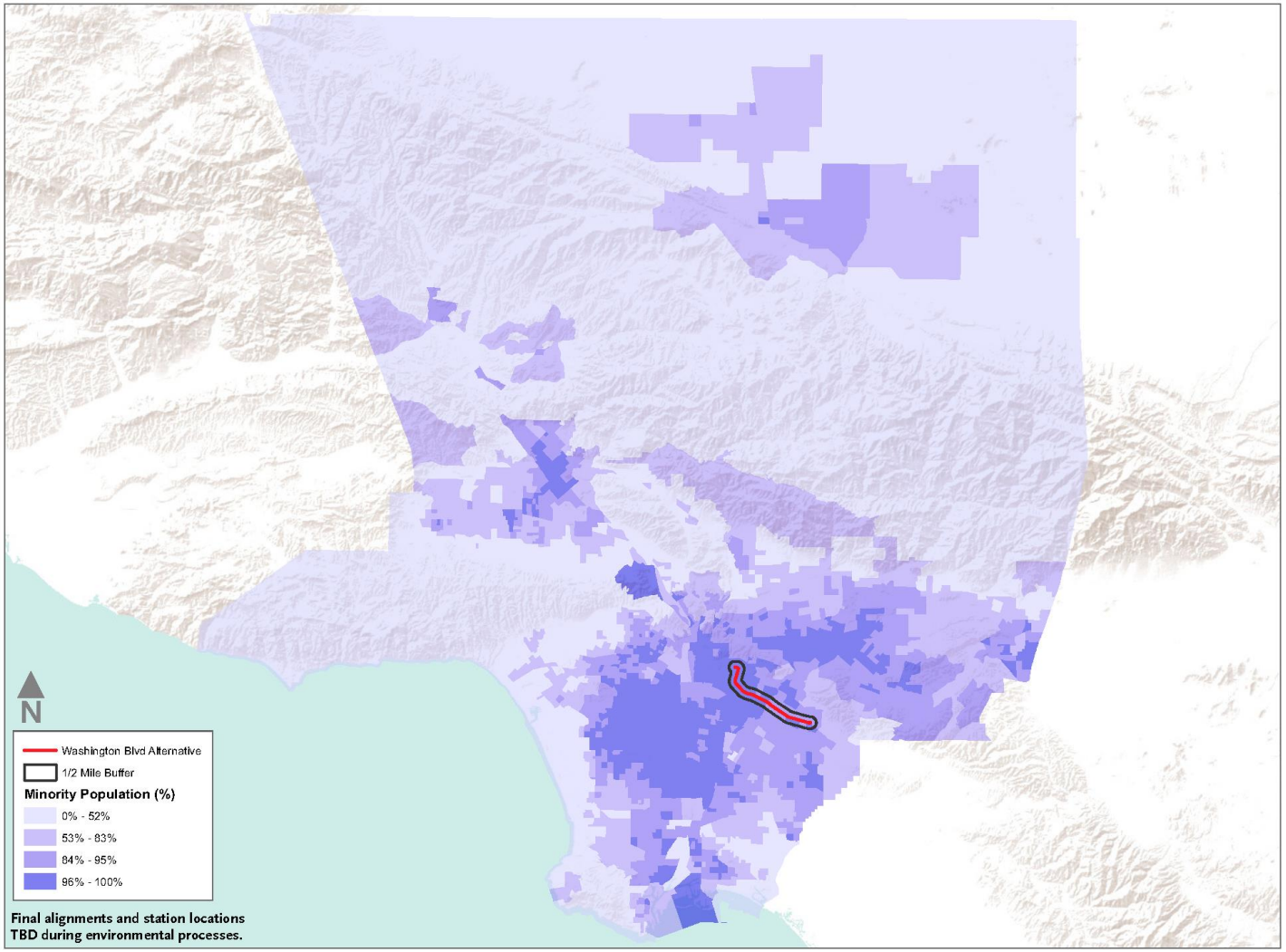
When comparing the alternatives, the SR 60 Alternative serves lower percentage of minority populations when compared to the Washington Alternative and the Combined Alternative.

Figure 4-1. SR 60 Alternative Minority Population



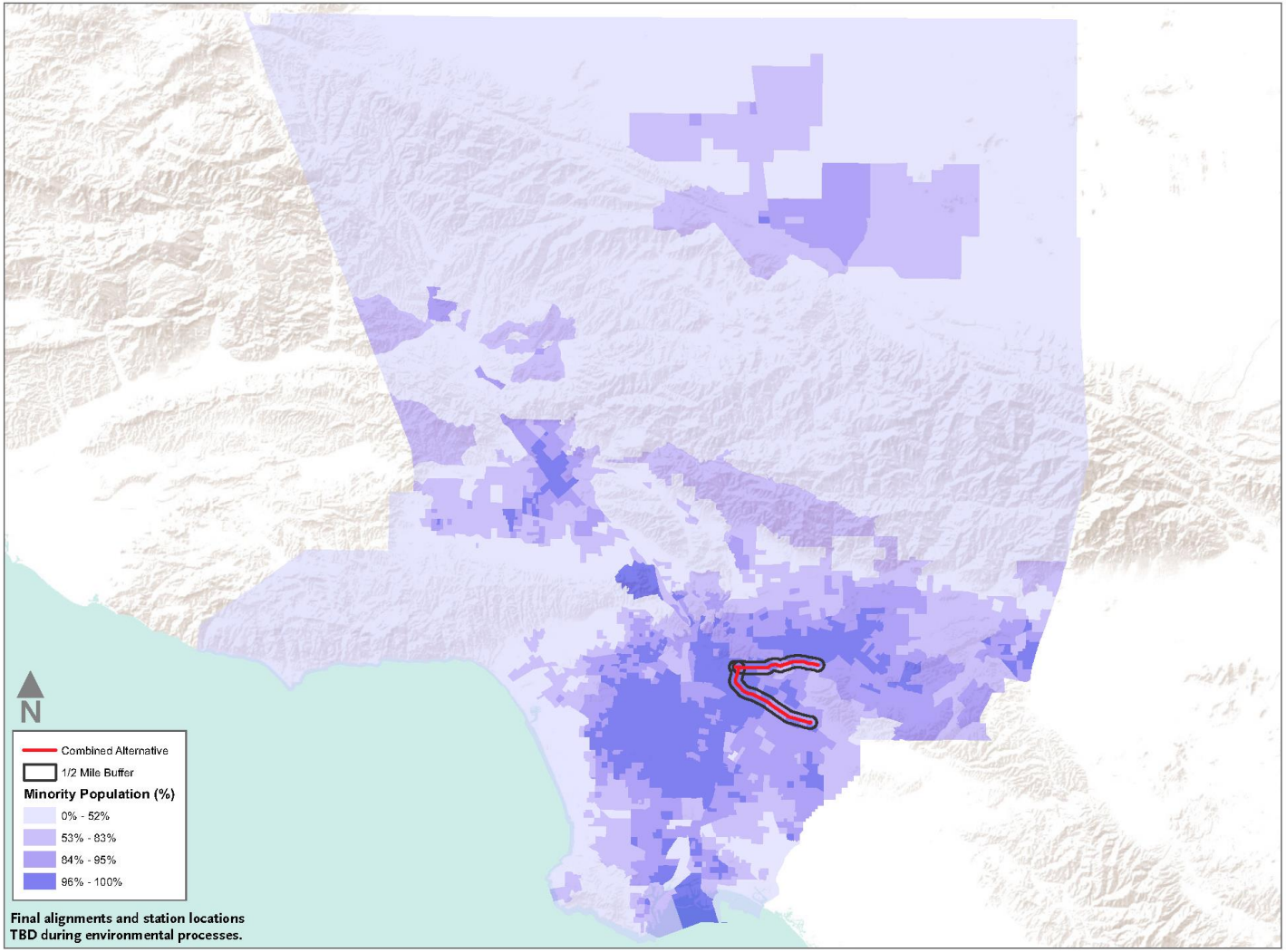
Source: 2013-2017 ACS 5-Year Estimates

Figure 4-2. Washington Alternative Minority Population



Source: 2013-2017 ACS 5-Year Estimates

Figure 4-3. Combined Alternative Minority Population



Source: 2013-2017 ACS 5-Year Estimates

4.2 Disproportionate Burden

Table 4-3 includes a comparison of the percentages of the low-income populations residing in each of the Build Alternative's service areas compared to the total low-income population for the Metro Service Area. Figure 4-4 through Figure 4-6 display the demographic data for the Metro Service Area, overlaid with the proposed Build Alternatives and the half mile service area boundary. The low-income absolute difference between the SR 60 Alternative and the Metro Service Area is -4%. The Washington Alternative has an absolute different of 0% compared to Metro Service Area. While, the Combined Alternative has an absolute difference of -2% compared to Metro Service Area.

Table 4-3. Eastside Phase 2 Low-Income Percentage

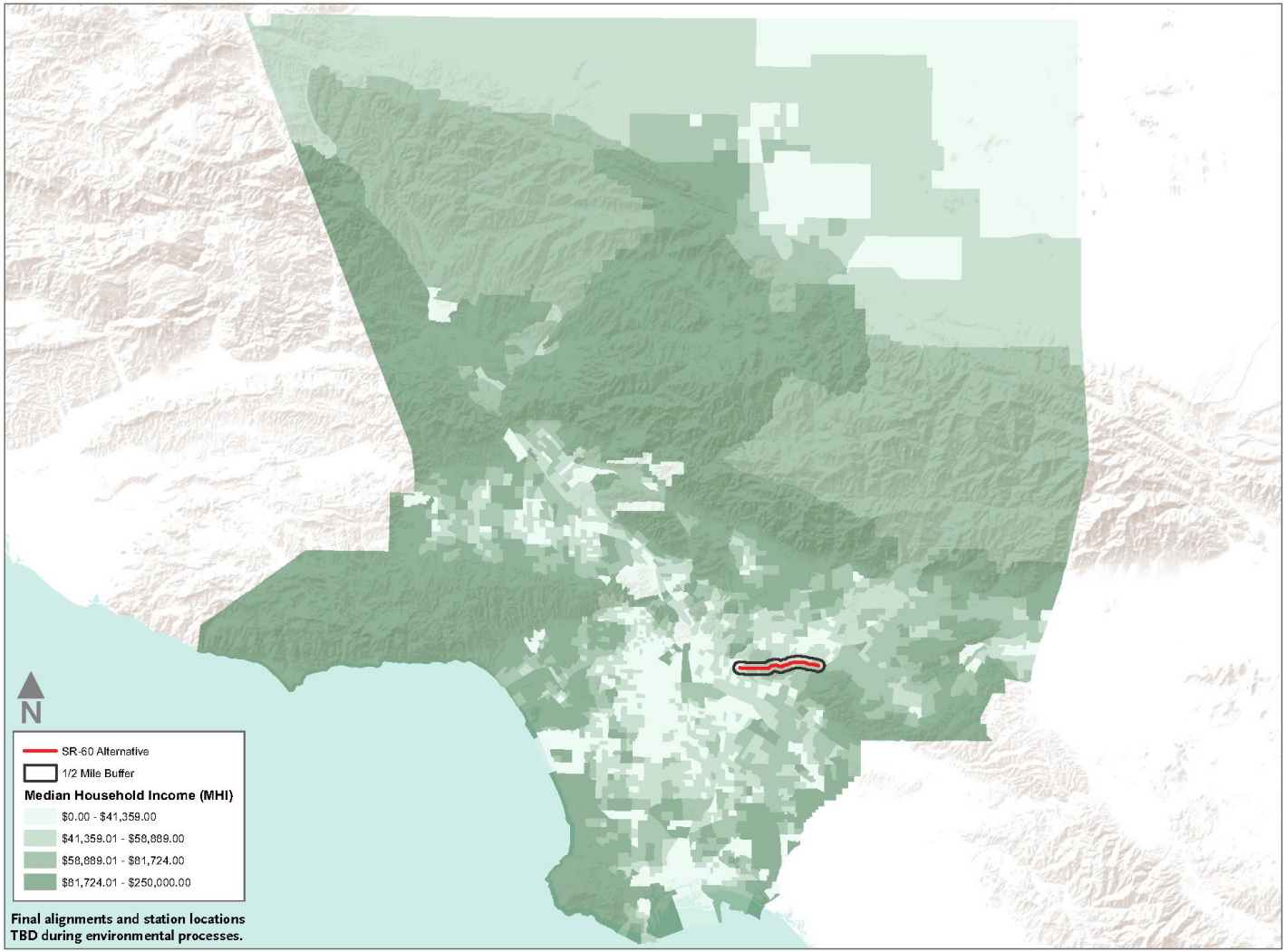
	Low-Income Percentage	Absolute Difference
SR 60	13%	-4%
Washington	17%	0%
Combined Alternative	15%	-2%

Source: ACS 2013-2017 5-Year Estimates Below Poverty Line data calculated
Note: Rounded to the nearest whole number

The absolute differences for all three alternatives fall under the Metro 5% absolute difference threshold. Therefore, no disproportionate burden would occur should any of the three Build Alternatives be chosen as the Proposed Project for the environmental study. If the Washington Alternative is chosen as the Proposed Project, no impact would occur.

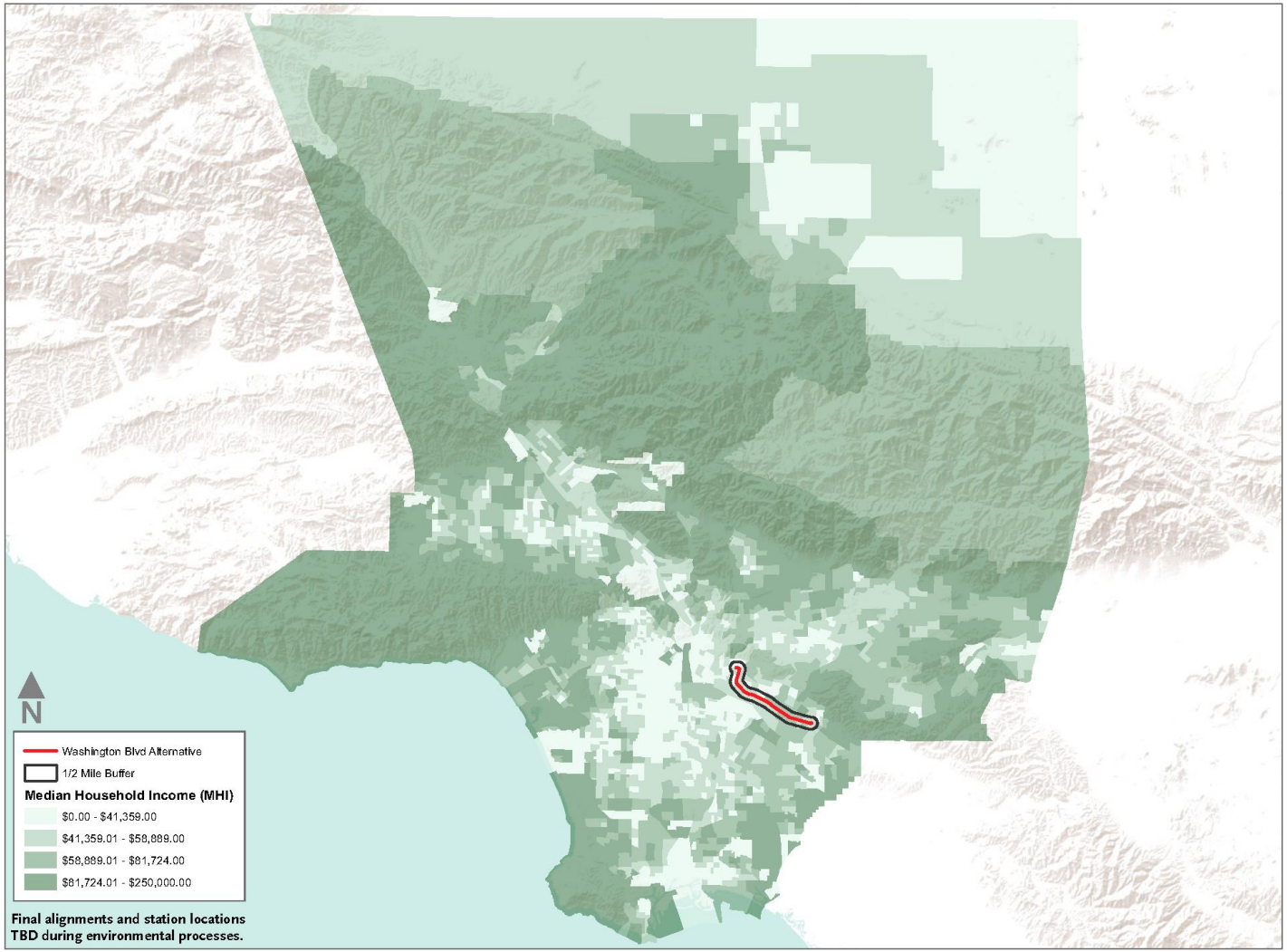
When comparing the alternatives, the SR 60 Alternative would serve a lower percentage of low-income populations when compared to the Washington Alternative and the Combined Alternative with the Washington Alternative serving the highest percentage.

Figure 4-4. SR 60 Alternative Median Household Income



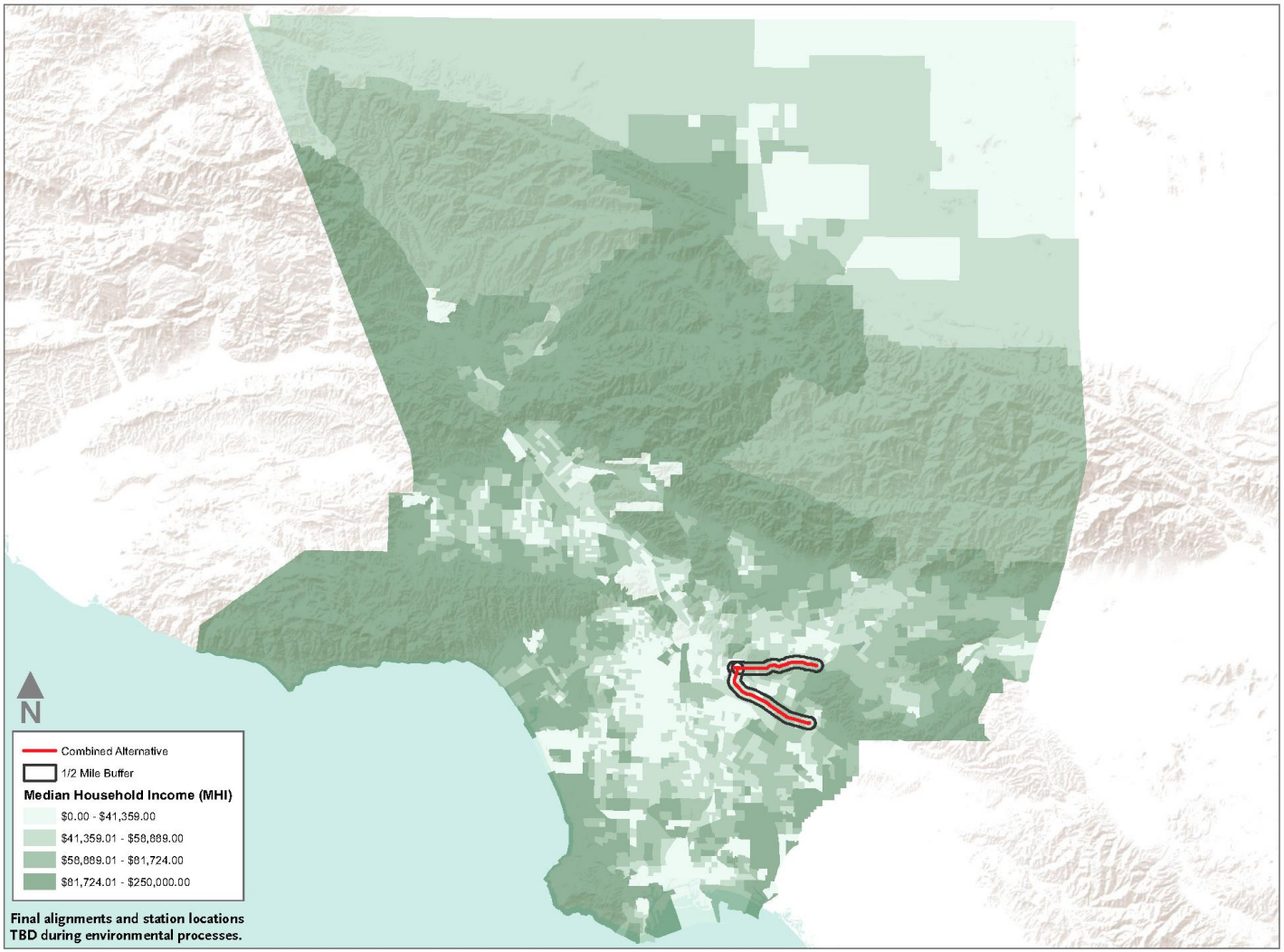
Source: 2013-2017 ACS 5-Year Estimates Median Household Income

Figure 4-5. Washington Alternative Median Household Income



Source: 2013-2017 ACS 5-Year Estimates Median Household Income

Figure 4-6. Combined Alterative Median Household Income



Source: 2013-2017 ACS 5-Year Estimates Median Household Income
Note:

5. Public Outreach

Metro emphasizes involvement of the public in the planning process and seeks inclusive and collaborative participation in decision making. It is Metro's goal to make decisions about projects, including the Eastside Phase 2 Transit Corridor extension to the Metro Gold Line, with public input and feedback. Metro has conducted proactive outreach in compliance with FTA's Circular 4702.1B and will continue to engage in outreach to persons potentially impacted by the proposed new routes.

In 2019, Metro reinitiated the Draft EIS/EIR and issued a Notice of Intent in June 2019, which trigged additional public scoping meetings to inform the decision makers and the general public of the Project and help determine reasonable alternatives. The scoping period began on May 31, 2019 and ended on July 15, 2019. A total of six public scoping meetings took place on June 13, 17, 19, 22, 24 and 26, 2019 in the corridor cities and communities of Whittier, Commerce, East Los Angeles, South El Monte, and Montebello. Notification of these meetings were conducted through CEQA/NEPA compliant outreach methods.

To date, over 550 meetings have been held with over 800 comments received for the Eastside Phase 2 Transit Corridor Project. This includes outreach undertaken for the 2014 Draft EIS/EIR. For each of the Project stages, Metro has provided updates to the Board of Directors and the general public at Metro Board meetings. In addition to the 2019 public scoping meetings held for the Reinitiated/Supplemental environmental document, community update meetings are scheduled for early 2020. Following the release of the Recirculated/Supplemental environmental document, a public comment period will also be held to receive oral and written comments on the environmental document.

6. Mitigation Measures

The absolute difference for minority populations is evaluated in Section 4. Currently, the percentages for minority populations do cross the Metro threshold. However, since the proposed new transit service is considered a benefit, the calculations indicate that a higher percentage of minority populations will be served by the new transit service. As the Project continues to be designed and refined, components of the Proposed Project that could potentially negatively impact nearby communities will be analyzed for a potential disparate impact or disproportionate burden.

7. Conclusion

This report documents the Title VI Service Equity Analysis required to support the identification of a Proposed Project for a potential new transit service as part of the proposed Eastside Transit Corridor Phase 2 Project. The three Build Alternatives that are analyzed as part of the Project; SR 60 Alternative, Washington Alternative, and the Combined Alternative are analyzed based on Metro's Title VI thresholds and FTA's Circular 4702.1B.

Depending on the alternative, the alignment would introduce a new service line in eastern Los Angeles County, requiring a Title VI analysis to determine whether the change will have a disparate impact or disproportionate burden. The Metro thresholds are established to determine whether the proposed

service will have a disparate impact or disproportionate burden on minority and low-income populations relative to the non-low-income and non-minority populations.

The analysis utilized minority and income demographic data to assess the characteristics of each Build Alternative's service area and evaluate if the minority and low-income populations would be affected by the Proposed Project. Based on the percentage analysis conducted, it was found that there was no disproportionate burden as it relates to low-income populations along the alternatives. The minority percentage outcomes did cross the Metro thresholds however, because the new transit service would be considered a benefit to communities and corridor cities, providing an additional transportation option and increased accessibility, the analysis evaluated the increase in minority populations along the corridor cities as a net benefit. Additional analysis will be completed through the environmental process and additional Title VI analysis will be conducted after the facilities and associated acquisitions are identified. In the event that temporary construction related impacts occur, Metro is prepared to mitigate the impacts by working with each community.

While the disparate impact threshold was exceeded, the service is a benefit to the community and thus we have properly documented that we met the "legal test" -- "The transit provider has a substantial legitimate justification for the proposed service change, and the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals."

In summary, this Title VI Service Equity Analysis concludes that each alternative would prove beneficial and would not be selected without regard to race, color, or national origin. Based on this analysis and concurrent analyses that evaluate the issues and constraints of the SR 60 and Combined Alternative, staff recommends that the Board adopt the Washington Alternative as the Proposed Project for the environmental study.

8. Next Steps

8.1 Facilities

Determination of Site or Location of Facilities. Title 49 CFR Section 21.5(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part."

At this stage, facilities and associated acquisitions for the new transit service are still under review and will be analyzed prior to the Project construction phase.

9. References

Los Angeles Metropolitan Transportation Authority. *Los Angeles County Metropolitan Transportation Authority Administrative Code*
http://libraryarchives.metro.net/DPGTL/Ordinances/AdministrativeCode.pdf

Los Angeles Metropolitan Transportation Authority. (2019) *Title VI Program Update*
http://libraryarchives.metro.net/DB_Attachments/20190599_Attachment_A_2019_Draft_Title_VI_Program_Update.pdf

Federal Transit Authority. (2012) *FTA Circular 4702.1B: Title 6 Requirements for Federal Transit Administration Recipients*
https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf