

## **HART Proposed Title VI Policies**

Title VI of the Civil Rights Act of 1964 provides that "No person in the United States shall, on the ground 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." HART is a recipient of federal funding and subject to regulations issued by the US Department of Transportation and the Federal Transit Administration. The Federal Transit Administration recently issued a new Title VI Circular requiring transit agencies to formalize the following service standards and policies:

- *Major Service Change Policy*
- *Disparate Impact policy*
- *Disproportionate Burden*
- *System-Wide Service Standards and Policies*

In complying with the FTA's new Title VI requirements, HART is seeking public comment on these proposed policies. Comments may be submitted in writing to Marco Sandusky, Manager of EEO & Compliance Programs, at 1201 E. 7<sup>th</sup> Avenue, Tampa, FL 33605, [sanduskym@gohart.org](mailto:sanduskym@gohart.org), or by calling 813-384-6419.

### *Major Service Change Policy*

HART shall define a major service or fare change as any of the following:

- Route elimination
- New route creation
- Reorganization of a route in which 25% or more revenue miles are adjusted to a different route
- 25% or greater change in revenue hours and/or revenue miles
- 20% or greater passengers required to transfer to make current trip
- 25% or greater reduction in span of service
- Any fare change

### *Disparate Impact Policy<sup>i</sup>*

This policy establishes the Authority's threshold for determining when adverse effects of service or fare changes are borne disproportionately by **minority** populations.

HART establishes a disparate impact threshold of 15%, meaning that a disparate impact occurs when a proposed major service or fare change would have a negative impact of 15% or more on minority populations as compared to the HART service area.

Should a disproportionate burden be discovered via the Title VI service change review process, HART shall take steps to avoid, minimize or mitigate impacts where practicable.

## *Disproportionate Burden Policy*<sup>ii</sup>

This policy establishes the Authority's threshold for determining when adverse effects of service or fare changes are borne disproportionately by **low-income** populations.

HART establishes a disparate impact threshold of 15%, meaning that a disparate impact occurs when a proposed major service or fare change would negatively impact the affected minority population by 15% or more as compared with the population of the HART service area

Should a disproportionate burden be discovered via the Title VI service change review process, HART shall take steps to avoid, minimize or mitigate impacts where practicable.

### **Explanation of Disparate Impact and Disproportionate Burden methodology**

1. **Rationale-** The FTA/NTD standard of 'error' in ridership measurement is plus or minus ten percent. A disparate impact standard of plus or minus fifteen percent sets a standard that is outside and less exacting of the 'normal' error rate for FTA/NTD measurements and should trigger more frequent responses.
2. **Measurements and Measurement Area**
  - a. On local routes the area to be measured shall be a  $\frac{3}{4}$  mile buffer zone along the impacted route or route segment.  $\frac{3}{4}$  mile is the FTA definition of both the service area and ADA zone served by local routes. On express routes the area to be measured shall be a 2 mile radius of all park and ride lots on the route and a  $\frac{3}{4}$  mile radius of any major AM origin express stops. Major express stops shall be determined by ridership data.
  - b. Population and population demographic calculation shall be done by geographical information system (GIS) analysis. Population and population demographics may be provided by any of the following sources; US Census (block, tract, or TAZ), Hillsborough County Planning Commission, or American Community Survey. Additional demographic data may be provided by the Hillsborough County MPO, and the Bureau of Economic and Business Research (BEBR) at the University of Florida.

*System-Wide Service Standards and Policies*

Pursuant to requirements in FTA Circular 4702.1B, HART must establish and monitor its performance under quantitative Service Standards and qualitative Service Policies.

**A. Service Standards**

Bus Mode

<b>Indicator</b>	<b>Standard</b>	<b>Department Responsible for Measurement</b>
Vehicle Load	125% maximum	Service Planning
Vehicle Headway*	Minimum Standard Goals- <b>Top 1/3<sup>rd</sup></b> ridership routes = 30 minute AM/PM peak 30 minute midday <b>2<sup>nd</sup> 1/3<sup>rd</sup></b> ridership routes = 30 minute AM/PM peak 60 minute midday <b>3<sup>rd</sup> 1/3<sup>rd</sup></b> ridership routes = 60 minute all day	Service Planning
On-Time Performance	72% -1 minute to +5 minutes from scheduled timepoints	Service Planning
Service Availability	65% of the Hillsborough County population within 3/4 mile of a bus route	Service Planning

\*Ridership measured as latest complete fiscal year

Paratransit Mode

<b>Indicator</b>	<b>Standard</b>	<b>Department Responsible for Measurement</b>
Vehicle Load	100% of maximum	Service Planning
Vehicle Headway	NA	Service Planning
On-Time Performance	72% -20 minute to +20 minutes from scheduled timepoints	Service Planning
Service Availability	65% of the Hillsborough County population within the service area.	Service Planning

Streetcar Mode

<b>Indicator</b>	<b>Standard</b>	<b>Department Responsible for Measurement</b>
Vehicle Load	100% of maximum	Service Planning
Vehicle Headway	Minimum Standard – 30 minutes all day	Service Planning

On-Time Performance	72% -1 minute to +5 minutes from scheduled timepoints	Service Planning
Service Availability	NA	Service Planning

**B. Service Policies**

Procedure	Standard	Department Responsible for Measurement
Distribution of Transit Amenities	Minimum Standard Goal – Passenger shelter at all stops with 20 or more weekday boardings as measured by automatic passenger counters (APC)*	Capital Planning/Service Planning
Vehicle Assignment for Bus and Van**	Minimum 2-week rotation within vehicle type group, except for MetroRapid service.	Service Planning
Vehicle Assignment for Streetcar**	Minimum 3-day rotation except for ‘breezer’ car.	Service Planning

\*APC for latest complete fiscal year

\*\*Exceptions may be made for maintenance considerations

<sup>i</sup> Per FTA Circular 4702.1B:

*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 exists 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...*

*The policy shall establish a threshold for determining when adverse effects of [fare/]service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission.*

<sup>ii</sup> Per FTA Circular 4702.1B:

*The policy shall establish a threshold for determining when adverse effects of [fare/]service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts born by non-low-income populations.... The disproportionate burden threshold must be applied uniformly... and cannot be altered until the next [Title VI] program submission.... At the conclusion of the analysis, if the transit provider finds that low-income populations will bear a disproportionate burden of the proposed fare[/service] change, the transit provider should take steps to avoid, minimize, or mitigate impacts where practicable. The transit provider should describe alternatives available to low-income populations affected by the fare[/service] changes.*