Proposed Changes to METRO’s Major Service Change Policy

Metropolitan Transit Authority of Harris County (METRO)

Public Hearing to be conducted on Wednesday, August 10, 2022 12 noon
1.0 POLICY AND PROCEDURE STATEMENT

The Federal Transit Administration requires that certain transit agencies evaluate the impact of major changes to its transit service to determine whether such changes will result in a disparate impact on the basis of race, color, or national origin or disproportionate burden to minority or low-income populations.

The purpose of this Policy and Procedure is to: (1) define what constitutes a “Major Service Change”; (2) determine what constitutes a “disparate impact” on minority riders and a “disproportionate burden” on low income riders; (3) specify the steps that METRO will take to notify and solicit comments from the public regarding proposed Major Service Changes; and (4) explain how METRO will analyze such proposed changes to determine whether a disparate impact or disproportionate burden would be created from such changes.

2.0 SCOPE AND APPLICABILITY

This Policy and Procedure only applies to METRO and its fixed-route bus and rail services.

This Policy and Procedure does not apply to the following situations, if the relevant service is operated for less than one year continuously:

- Temporary construction, road closure, special event, or other unforeseen but operationally necessary detours;
- Demonstration or pilot services meant to evaluate new or untested service concepts;
- Emergency services meant to address an unforeseen event or safety issue; and
- Service operated on a third party’s behalf under the terms established by METRO’s Bus Service Outside the METRO Service Area Policy.

3.0 APPLICABLE LEGISLATION, REGULATIONS, AND BOARD RESOLUTIONS

This Policy and Procedure must comply with the latest amendments to Title VI of the Civil Rights Act of 1964 and Executive Order 12898 as well as the requirements of Federal Transit Administration Circulars 4702.1B and 9030.1E. To meet these federal requirements, the METRO Board of Directors has previously approved Resolutions 2012-85, 2013-47, and 2015-33.
4.0 RELATED POLICIES, PROCEDURES AND FORMS

This Policy and Procedure must be consistent with:

- The current version of METRO’s Language Assistance Plan (LAP) contained within the Board-approved Title VI Program submittal to the Federal Transit Administration every three (3) years; and
- The current version of the METRO Bus Service Outside the METRO Service Area Policy.

5.0 TERMS AND DEFINITIONS

A “Major Service Change” is defined as one of the following:

- Any increase or decrease of more than 25 percent of the revenue hours or miles on a given transit route (bus or rail) or route branch, for any weekday, Saturday, or Sunday service;
- Any increase or decrease to the span of service of two (2) or more hours on a given transit route (bus or rail) for any weekday, Saturday, or Sunday service;
- Any increase or decrease in a transit route’s base frequency that alters its service category or color; or
- Any new fixed-route transit service being introduced.

“Fixed-route” transit service is defined as one that is operated exclusively along a prescribed route according to a fixed schedule.

A “route branch” is defined as one of two or more route segments served by a single transit route.

The “span of service” is defined as the time from the start of the first trip to the start of the last trip on a given transit route.

“Base frequency” is defined as how often a transit vehicle passes a fixed point of a given route during a one-hour period during the middle of a weekday (from 9:00 am – 3:00 pm).

“Service category or color” is the classification given to each route that defines its typical base frequency. Four categories or colors are used and include:

- Coverage or green routes, which operate every 31 - 60 minutes
- Secondary ridership or blue routes, which operate every 16-30 minutes
- Frequent or red routes, which operate every 15 minutes or better
o Peak only or orange routes, which operate during the morning and afternoon peak periods on weekdays only

A “minority route” is one that has at least 1/3 of its total revenue mileage in a Census or block group, or traffic analysis zone(s) with a percentage of minority population that exceeds the percentage of minority population in the transit service area.

A “minority persons” include the following:
1. American and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
2. Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
3. Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
4. Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
5. Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

A “low-income route” is one where the percentage of families classified as having an annual income below the poverty threshold established by the U.S. Census Bureau, and within a reasonable distance of the bus stops on that route, is higher than the same percentage for the METRO service area as a whole.

A “low-income person” is an individual belonging to a household whose annual income is less than or equal to the poverty guidelines issued annually by the U.S. Department of Health and Human Services.

An “Adverse Effect” is an undesired harmful effect resulting from a change in transit service. The adverse effect is measured by the change between the existing and proposed service levels that would be deemed significant as defined by the Disparate Impact and Disproportionate Burden policies in this document.

“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 METRO’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 base of race, color, or national origin.
“Disproportionate Burden” refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding by METRO of disproportionate burden requires METRO to evaluate alternatives and mitigate burdens where practicable.

6.0 ROLES AND RESPONSIBILITIES

Service Planning & Evaluation Division – Responsible for evaluating whether a proposed service change is considered “major”, and if so, conducting the required Service Equity Analysis, conducting a public hearing to solicit comments from the public on the proposed service change, bringing the findings of the Service Equity Analysis and feedback from the public to the METRO Board of Directors for review and approval.

7.0 POLICY AND PROCEDURES

Service Equity Analysis - Major Service Change

For all routes with proposed changes that fall within the definition of a Major Service Change, this Policy requires the Service Planning & Evaluation Division to analyze such changes to determine whether such changes will result in disparate impacts on the basis of race, color, or national origin. The proposed changes will also be analyzed in order to determine whether low-income populations will bear a disproportionate burden of the changes. This first requires the Service Planning & Evaluation Division to categorize each route as either a low-income (or non-low income) or minority (or non-minority) route. This is done using standard Geographic Information Systems (GI) software and the latest available U.S. Census Bureau data.

After the Service Planning & Evaluation Division has classified each route as either a low-income (or non-low income) or minority (or non-minority) route, the following analysis will be conducted for each of the routes:

Disparate Impact Policy

- Peak hour, peak direction travel times will be compared from the two bus stops / rail stations with the highest boarding activity to the end point of the route;

- If the increase in travel time from the proposed Major Service Change is more than fifteen (15) minutes and that travel time change would have an Adverse Effect on minority riders that is more than 20 percentage points greater than the Adverse
Effect borne by non-minority riders, then the proposed route change would lead to a Disparate Impact;

- In addition, if a particular local route or service is discontinued and there is no alternative service within one quarter (1/4) mile of these two bus stops noted above, then the route elimination would lead to a Disparate Impact if the percentage of the minority riders is greater than the percentage of minority riders in the METRO service area as a whole;

- For all routes where a Disparate Impact is identified, the Service Planning & Evaluation Division will analyze alternatives to determine whether such alternatives exist that would serve the same legitimate objectives but with less of a Disparate Impact. The Service Planning & Evaluation Division will also analyze alternatives to mitigate the anticipated impact and allow an opportunity for public comment on any proposed mitigation measures. However, if these alternatives have greater negative impact than the recommended change, and METRO has demonstrated a substantial legitimate justification, then the recommended change can still be implemented. Otherwise, METRO will implement the alternative with the least Disparate Impact which would serve the legitimate objectives.

If the Service Planning & Evaluation Division finds a potential Disparate Impact and then modifies the proposed Major Service Change to mitigate / remove adverse effects, it must reanalyze the proposed change in order to confirm that the modifications actually removed the potential Disparate Impact. If the analysis does not confirm that the modifications actually removed the potential Disparate Impact, then METRO must demonstrate that the Major Service Change ultimately achieves a substantial legitimate purpose and that there is no other service option for doing so.

**Disproportionate Burden Policy**

- Peak hour, peak direction travel times will be compared from the two bus stops / rail stations with the highest boarding activity to the end point of the route;

- If the increase in travel time from the proposed “Major Service Change” is more than fifteen (15) minutes and that travel time change would have an Adverse Effect on low-income riders that is more than 20 percentage points greater than the Adverse Effect borne by non-low-income riders, then the proposed route change would lead to a Disproportionate Burden;

- In addition, if a particular local route or service is discontinued and there is no alternative service within one quarter (1/4) mile of these two bus stops noted above, then the route elimination would lead to a Disproportionate Burden if the
percentage of families classified as having an annual income below the poverty threshold established by the U. S. Census Bureau, and within a reasonable distance of the bus stops on that route, is higher than the same percentage of such families for the METRO service area as a whole;

- For all routes where a Disproportionate Burden is identified, the Service Planning & Evaluation Division will take steps to avoid, minimize, or mitigate the burden on low-income riders where practicable. The Service Planning & Evaluation Division will describe alternatives available to those low-income riders affected by the route change to avoid or mitigate the anticipated burden.

Publicizing a Major Service Change

When METRO proposes a “Major Service Change”, a public hearing will be scheduled and advertised in such a manner as to inform the public of the proposed changes and provide an opportunity for public comment on those changes. To ensure that customers with limited English proficiency will have the opportunity to actively participate in the process, all advertising will be prepared consistent with METRO’s current Language Assistance Plan. The official legal notice will be placed in the major metropolitan newspaper with the largest distribution in METRO’s service area (currently the Houston Chronicle) at least fourteen (14) days prior to the date of the public hearing. Other English and non-English language newspapers having a significant community distribution will be utilized within those particular communities where the proposed service or fare changes are expected to have considerable impact. This determination will be made by an analysis of ethnicity and language data available from the U.S. Census Bureau using standard GIS software. Additionally, METRO will publicize the public hearing by:

- Displaying posters at affected transit centers, Park & Ride lots, and METRORail stations;
- Placing flyers on METRO buses and rail cars; and
- Placing relevant information on the METRO website.

The Service Planning & Evaluation Division will also solicit public comments from stakeholder and community groups by sending email blasts about the public hearing, summarizing the proposed changes, and specifying the methods for providing comments. Finally, METRO may publicize the public hearing and provide a summary of the proposed changes by using social media channels such as Facebook, Twitter and blogs.

METRO conducts public hearings in the METRO Board Room, on the second floor of the Lee P. Brown Administration Building, located at 1900 Main Street, Houston, and virtually as needed. For individuals with special needs, assistive services or copies of public documents in an alternate format can be provided. Individuals with impairments may call 713-750-4271 a minimum of five (5) working days prior to the public hearing. Upon
request, METRO provides free language assistance to help patrons who have a limited ability to read, write, speak, or understand English in accordance with its Language Assistance Plan. Request for language assistance and other accommodations should be directed to the Board Office at 713-739-4018, or via email at METROPublicAffairs@RideMETRO.org at least 48 hours in advance of the hearing.

Board Review and Approval

The findings from any Service Equity Analysis and a summary of public comments on the proposed changes will be presented to the METRO Board of Directors for consideration as part of its review and approval of any proposed Major Service Change.

8.0 EXCEPTIONS

METRO will conduct a public hearing to develop this Major Service Change Policy and Procedure including any amendments or modifications to this Policy and Procedure.

9.0 REVISION HISTORY TABLE

<table>
<thead>
<tr>
<th>VERSION LEVEL</th>
<th>CHANGE(S) MADE BY:</th>
<th>DATE OF CHANGES:</th>
<th>SECTIONS IMPACTED – DESCRIPTION OF CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Julie Fernandez</td>
<td>04/25/2013</td>
<td>All Sections – revised to reflect requirements of finalized Title VI circular, and to add fare and fare media change references</td>
</tr>
<tr>
<td>2.0</td>
<td>Kurt Luhrsren</td>
<td>03/26/2015</td>
<td>All Sections – revised to reflect changes to service types needed with the implementation of the New Bus Network</td>
</tr>
<tr>
<td>3.0</td>
<td>Jim Archer</td>
<td>7/15/2022</td>
<td>All Sections – revised to remove references to Fare Equity Analyses (addressed in a separate policy), clarify exceptions to the Policy, and make Board review and approval of all Service Equity Analyses explicit</td>
</tr>
</tbody>
</table>