

## TransitCenter Response to FTA RFI on Title VI Implementation

Thank you for the opportunity to comment on the Federal Transit Administration's Request for Information on Title VI Implementation (docket # FTA-2021-0014). The Title VI Circular offers important protections for transit riders' civil rights, but should be greatly strengthened.

The current Title VI Circular outlines a set of largely reactive tools, which aim to ensure that changes do not worsen inequities in public transportation. Title VI analysis aims to determine whether a proposed change avoids disparate impact, but says nothing about the extent to which existing transit service is equitable. FTA now has an opportunity to lead, establishing regulations that proactively further equitable transportation.

**Today's narrow analyses measuring the impact of proposed changes should be supplemented with a prospective standard which measures the equity of a region's existing transit network and whether that network offers more equitable access over time.**

Below, we describe how access-to-destination analysis can inform such a standard, while also recommending changes to guidance on public participation, the importance of a new rider conduct analysis, and other changes to the service and fare equity analyses.

### Measure access to destinations.

In Question 7, FTA asks whether service equity analysis should incorporate access to destinations, such as the number of jobs riders can reach from a particular stop within a particular time, or how long it takes to reach grocery stores, medical facilities, and other critical destinations. **We support FTA requiring such analysis, which can do a better job of showing the benefits of transit (and who enjoys those benefits) than the current required service equity analysis.**

In June 2021, TransitCenter released its Transit Equity Dashboard ([dashboard.transitcenter.org](https://dashboard.transitcenter.org)), which measures equitable transit access in the seven U.S. regions with the highest transit ridership (New York City, Chicago, Boston, Philadelphia, Washington, Los Angeles, San Francisco-Oakland).

The Dashboard calculates several population-weighted measures, such as the number of jobs accessible via transit, disaggregated by race and other categories, and the average amount of time it takes for people to access important destinations (like medical facilities and grocery stores) using transit. It also compares transit and automobile access.

For example, in the Washington, D.C. MSA, the Dashboard shows that the average white resident has access to nearly 100,000 more jobs than the average Black resident within 45 minutes using transit. Meanwhile, the typical resident has access to 1.9 million jobs by car in 45

minutes, compared to 199,000 by transit. This suggests that public transit in the Washington MSA is both inadequate and inequitably distributed.

FTA could develop a new service equity analysis based on access-to-opportunity analysis. Such an analysis would have to disaggregate outcomes for different racial and income groups, and consider several technical factors, such as:

- Whether to use time thresholds (i.e., # of jobs accessible in 30, 45, 60, etc. minutes) or weighted measures.
- How to account for riders' waiting time when analyzing changes in frequency, given that some riders have more flexibility in changing their schedule than others.
- Whether and how to incorporate fares into access-to-opportunity analysis (for example, measuring number of destinations accessible within a certain amount of time *and a given fare*.)
- How to measure span of service changes.

The Equity Dashboard also includes several measures of access to nonwork destinations, such as average travel time to the third-nearest grocery store and acres of park space accessible within a given time threshold. Measuring access to nonwork destinations is important and tells a fuller story of transit equity, but which nonwork measures to use may be appropriate for local policymakers and community members to decide.

This type of analysis can be generated with data that is widely available to transit agencies: GTFS schedule data, LEHD jobs data, Census demographic data, and OpenStreetMap destinations data. However, the new analysis would have to be implemented with substantial technical assistance provided to grant recipients.

While access-to-opportunity analysis is a useful way to measure proposed service changes, it is more important to require an access-to-opportunity analysis of an entire transit network every 1-3 years. As the Equity Dashboard suggests, **access-to-opportunity analysis can be used to measure the equity of a region's existing transit network and whether that network offers more equitable access over time.** It can be the foundation of a new approach to measuring transit equity, one that demonstrates progress over time instead of analyzing static changes.

## Scrutinize rider conduct policies

In Question 11, FTA asks how to address the equitable implementation of rider conduct policies, which are currently not mentioned in the Title VI Circular. We know from experience that, on several transit systems, disparate enforcement of "code of conduct" rules has harmed low-income people and riders of color. Incorporating conduct policies into the Title VI Circular would create a new accountability mechanism. **We support FTA developing a new analysis of rider conduct policies and their enforcement, and requiring agencies to conduct that analysis.**

## Strengthen guidance on public participation

In Questions 1 and 2, FTA asks what public engagement practices it should include as guidance for promoting inclusive public participation, and what effective practices are currently in use.

In June, the DOT issued an order (Title VI Order DOT 1000.12C) that outlines 10 public participation practices. **We support FTA incorporating these 10 practices as guidance for inclusive public participation, and recommend that FTA expands their guidance for public participation** as described below.

Many of these recommendations are informed by and described in detail in [\*Equity in Practice: A Guidebook for Transit Agencies\*](#), a research report published by TransitCenter and Center for Neighborhood Technology in September 2021.

### *Transparency around Goals and Outcomes*

DOT's June 2021 Order ("the Order) recommends that transit agencies' Community Participation plans should specify goals of participation, points at which public participation will be solicited, and how input will be addressed in decision-making. **We recommend adding to this guidance that transit agencies should share their Community Participation plans publicly**, on their websites and with public outreach participants. After a public participation campaign has ended, transit agencies should report publicly on the results of the campaign, including the resulting qualitative information compiled from affected communities.

### *Identifying and Engaging Affected Communities*

**Community participation plans should center on collecting input from members of communities affected by or potentially affected by policy changes.** To identify the most affected communities and people, data on transportation outcomes disaggregated by demographics should be used – for example, jobs accessible in less than 45 minutes by public transit, by race. After a public participation campaign has ended, transit agencies should report publicly on the results of the campaign, including summarizing the demographics of the people who participated.

### *Focused Outreach with Community-based Organizations*

We support the Order's recommendation that **transit agencies should engage directly with community representatives, including advocacy groups and community-based organizations (CBOs), in public participation campaigns.** In *Equity in Practice*, we write that "community-based organization-led outreach can effectively engage residents during a planning process" because these organizations tend to "have better ties and are better equipped to engage with communities than paid consultants" or agency staff, and "can gather data from a [riders'] perspective, complementing agency data sets that often focus on the operational perspective."

Best practices summarized in *Equity in Practice*:

Eleven community-based organizations were hired as sub-contractors to conduct community engagement for a Metro Transit (Twin Cities) initiative to improve bus shelters. As a result of CBO involvement, Metro Transit received feedback from a sample

representative of bus riders in terms of age, gender, Hispanic ethnicity, and race. Twenty percent of respondents reported having a disability, and 57% of survey respondents heard about the survey through a CBO. As a result of the project, Metro Transit changed its standards for bus shelter siting.

Transit Alliance, a transit advocacy group in Miami, was hired by Miami-Dade Transit to lead its recent bus network redesign. Transit Alliance focused its public engagement in communities of color, where there was historic mistrust of county government.

According to Transit Alliance, three months of sustained engagement— primarily listening—were necessary to build trust in these areas and contrasted the government’s historic tendency to withdraw from communities when confronted with mistrust. The information gained through this engagement was used to inform the network redesign.

### *Inclusive approaches to public participation*

We support the Order’s recommendation that Community Participation plans **should utilize “inclusive approaches” to maximize participation by members of affected communities.**

[Equity in Practice](#) outlines strategies that transit agencies have deployed to make their public engagement more accessible and inclusive. Hiring community-based organizations or advocacy groups to facilitate engagement, as described above, is one such strategy. Other tactics to expand the reach and inclusiveness of public participation include employing “neighborhood liaisons or street ambassadors with strong connections to the local community to communicate between the agency and riders,” organizing “external teams composed of riders and community partners [that] provide direct, honest feedback on how agency programs contribute to equity goals,” and organizing opportunities for community members to share feedback that vary in format, date and time, duration, venue, and language.

### Best practices summarized in *Equity in Practice*:

While planning bus service changes around three new light rail stations, King County Metro relied on a Mobility Board, composed of diverse community members, to co-create the service change proposal with the transit agency project team, and a Partner Review Board made up of institutions, large CBOs, and partner agencies also reviewed the proposal. King County Metro organized public participation in several different formats to maximize public participation, including giving technical briefings, assembling ethnic media and social media, hosting in-language meetings with community groups, and compensating community-based organizations (CBOs) to conduct focus groups and engagement. It translated information related to the project outreach into seven languages.

As part of the Better Bus initiative to redesign its bus network, MBTA ‘ground truthed’ quantitative-data findings using surveys and open house meetings (including virtual meetings during the pandemic). It also organized an external working group with 37 members representing municipalities in the MBTA service area, transportation advocates, business organizations, environmental justice and community-based organizations, and elected officials. The working group initially met monthly and, as of December 2020,

now meets quarterly to review analysis and provide input on how the agency communicates the benefits of the redesign.

The CBOs hired as part of Metro Transit's Better Bus Stops program conducted outreach through a range of activities, including tabling at community events, door knocking, and focus groups.

Transit Alliance, the group leading Miami-Dade's recent bus network redesign, organized a text campaign to solicit rider feedback on their bus routes. Signs were posted in every bus notifying riders of the redesign and providing a number to text if they had questions or comments. Thousands of community members joined the text campaign, and were redirected to a survey where they could share more detailed information about their travel needs.

#### *Compensating Community Representatives*

**We urge FTA additionally to recommend that transit agencies enact policies to compensate organizations or individuals for contributing their time, expertise, and skillsets to community participation.**

FTA could assist in this by identifying and addressing any federal procurement rules that might make this difficult for agencies.

The board of Los Angeles County Metropolitan Transportation Authority (LA Metro) adopted a Community-Based Organization Partnership Strategy in June 2021. The [Strategy](#) dictates how agency departments can consistently and equitably partner with community-based organizations that contribute professional services to the agency's interactions with communities. Among the strategy's recommendations is using a standard assessment to determine when compensating community groups for contributions to agency operations is warranted. LA Metro's checklist considers if the contributions of community groups are aligned with the agency's goals, are similar in scope to work of paid consultants, will produce a distinct deliverable, and represent a unique expertise or skillset that LA Metro needs.

#### *Strengthening equity evaluations with data from public participation campaigns*

Transit agency policies carry equity implications for certain aspects of how people experience transportation that are difficult to evaluate with quantitative data. Some examples include people's experiences with safety on public transit, obstacles that keep people from traveling by public transit at all, or people's preferred travel options. Engagement and conversation with community members through public participation can create qualitative data sets that can supplement existing quantitative equity evaluations. The FTA should consider incorporating guidance that transit agencies analyze qualitative data generated in public participation as part of their required equity evaluations.

## Improve current service, fare, and facility analyses

*Publishing service and fare analyses:* Question 3 pertains to the service and fare equity analyses, which are performed before service and fare changes are implemented but sent to FTA only triennially. **Instead of being submitted to FTA every three years, these analyses should be submitted to FTA and published on the agency's website in advance of the change.** Equity impact assessments should be published well before proposed policies are finalized so that the results can factor into the final decision.

*Defining major changes:* In Question 4, FTA asks whether it should define or qualify what a major service or fare change is. While it is difficult for FTA to set values in a way that makes sense for every transit agency, the amount of discretion currently provided to agencies subjects the analyses to manipulation. **FTA could survey current agency definitions, and then provide (as guidance) a range of reasonable definitions, as well as examples of cases where a definition outside of this range is appropriate.**

Finally, in Question 13 FTA asks for comments on questions not listed elsewhere. Fundamentally, the time period and geography of service and fare analyses limit the ability of the public to understand whether disparate impacts are occurring:

- *Change over time:* Many agencies perform service and fare change analyses that compare transit immediately before and immediately after the service change. In practice, communities of color and low-income people can be hurt through disinvestment that occurs over longer time periods, even if each individual change would not be considered to have disparate impact. **FTA should explore supplementing the service and fare change analyses with additional analyses that are performed on longer time scales.** For example:
  - FTA could require analyses of the cumulative impact of all service changes that occur in a year, and/or longer periods (such as 3 or 5 years). (See also the “Measure access to destinations” section of our response.)
  - FTA could require that agencies’ definitions of a major change account for cumulative change. For example, Los Angeles Metro defines a service change as major if it “increases or decreases the route miles and/or the revenue miles operated by 25% or more at one time *or cumulatively in any period within 36 consecutive months since the last major service change.*”
- *Regional context:* As currently conducted, service and fare analyses also disregard the regional nature of transit equity. Each transit agency measures the equity of a change against its own service area. However, the majority of transit riders in the U.S. live in regions with complex transit networks operated by multiple agencies. Within a region, the definition of a “major change” and “minority route” may differ by agency, even when agencies provide service in the same neighborhoods. Whether or not a service change actually has disparate impact may depend on service changes implemented by other agencies (for example, if one agency opens

a new light rail line, this context should be accounted for when analyzing the elimination of a parallel bus route operated by a different agency.) **FTA should develop guidance for how to account for disparate impact in the context of regional transit networks.**

## Federal grant incentives

Finally, it is important to note that today, at least two measures of ridership — passenger revenue miles and unlinked passenger trips — help determine the amount of federal transit funding a region receives. (The federal urban formula [section 5307] program contains an incentive tier that rewards agencies with a high ratio of passenger miles to operating cost; the “small transit intensive cities” program apportions funds to regions with populations below 200,000 depending on their performance on six measures including unlinked passenger trips per capita, passenger trips per vehicle mile, and passenger trips per vehicle hour.)

This creates a financial disincentive for service changes that advance equity but may reduce performance on these measures. The federal government should create new incentives in grant programs that support equitable transit service — for example, an incentive for transit investments that expand access to opportunities for low-income people.