

## **Board Policy No. 31 Threshold for Disparate Impact on Minority Populations**

### Summary

This policy sets forth North County Transit District's (NCTD) threshold for disparate impact<sup>1</sup> on minority populations.

### Background

The requirement of this policy comes from the Federal Transit Administration (FTA) Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" which became effective October 1, 2012. The Circular requires any FTA recipient that operates 50 or more fixed-route vehicles in peak service and serves a population of 200,000 or greater to evaluate any fare change and any major service change at the planning and programming stages to determine whether those changes have a discriminatory impact.

### Purpose

The purpose of this policy is to establish a threshold which identifies when adverse effects of a major service change or any fare change are borne disproportionately by minority populations.

The purpose of this policy is to:

1. Establish a threshold for disparate impact on minority populations in the event of a major service or fare change, and
2. Identify the agency's corresponding process and actions to address the occurrence of disparate impact.

### Threshold

A disparate impact occurs when the minority population adversely affected by a major service change as defined under NCTD Board Policy No. 30 is ten (10) percent more than the average minority population of the NCTD service area. A disparate impact may also occur when the non-minority population benefits from a major service change by ten (10) percent more than the average non-minority population of the NCTD service area.

Disparate impacts on routes with either span of service changes and/or frequency changes will be determined by analyzing all routes with such changes together. Disparate impacts on routes with segment elimination, re-routing, or route elimination will be determined on a route by route basis.

### NCTD Process

If a potential disparate impact is identified, NCTD must determine whether there are one or more alternatives that would serve the same legitimate objectives, but with reduced disparate impact. If no other options are identified, then NCTD must have a substantial, legitimate justification for

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<sup>1</sup> On the basis of race, color, or national origin.


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making the service change. In the event a disparate impact is identified, NCTD will engage public participation to discuss less discriminatory alternatives or mitigation measures.

To conduct a service equity analysis for minority populations, NCTD shall use the most recent 5-year estimate table for *Hispanic or Latino Origin by Race* from the American Community Survey (ACS). This table properly accounts for all persons who identify with any race and those who additionally identify as having a Hispanic or Latino origin. This is consistent with the FTA definition of minority persons. NCTD will consider using the most recent SANDAG Regional On-Board Transit Survey for the comparison population if the survey is statistically valid at the route level.

### Approvals

  
Board Chair 10/17/2019  
Date

  
Executive Director 10/17/2019  
Date

  
General Counsel 10/17/2019  
Date

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