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Date: May 24, 2021

To: Fiscal and Management Control Board

From: John Dalton, Chief of Green Line Extension

Lynsey Heffernan, Acting Assistant General Manager for Policy

Re: Equity Analysis Findings of Potential Disparate Benefit for Non-Minority Riders and Potential Disproportionate Benefit to Non-Low-Income Riders of Green Line Extension

EXECUTIVE SUMMARY

The CTPS equity analysis of the soon-to-be completed Green Line Extension (GLX) finds that the changes to the amount of MBTA service scheduled and changes to access to MBTA service will potentially result in a disparate benefit to non-minority riders and a disproportionate benefit to non-low-income riders. While the GLX project provides increased service and increased access, these increases are experienced more by non-minority and non-low-income riders. In accordance with the FTA Title VI Circular and the MBTA's Disparate Impact/Disproportionate Burden (DI/DB) Policy, MBTA staff propose addressing this potential disparate/disproportionate benefit to non-protected groups through *Bus Network Redesign*, which is prioritizing low-income communities and communities of color in working toward making the future MBTA network more equitable.

MBTA staff recommend that the FMCB vote on May 24, 2021 to accept the CTPS equity analysis and approve the approach for prioritizing future bus service changes benefitting minority and low-income riders.

Proposed Service Changes

GLX extends the Green Line D branch and Green Line E branch to Somerville with the addition of six new stations. The project additionally features small changes to the existing terminals for the Green Line B and C branches. Changes to the terminuses of Green Line branches include:

- B: Change the terminus from Park Street to Government Center
- C: Change the terminus from North Station to Government Center
- D: Change the terminus from Government Center to Union Square Station (new)
- E: Change the terminus from Lechmere to Medford/Tufts (new)

Finding of Potential Disparate Benefit to Non-Minority Riders and Disproportionate Benefit to Non-Low-Income Riders

The FTA circular requires large transit providers to conduct a Title VI service and fare equity analysis six months prior to revenue service for any new fixed guideway capital project. The analysis evaluates whether the planned change, in combination with any changes to parallel or connecting service, would have a discriminatory impact on the basis of race, color, or national origin. As the MBTA is not altering local bus service at this time, CTPS did not consider the addition of Green Line as a *de facto* fare increase for riders, and therefore, only conducted a service equity analysis. The CTPS service equity analysis finds proposed changes would provide a potential disparate benefit to non-minority riders and a disproportionate benefit to non-low-income riders.

Consistent with MBTA's DI/DB policy, the service equity analysis was broken down into two parts, one analysis on the changes to weekly revenue service hours and another on changes to the route length. The analysis of the change to revenue service hours compared revenue service hours by rider classification between an adjusted winter 2020 baseline schedule and a post-GLX schedule derived from the baseline schedule. This synthetic schedule isolates only changes to the schedule from GLX service changes. While both protected and non-protected groups will receive additional service hours through the GLX, nonminority and non-low-income populations will receive both a relative and absolute higher change in revenue service hours compared to minority and low-income riders, indicating the protected groups failed to receive at least 80% of the benefit of non-protected groups.

The analysis on route length, a proxy for access, similarly found that, while both protected and non-protected groups receive an increase in access to service through GLX, non-protected groups receive a disproportionately larger benefit, and protected groups failed to receive at least 80% of the benefit than non-protected groups.

MBTA Response to the Equity Analysis Finding

The FTA's Title VI Circular states:

If the transit provider finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize, or mitigate potential disparate impacts, the transit provider must reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes.

If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change only if:

- 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. It is important to understand that in order to make this showing, the transit provider must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

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.

Similarly, the MBTA's DI/DB policy states:

Upon finding a potential disparate impact on minority populations from a proposed major service change, the MBTA will analyze alternatives/revisions to the proposed change in order to avoid, minimize, or mitigate the potential adverse effects from the change. Any proposed alternative would also be subject to a service equity analysis. The MBTA will implement any proposal in accordance with then current FTA guidance.

Upon finding a potential disproportionate burden on low-income populations from a proposed fare change, the MBTA may take steps to avoid, minimize, or mitigate these impacts, where practicable.

Substantial Legitimate Justification for the Proposed Service Change

The opening of the Green Line Extension marks the culmination of over a decade of work by the MBTA and represents a significant achievement in expanding and modernizing one of the MBTA's most used modes. This project required not only skilled engineering and design but also innovative partnerships with advocacy and community groups and sound management practices as stewards of public funds for public benefit. For the life of this project, the demographics of the local impacted communities have changed. Currently, this corridor is predominantly non-minority and non-low-income but also features significant concentrations of minority and low-income individuals and improving service for these populations has been an integral goal of the GLX project. All of the local populations are receiving a benefit in increased transit service and increased access as a result of GLX. Having identified potential disparities and disproportionalities in the final equity analysis of this project does not undermine the valued service this project will bring to all demographic groups but rather affords the MBTA with an opportunity to strive

for more equitable outcomes in ongoing projects. A more equitable MBTA system would not be achieved by eliminating the GLX project but rather through the purposeful pursuit of designing a more equitable bus network through the ongoing *Bus Network Redesign* project, as detailed below. Title VI protected populations will receive a benefit from GLX and any disparities or disproportionalities in those benefits can be addressed through the equity objectives of *Bus Network Redesign*.

Examining Alternatives Avoiding or Minimizing Potential Impacts

The Title VI Service Equity Analysis did not find a potential disparate impact on minority riders or potential disproportionate burden or adverse impact on low-income or minority riders, but rather a potential disparate/disproportionate benefit to non-minority and non-low-income and non-minority riders. However, we interpret the potential disparate/disproportionate benefit to be a potential disparate/disproportionate impact on minority and low-income riders for the purposes of our proactive response to address these findings. The MBTA therefore examined alternatives to the plan, and considered opportunities to avoid, minimize, or mitigate the impact.

Besides constructing the proposed Green Line Extension, the MBTA originally had planned to eliminate bus route 80, as it essentially duplicates the new Green Line service. However, this bus route elimination posed a *de facto* fare increase for bus riders required to pay a rapid transit fare on the Green Line, and led to disparate impacts to low-income riders. The MBTA therefore rescinded the proposal to eliminate the route 80 at this time. However, in maintaining the bus 80 service along with the GLX service, the MBTA would run significant additional service through Somerville. This additional service would disproportionately benefit non-low-income, non-minority communities.

In order to avoid the disparate/disproportionate benefit to the non-protected groups, the MBTA considered significantly decreasing revenue service hours provided to riders on bus 80 through Somerville, or increasing service across communities with higher low-income or minority populations. The MBTA assessed both these alternatives and determined that running infrequent bus service on the 80 route is not in line with our goals as an agency, and at this point, the MBTA does not have enough resources to provide significant additional service in communities with a higher low-income or minority population.

An Equitable Bus Network Redesign

Given these parameters, the MBTA staff have determined the best way to minimize the disparate/disproportionate benefit is through [Bus Network Redesign](#), a data-driven, comprehensive approach for building a better and more equitable bus network, that is already underway and due for near-term adoption [in 2022](#). This process is proposing improvements to our bus network, guided first and foremost by equity, defined as improving access and quality of service for transit critical populations. *Bus Network Redesign* aims to create a simpler, easier network, with significantly more

high frequency corridors, with better connections to regional and local destinations serving not just the 9-5 commute. In addition, the metrics guiding *Bus Network Redesign*, which incorporate equity throughout, will become a part of the MBTA Service Delivery Policy, guiding the MBTA towards the provision of more equitable service in the future. *Bus Network Redesign's* improvements to bus service, the mode with the most transit-critical ridership, will benefit low-income and minority communities in the near future, and the MBTA believes, rather than proposing a reactive mitigation to the Green Line Extension, the MBTA should make thoughtful changes to our bus network to ensure our service benefits the protected groups.

Staff have reviewed the proposed service change from the Green Line Extension and have not found a practicable near-term alternative to the proposed service changes brought on by the significant capital investment to extend the Green Line.

CONCLUSION

MBTA staff recommend that the FMCB vote to accept the CTPS equity analysis and to approve the proposal to minimize impact in this memo on May 24, 2021.