



Disparate Impact and Disproportionate Burden (DI/DB) Policy for Long-Range Transportation Plan (LRTP) Part 2: The Draft Policy

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Outline

- **Progress so far**
- **Recap of federal requirements and first presentation**
- **Draft DI/DB Policy**
- **Hypothetical application of DI/DB Policy**
- **Addressing potential disparate impacts and disproportionate burdens**
- **Next steps**

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- First working group meeting
- Second working group meeting
- Public workshop
- Third working group meeting
- MPO presentation:
Public engagement results
- Began work identifying forecasting error of model metrics and updating DI/DB analysis and metrics

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- MPO presentations:
Model Forecasting Error and Draft DI/DB Policy
- Conduct DI/DB analysis of LRTP program of projects
- Draft *Destination 2040*—including DI/DB analysis results



Federal Mandates

Civil Rights Act of 1964

- Title VI—Disparate Impact

- Prohibits unintentional discrimination

Environmental Justice Executive Order (1994)

- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

- Requires identifying and addressing disproportionately high and adverse impacts

Destination 2040 Metrics

- **Accessibility (transit)**
 - Jobs
 - Retail amenities
 - Healthcare facilities
 - Higher education
- **Mobility (highway and transit)**
 - Average travel time
- **Environmental (highway)**
 - Congested vehicle-miles traveled
 - Carbon monoxide
- **Forecasting errors vary by mode, metric, and population group**

Using the LRTP DI/DB Policy

- Applies only to major infrastructure projects in LRTP as a group
- Serves as a consistent and transparent way to comply with federal regulations
- Offers direction for addressing equity for the subsequent four years
- Helps the MPO to gauge progress in the Transportation Equity goal area

Current Draft DI/DB Policy

1

Are the impacts to the minority, low-income, nonminority, and non-low-income populations statistically valid?

2

Would the minority or low-income population likely be more adversely affected than the non-minority or non-low-income populations?

Use “forecasting error”

Planned Future Update to Draft DI/DB Policy

1

Are the impacts to the minority, low-income, nonminority, and non-low-income populations statistically valid?

2

Would the minority or low-income population likely be more adversely affected than the non-minority or non-low-income populations?

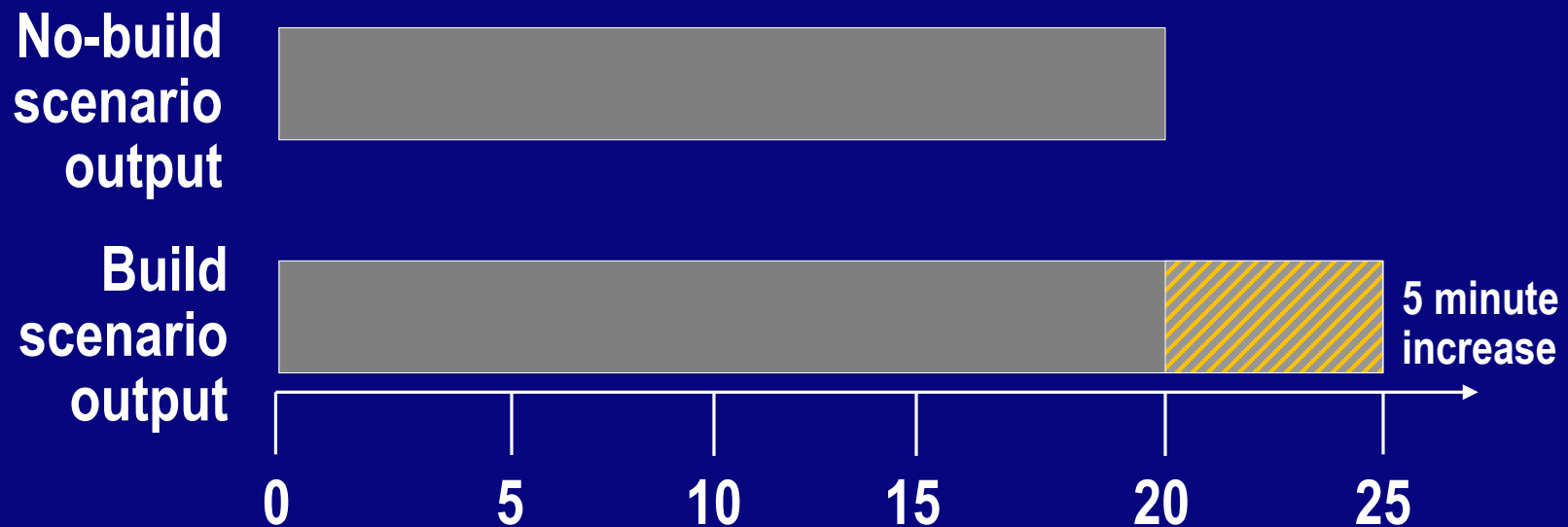
3

If the minority or low-income population would likely be more adversely affected, is the difference practically significant?

Use “forecasting error”

Use “threshold”

Hypothetical: Travel Time for Minority Population

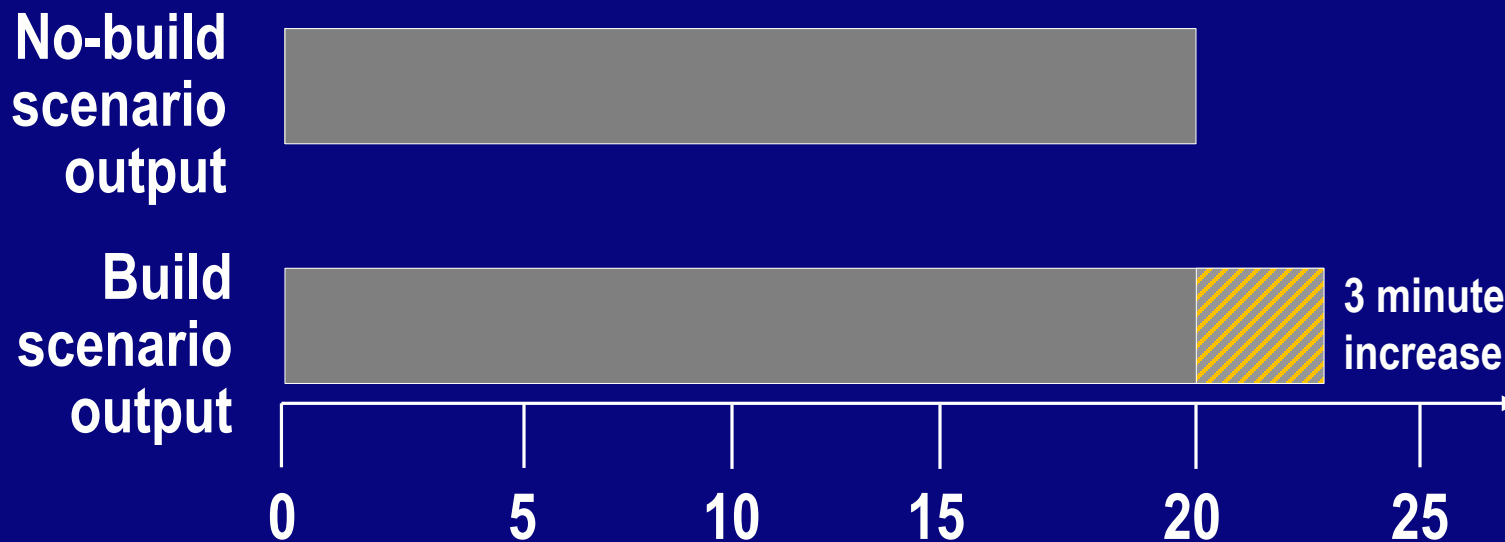


Forecasting error = 2 minutes

Is 5 minutes > 2 minutes?

Yes. Projected impact.

Hypothetical: Travel Time for Nonminority Population



Forecasting error = 2 minutes

Is 3 minutes > 2 minutes?

Yes. Projected impact.

Hypothetical: Minority Population More Adversely Affected

Minority Population



5 minute travel time
increase



Nonminority Population



3 minute travel time
increase

Potential Future Disparate Impact

If Analysis Shows There May be a Disparate Impact or Disproportionate Burden

1

Provide justification for programming the group of major infrastructure projects

2

Determine if there is an alternative that would meet the same goal but with fewer potential disparate impacts or disproportionate burdens

If Analysis Shows There May be a Disparate Impact or Disproportionate Burden

3

Minimize or mitigate through project programming in a future Transportation Improvement Program (not as an amendment)

AND/
OR

3

Use policy to select LRTP program of projects to **avoid** potential future disparate impacts and disproportionate burdens

Next Steps

- **Wrap up Phase One:**
 - Memo in spring of 2019 documenting staff's work and the outcomes
 - Description of the DI/DB analysis and results in *Destination 2040*
- **Start Phase Two (in federal fiscal year 2020):**
 - Identify thresholds for each metric
 - Revise draft DI/DB Policy

Questions?