

COMMISSION RECOMMENDATION  
AFRICAN AMERICAN RESOURCE ADVISORY COMMISSION  
SUPPORT FOR

Capital Metro TITLE VI ANALYSIS OF NORTHEAST AUSTIN MINORITY BUS ROUTES  
Recommendation: 20190205-06.d

**WHEREAS**, the African American Resource Advisory Commission (the “Commission”) is authorized by Austin City Code 2-1-101 to advise the City Council on issues related to the quality of life for the City’s African American community; and

**WHEREAS**, the Commission is specifically authorized to recommend programs designed to alleviate any inequities that may confront African Americans in social, economic, and vocational pursuits, including (1) health care; (2) housing: affordable housing, home ownership, and homelessness; (3) entertainment opportunities for professionals and students; (4) employment; and (5) cultural venues: museums, theaters, art galleries and music venues; and

**WHEREAS**, the Commission received a presentation on February 5, 2019 from Zenobia Joseph on June 3, 2018 Cap Remap Major Service Changes, requesting the City of Austin and Capital Metropolitan Transportation Authority (“Capital Metro”) comply with Title VI of the Civil Rights Act of 1964 which “prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance”; and

**WHEREAS**, the City of Austin approved \$6 million “Quarter Cent” funding on June 28, 2018 for Capital Metro’s long-range regional plan (Project Connect), overlay for Cap Remap. “Since FY 2014, Capital Metro has allocated annually approximately \$28 million of its [Federal] Urbanized Area Formula (Section 5307) program funds to the capital cost of contracting”; and

**WHEREAS**, City Council Resolution No. 20180628-031, adopted June 28, 2018—reiterated in *Austin Strategic Direction 2023*—“it is a shared goal and responsibility of both Capital Metro and the City of Austin to provide [multi-modal] transportation solutions to our community that get us where we want to go, when we want to get there, safely and cost effectively”; and

**WHEREAS**, Capital Metro adopted City of Austin’s Vision Zero Action Plan August 22, 2016 “to reduce serious traffic injuries and deaths.” Yet, Cap Remap endangers Northeast pedestrians in “high-speed, high-volume arterial roadway[s] with an annual average daily traffic over 20,000” on FM 969 (Route 339-Tuscany/Craigwood—Historically Black Neighborhood); Airport Blvd; North Lamar/State Hwy Loop 275 (392-Braker to 801S-Chinatown midblock); Braker/Burnet (36,000 vehicles north of US 183) per eliminated 392-Arboretum [89 boarding’s] east-west; and

**WHEREAS**, the *Austin Strategic Direction 2023* links to Imagine Austin (30-year plan) which specifies Dessau/Parmer (FM 734). Yet, Cap Remap excluded Parmer east-west growth analysis and economic opportunity between Samsung, Dell, 3M by 2019, Amazon, and Apple (\$1 billion); north-south density (5 apartments, 1 bedroom/\$1K) on Dessau—over ½-mile walk to Route 392; 2.4 miles to Samsung (no Parmer sidewalk); and 3-mile walk to Parmer affordable housing; and

**WHEREAS**, Title VI Requirements and Guidelines for Federal Transit Administration (“FTA”) Recipients specify, “[T]he 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” (FTA C 4702.1B, Ch. IV-16, 2012). Alternatives exist on low-ridership routes like 333-Convict Hill (2.9 boardings; 19-Bull Creek: 1.8 boardings/hour: 30-minute headway), but Cap Remap eliminated and reduced service at North Lamar Transit Center (minority hub) and north of Hwy 183 with no cost-benefit analysis like South/West/Central Austin or hearing on “the least discriminatory alternative”; and

**WHEREAS**, the *Austin Strategic Direction 2023* promotes “Government That Works for All . . . equitable, ethical and innovative.” Cap Remap invested \$9.9 million in Southeast-west (Districts 2, 5) expansion, 3 of 5 routes below Capital Metro Service Standards: 15-30 minutes compared to Northeast-west District 1 eliminations on routes exceeding Standards, 45-60 minutes. Capital Metro’s November 9, 2017 Title VI Service Equity Analysis listed 7 New Routes (p. 49), but 339-Tuscany [120 daily boardings]—highest “Route %Minority: 83.78”—worsened from 35 to 45 minutes Peak to 60 while the lowest non-minority Routes 335-Mueller to MoPac (29.32%) run 15 minutes and 345-45th St/Hyde Park 30 minutes (26.43%)—1 to 2.5 hours more runtime, causing Blacks to wait twice as long; lose 2nd shift wages; or walk 1 to 3.8 miles home; and

**WHEREAS**, FTA Title VI Requirements note: “Transit providers shall undertake these periodic service monitoring activities to compare the level of service provided to predominantly minority areas with the level of service provided to predominantly non-minority areas to ensure the end result of policies and decision-making is equitable” (FTA C 4702.1B, Ch. IV-10). Yet, Capital Metro’s 2015 and 2018 Triennial Title VI Program Updates noted Major Service Change Policy (adopted May 2013) requiring a public hearing for, “The elimination of any bus service,” but the 2017 Title VI Service Equity Analysis altered text to “elimination of an existing bus route”; and

**WHEREAS**, a focus of the Mayor's Task Force on Institutional Racism and Systemic Inequities holds past public policy actions and inactions accountable for racially discriminatory practices and disparate impacts. Eliminated Northeast service forces elders and disabled persons to walk 0.5 miles: Collinwood to 392-Braker; 1 mile: Merriltown to 243-Wells Branch while RBJ elders have front door service on Route 322: H.E.B.-Hancock, Fiesta; and H.E.B.-7th/Pleasant Valley on District 3 New Route 493 procured after Cap Remap with a 3-year FTA Grant (retroactively approved August 27, 2018 by Capital Metro)—inequitable distribution of Federal funds; and

**WHEREAS**, the City of Austin Zoning and Platting Commission passed “Capital Metro Interlocal Agreements” Recommendation 20181016-D-01 on October 16, 2018 seeking Title VI Cap Remap minority route reanalysis and equity based on Zenobia Joseph’s June 5, 2018 presentation after 52 bus routes changed [78-page testimony], and the Urban Transportation Commission November 13, 2018 Project Connect Resolution also added Title VI language; and

**WHEREAS**, FTA Title VI Requirements specify: “[I]f evidence undermines the legitimacy of the transit provider’s asserted justification - that is, that the justification is not supported by demonstrable evidence - the disparate effects will violate Title VI, as the lack of factual support will indicate that there is not a substantial legitimate justification for the disparate effects.” Thus, Title VI requires reanalysis based on race, not ridership (FTA C 4702.1B, Ch. IV-16, 2012); and

**WHEREAS**, City Council Resolution No. 20181213-044, adopted December 13, 2018, directed the City Manager to convene a collaborative working group to create “a pilot program that could increase transit use” while “focusing on equity” noting, “‘Capital Metro’s Project Connect and Connections 2025 Plan’ [rebranded Cap Remap for June 2018 Major Service Changes] addresses growth by providing recommendations for connecting people to their jobs, homes, and other destinations.” North of Hwy 183, however, routes are infrequent, unreliable, and disconnected with #325 as the only 15-minute frequent route, formerly 15 minutes east-west to Northcross; and

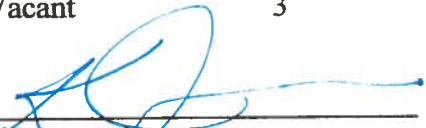
**WHEREAS**, the Capital Metro “board held a joint work session with the Austin Mayor and City Council to discuss the community engagement process for Project Connect” November 28, 2018 and, for Cap Remap MetroRail Crestview Station [non-minority] choice rider concerns, Capital Metro created a Bus Customer Service Enhancement Plan and rerouted #350-formerly serving Austin-Bergstrom International Airport back to North Lamar Transit Center June 24, 2018 within 3 weeks of Cap Remap; after The University of Texas at Austin, predominantly white students testified October 22, 2018 of being overcrowded, more buses were added to Shuttle #670 in 12 days. In comparison, Black leaders: Travis County Commissioner Jeff Travillion, then-District 1 Council Member Ora Houston, and Zenobia Joseph met with Capital Metro CEO April 20, 2018; NAACP President Nelson Linder testified May 21, 2018; *Austin Monitor* covered the story; and October 22, 2018 Council Member Houston, former Austin Health Director Shannon Jones, and Zenobia Joseph testified again, but there was no response like white riders or Title VI reanalysis.

**NOW, THEREFORE BE IT RESOLVED**,  
THAT THE AFRICAN AMERICAN RESOURCE ADVISORY COMMISSION, IN SUPPORT OF JUSTICE AND EQUALITY FOR ALL, REQUEST CAP REMAP (RE)ANALYSIS IN 30 DAYS IN COMPLIANCE WITH FEDERAL LAW: TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

African American Resource Advisory Commission

I affirm that this Recommendation was approved by the African American Resource Advisory Commission

Vote in favor:	7	Chair Kenneth, Daryl Horton, Marissa Jones, Greg Smith, Nelson Linder, Jessica Faith Carter, Clifford Gillard,
Recuse	1	Dr. Chiquita Eugene
Absent	4	Aaron Demerson, Tam Hawkins, Elaine Flower, Miriam Conner
Vacant	3	

  
\_\_\_\_\_  
Kenneth Thompson  
Chair

2/13/2019  
Date