

**COMMISSION RECOMMENDATION**  
**AFRICAN AMERICAN RESOURCE ADVISORY COMMISSION**  
**SUPPORT FOR**  
**ASMP ADDENDUM: NORTHEAST-WEST TITLE VI MINORITY BUS ROUTE**  
**ANALYSIS**  
**Recommendation 20190407-05.i**

**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**, the Austin Strategic Mobility Plan (“ASMP”) Growth Concept Map and Transit Priority Network (p. 37) include Imagine Austin Neighborhood/Job Centers north of Hwy 183/ North Lamar Transit Center near tech jobs on Dessau/FM 734 (Parmer Ln) with \$1B investments (e.g., Samsung, 3M, Dell, Amazon, Apple) but no growth analysis or transit prioritization from 2010 to 2019 for Service Plan 2020, Connections 2025, rebranded Cap Remap; Project Connect December 17, 2018 adoption; June 2019 Service Changes; and proposed August 2019 Service Changes for Fixed or Express Bus Routes in the next 20 to 30 years for taxpayers in Capital Metro’s service area on Dessau/Parmer, Harris Branch, E. Howard, Wells Branch Parkway, and West Parmer [*See Service Area Map: [https://capmetro.org/service\\_maps/service\\_area.aspx](https://capmetro.org/service_maps/service_area.aspx)*]; and

**WHEREAS**, the ASMP Public Transportation System Indicators and Targets (p. 95) seek to improve existing transit (e.g., “frequency of 15 minutes or less”) but exclude the urgent need to create by June 2019 new Northeast-west/north-south routes for commuters and transit-dependent riders (e.g., minorities, low-income riders, seniors, ADA/mobility-impaired persons) in Capital Metro’s service area on dense corridors “within ¼-mile of high-frequency transit” (Strategic Housing Blueprint, 2017, p. 17) on Cameron/Dessau (DR Horton, 5 apartment complexes), jobs,

Parmer affordable housing, IDEA (PreK-12 charter); and East Village mixed-use development east of Samsung: 425 acres, 2,200 apartments, and 450 single family homes (KVUE, 2019); 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 pedestrians’ lives in “high-speed, high-volume arterial roadway[s] with an annual average daily traffic over 20,000” on FM 969 (“New” 339-Tuscany/Craigwood—Historically Black Neighborhood); Airport Blvd; North Lamar/State Hwy Loop 275: 392-Braker to 801S-Chinatown midblock; and Braker/Burnet (36,000 vehicles north of US 183) per eliminated 392-Arboretum [89 boardings] east-west; and

**WHEREAS**, ASMP Policy 1 (Safety) and 2 (Community) specify a need to engage “historically underserved and underrepresented” taxpayers or “transportation [will] continue to be inequitable in access, connectivity, health, and wealth.” Yet, 574 North Austin taxpayers signed a petition in 10 days, submitted by Zenobia Joseph to Capital Metro January 9, 2017, in part, for 30-minute Route 392-Braker Peak service to Arboretum jobs, impacting Districts 1, 4, 6, 7, 10 but, instead, Cap Remap eliminated 240-Rutland/St. David’s North which exceeded ridership Standards (20.3 riders/hour) and Northeast-west connectivity: 392 to The Arboretum and 325 Walmart-Norwood to Northcross, creating a disparate impact—30-minute transfer to jobs, grocery stores (e.g., 2 HEBs, Randall’s, Super Target-Great Hills) at Braker/Burnet-36,000 daily vehicles (COA Traffic Impact Analysis, 2013, p. F-2)—counter to Vision Zero (ASMP, 2019, p. xv), leaving Parmer car-centric or 0.7 to 3-mile walk absent rideshare technology (Metric-MoPac/Parmer; 392); 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 boarding’s/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, 8) expansion, 3 of 5 routes below Capital Metro Service Standards: 15-30 minutes compared to Northeast-west (Districts 1, 4, 7, 10) one-seat ride eliminations on routes exceeding Standards, now 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-minute Peak to 60 while the lowest non-minority District 9 Routes 335-Mueller to MoPac (29.32%) run 15 minutes and 345-45th St/Hyde Park 30 minutes (26.43%)—with 1 to 2.5 hours more runtime, causing Blacks to wait twice as long; lose 2nd shift wages/opportunities; or walk 1 to 3.8 miles home—counter to ASMP’s connectivity goal(s); 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**, the Mayor's 2017 Institutional Racism and Systemic Inequities Task Force holds past public policy actions and inactions accountable for racially discriminatory practices and disparate impacts (p. 12). Eliminated Northeast service forces elders and persons with disabilities to walk 0.5 miles: Collinwood to 392-Braker; 1 mile: Merriltown to 243-Wells Branch while District 3 RBJ elders have front door service on Route 322: HEB-Hancock, Fiesta; and HEB-7th/Pleasant Valley on New Route 493 per 3-year FTA Grant (August 27, 2018 Capital Metro, retroactive approval) after Cap Remap, creating an inequitable distribution of Federal funds; and

**WHEREAS**, four City of Austin Commission Resolutions added Title VI: October 16, 2018 Zoning/Platting Commission passed “Capital Metro Interlocal Agreements,” Recommendation 20181016-D-01 seeking Cap Remap minority route reanalysis and equity per Zenobia Joseph’s June 5, 2018 78-page testimony after 52 bus routes changed; November 13, 2018 Urban Transportation Commission passed a Project Connect Resolution; March 26, 2019 Planning Commission passed ASMP Recommendations to Council; and April 2, 2019 African American Resource Advisory Commission amended its Title VI Resolution for an ASMP Addendum; 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 analysis based on race, not solely ridership (FTA C 4702.1B, 2012, Ch. IV-16).

**NOW, THEREFORE BE IT RESOLVED,**

THAT THE AFRICAN AMERICAN RESOURCE ADVISORY COMMISSION, IN SUPPORT OF JUSTICE AND EQUALITY FOR ALL, REQUESTS CAP REMAP (RE) ANALYSIS IN 30 DAYS IN COMPLIANCE WITH FEDERAL LAW (TITLE VI OF THE CIVIL RIGHTS ACT OF 1964) FOR NEW AND RESTORED BUS ROUTES; 392/801S-CHINATOWN STATE HWY LOOP 275 PEDESTRIAN HYBRID BEACON EVALUATION; AND ASMP/IMAGINE AUSTIN ADDENDUM SPECIFYING 30-YEAR TRANSIT OPTIONS NORTH OF HWY 183.

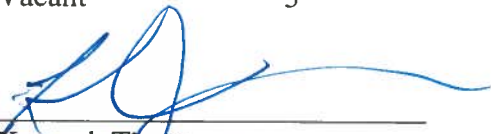
African American Resource Advisory Commission

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

Vote in favor: 8  
Chair Kenneth Thompson, Daryl Horton, Marissa Jones, Nelson Linder, Jessica Faith Carter, Clifford Gillard, Aaron Demerson, Miriam Conner

Absent 4  
Greg Smith, Dr. Chiquita Eugene, Tam Hawkins, Elaine Flower,

Vacant 3

  
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Kenneth Thompson  
Chair

4/17/2019  
Date