

**County of Milwaukee**  
**Interoffice Communication**

**DATE:** May 21, 2021

**TO:** Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

**FROM:** Donna Brown-Martin, Director, Department of Transportation

**SUBJECT:** Suspension of Freeway Flyer Service during COVID-19 (Title VI Report)

POLICY

Title VI of the Civil Rights Act of 1964 states: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

BACKGROUND

In March 2020, Milwaukee County Transit System (MCTS) officials made the decision to temporarily suspend Freeway Flyer bus routes. Consistent with Chairwoman Nicholson’s request for routine updates on reviews for disparate impacts (File No. 21-32), this report shares the results of a Title VI analysis relative to any unintended consequences of that decision.

The Federal Transit Administration (FTA) Title VI Circular 4702.1B requires that large transit systems perform a service equity analysis when they make a major service change. The analysis informs whether a change has a disparate impact on minority populations or a disproportionate burden on low-income populations. If an impact does exist, the transit provider must take steps to avoid, minimize or mitigate the impacts where practicable. This requirement includes service changes that are enacted and last longer than 12 months (Chapter IV-13).

In response to the COVID-19 pandemic, employers in downtown Milwaukee implemented telework plans for their employees. This change greatly reduced the demand for freeway flyer service buses that transport riders from outlying park-ride lots to downtown. As ridership dropped precipitously, MCTS suspended freeway flyer service. **The service equity analysis showed that the suspension of freeway flyer service did not have a disparate impact on the minority population nor a disproportionate burden on the low-income population in our community.**

Freeway Flyer Service

Services suspended in March 2020, include six freeway flyer routes that operated during weekday rush hours (Map 1):

- 1) Route 40 (College Avenue Flyer)
- 2) Route 43 (Hales Corners Flyer)
- 3) Route 44 (State Fair Park Flyer)
- 4) Route 46 (Loomis Flyer)
- 5) Route 48 (South Shore Flyer)
- 6) Route 49 (Brown Deer-Bayshore Flyer)

MCTS Route 79 (Menomonee Falls) and Route 143 (Ozaukee County Express) operated under contract with Waukesha County and Ozaukee County, respectively, were also suspended. As of May 2021, there is no known date for restarting any of the suspended Freeway Flyer services, as uncertainty continues regarding the ongoing impacts of the pandemic.

#### Determination of Disparate Impact and/or Disproportionate Burden Analysis

In general, the determination is based on an assessment of whether the impact of the service change on the minority or low-income population is more or less than the impact on the non-minority or non-low-income population.

According to the 2018 American Community Survey 5-Year Estimates, the minority population (defined as everyone not white-alone, non-Hispanic origin) of Milwaukee County is 40.3% while the low-income population (defined as people with incomes in the past 12 months below the poverty level) is 19.9%. The majority of both populations reside on the northwest side and near south side of Milwaukee County (Maps 2 and 3).

As a part of its annual assessment of compliance required by FTA, MCTS categorizes routes as “minority” and “non-minority” according to whether one-third of the route’s mileage travels within minority census tracts. A census tract was identified as minority if the percent of minority residents exceeded the countywide average. The same methodology was followed for the low-income population. An analysis of the freeway flyer network revealed that freeway flyer routes predominantly serve non-minority and non-low-income census tracts (Maps 2 and 3).

MCTS further analyzed how the suspension of freeway flyer service would affect minority and low-income peoples’ access to transit. Under FTA Circular 4702.1B, if the percent change in access to service for residents in minority census tracts is less than the change for residents in non-minority census tracts, then minority residents are impacted less than non-minority residents. A review of the data showed the percent change in access for residents in minority tracts (-0.18%) was less than in non-minority tracts (-1.16%). Thus, residents in non-minority tracts have been impacted more than residents in minority tracts.

The same logic applies for the analysis of the impacts on the low-income and non-low-income population. The percent change in access for residents in low-income tracts (-0.53%) was less than the change in non-low-income tracts (-0.72%). Thus, residents in non-low-income tracts have been impacted more than residents in low-income tracts.

As such, it was determined the impact on minority and low-income communities was not disparate nor disproportionate, respectively.

#### Summary

- MCTS suspended service on freeway flyer routes starting in March 2020 due to the impact of the COVID-19 pandemic on ridership.

- Under FTA rules, a service equity analysis is required to be prepared if a suspension in service lasts longer than 12 months.
- An analysis of the freeway flyer network revealed that freeway flyer routes predominantly serve non-minority and non-low-income census tracts.
- A further analysis of the percent change in access to service determined that residents in non-minority census tracts have been impacted more than residents in minority census tracts.
- Based on this line of reasoning, MCTS concludes the suspension of freeway flyer service since March 2020 has not had a disparate impact on the minority population nor a disproportionate burden on the low-income community.

#### RECOMMENDATION

This report is for informational purposes unless otherwise directed.

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