

# Memo

March 2022

To:	North Maintenance of Way Facility Project file
From:	Hussein Rehmat, Senior Environmental Planner
Subject:	Title VI Facility Equity Analysis

## Introduction

This memo has been prepared to evaluate the facility location for a near-term Maintenance of Way (MOW) facility in the North Corridor of Sound Transit's Service District in the context of Title VI of the Civil Rights Act. The near-term facility would be a temporary leased facility for a period of up to five years. The lease allows for an option to purchase the property if it is later determined that the site would be suitable for a permanent facility. The purpose of the document is to determine whether the near-term facility location would result in a disparate impact on populations based on race, color, or national origin.

Title VI of the Civil Rights Act of 1964 (42 U.S. Code 2000d) protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance. In 1970, the U.S. Department of Transportation (DOT) established Title VI regulations in 49 Code of Federal Register (CFR) Part 21, entitled Non-Discrimination in Federally Assisted Programs of the Department of Transportation.

As a DOT operating administration, the Federal Transit Administration (FTA) provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems and is responsible for ensuring that recipients follow federal statutory and administrative requirements.

In 2012, FTA issued Circular 4702.1B, which provides recipients of FTA financial assistance with guidance and instructions necessary to carry out DOT's Title VI regulations, regardless of whether federal funding is being provided for the facility.

Additionally, in 2013, Sound Transit adopted Resolution No. R2013-18, which established policies for conducting equity analysis of Major Service Changes impacting minority and low-income populations. Resolution No. R2013-18 provides the basis for the definition of disparate impacts in this analysis.

## Definitions and Methodology

In the FTA circular “Title VI Requirements and Guidelines for Federal Transit Administration Recipients” (FTA C 4702.1B), FTA defines a disparate impact as a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s or implementing agency’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effects on the basis of race, color, or national origin. In Resolution No. R2013-181, Sound Transit defines a disparate impact as one that “occurs when the minority percentage of the population adversely affected by a major service change is greater than the average minority percentage of the population of Sound Transit’s service area.”

Building on the definition of disparate impacts in the FTA circular and Resolution No. R2013-18, Sound Transit has defined disparate impacts for the purposes of this facility equity analysis. A disparate impact occurs when the minority percentage of the population adversely affected by a facility location is greater than the average minority percentage of the population of Sound Transit’s service area. A facility location creates an adverse effect when both direct costs, such as residential and business displacements, and indirect costs, such as construction impacts and public health risks, are greater than the benefits to the surrounding community associated with the proposed facility location. The measurement of the costs and benefits of the facility location alternatives may include quantitative data and qualitative inputs from potentially impacted communities.

This site’s alternative equity analysis was based on the findings of two “tests,” per the FTA Circular (FTA C 4702.1B). The proposed site was analyzed using the following two-step process:

1. The population within the vicinity of the proposed site location was analyzed and compared to the Sound Transit District as a whole to identify whether higher than average minority populations are present.
2. Potential disproportionate direct and indirect impacts (or costs) to minority populations were identified and described, with the consideration of mitigation and offsetting benefits.

Based on the findings of these two steps, a conclusion was developed about the potential for disparate impacts of the proposed site.

## **Project Description**

The North Maintenance of Way (MOW) facility, to be located in north Seattle, would serve stations on Northgate Link, Lynnwood Link Extension (LLE), and Ballard Link Extension. The facility would be designed to support the needs of Link MOW, Link facilities, light rail vehicle maintenance fault response, and IT transit systems. The need for this facility was identified in the *Link Light Rail Service Delivery Support Requirements: Option Evaluation* (Steer Report), which reviewed Sound Transit’s operations facilities. The Steer Report identified the North MOW facility as necessary to

support Sound Transit Operations response times and increase capacity for Operations staff and storage. The North Seattle area is the ideal location to meet Sound Transit's goal of responding to incidents within 15 minutes along the entire alignment, comparable with peer agencies.

Additionally, the North MOW facility may be used to supplement the capacity of the other planned MOW facilities serving other parts of the Light Rail system. Once the Ballard Link Extension is built, the North MOW facility would also serve the Smith Cove to Ballard stations.

There is a near-term need for a North MOW facility to be fully operational by Q4 2023, to align with the timing of pre-revenue service on LLE. LLE will open for service in mid-2024. A property located at 920 North 137<sup>th</sup> Street, Seattle WA 98133 was identified as ideal for meeting Sound Transit's locational needs to respond to incidents. The site for the project was previously vacant and Sound Transit's use of it would continue the established warehouse and office uses of previous tenants. The proposed uses are particularly like those of Mass Electric Construction Company, which used the facility 2017 through 2020 while working as a contractor for Sound Transit, supporting light rail construction. Surrounding the site are parcels with commercial and multi-family residential uses.

The property was previously on the market, which provided Sound Transit with the ability to secure it via a lease in time to have a fully operational North MOW facility in place by Q4 2023. The lease includes an option for Sound Transit to purchase the property, which would allow the North MOW facility to remain on the property in the long term if the property is determined to be suitable for long-term needs and negotiations are successful. Any purchase of the property would be subject to future Board action and completion of a Title VI Facility Equity Analysis for the permanent facility.

## Site Selection Process

To identify a suitable site for the near-term North MOW facility (920 N 137th Street, Seattle WA), the project team first identified the facility functions and site requirements. From this information, the project team developed criteria to identify and screen candidate sites. In addition to the physical and location criteria for the site, the facility needed to open by Q4 2023 to support the Lynnwood Link Extension service opening. To identify candidate sites that met both the physical site requirements and implementation schedule needs, Sound Transit developed the following criteria:

- Located in North Seattle
- Close proximity to I-5/99 (goal to arrive at desired station within 15 min drive time)
- Supports minimum shape and size; 1.5 - 2 acre and generally quadrilateral in shape
- Industrial or Commercial zoning
- Avoid disproportional impact on communities; compatible surrounding land uses
- No known major environmental issues
- Ease of vehicular ingress/egress
- Predictable permitting and conditions
- Minimal known frontage requirements

Apply these criteria resulted in identification of five sites in north Seattle.

All five sites met the evaluation criteria listed above. Of the five identified sites, the site located on 920 N 137th also met the implementation criteria requirement. This site was available for sale/lease, which allowed Sound Transit to take possession of the property within a time frame conducive for construction and opening of the facility by Q4 2023.

## **Site Equity Analysis and Summary of Impacts and Benefits**

Sound Transit collected U.S. Census information to determine the percentage of identified minorities living within the North MOW facility project study area. In keeping with both FTA and Sound Transit standard practices, the study area for the project was defined as a ½-mile radius around the proposed site (Exhibit 1). Using 2019 American Community Survey estimates, the minority population within the study area was estimated to be 36%, slightly higher than the percentage of minority residents in the Sound Transit District, which was estimated to be 35% using the same U.S. Census data.

The parcel proposed for the North MOW facility is currently vacant and no residential or business displacements would occur with its use by Sound Transit.

Sound Transit staff will report to and work at the facility. Using the North MOW facility as a base, they will perform custodial work, inspections, preventative maintenance, and minor repair work. Most of this work will be performed away from the site, at stations, ancillary properties, and within the trackway along the operating guideway. The North MOW facility has the potential to see activity 24 hours per day, 7 days per week. Most staff members will report to the near-term North MOW facility at the beginning of their shift and then leave the property in an Agency vehicle to perform work along the guideway. Some maintenance and repair work will be performed within the existing shop space on the property. This work will primarily be performed indoors. Outdoor activities will mostly consist of staff arriving at the facility in vehicles, leaving the facility in vehicles, and loading/unloading vehicles in the parking areas or at the existing loading docks. Expected vehicles at the site would range from pick-up trucks for light services and station repairs to hi-rail vehicles similar in size to a Seattle City Light bucket truck. Light rail passenger trains will not be maintained or stored at the facility, as it will not be connected to the guideway.

The proposed site is in close proximity to multi-family residential parcels, which may be assumed to house some portion of the study area's minority population; however, based on the work activities described above, no increases in noise levels from operations on the site compared to prior uses are expected to occur that could adversely affect any population, including minority populations.

The MOW facility would likely operate with three staffing shifts per day (Day, Swing, and Graveyard). It is estimated that approximately 20 MOW staff members and 12 facilities staff

members would report to the facility during each shift, meaning that approximately 32 vehicles would travel along 137<sup>th</sup> Street and possibly Linden Avenue to access and leave the site for each shift change. This would likely be an increase in number of vehicles and trips from prior site uses, which could result in increases to nighttime light and glare, traffic noise, and traffic volumes. However, these increases are expected to be minor and not adversely impact minority populations.

With no adverse impact anticipated, no cumulative adverse impacts are expected to result to minority populations from the North MOW facility.

The North MOW facility could provide potential benefits such as employment opportunities for minorities or low-income individuals, and employees of the facility could make personal purchases at nearby businesses including any that may be owned by minority populations. From a broader perspective, maintaining reliable transit service provided by LRT will improve mobility for residents who may rely on transit to access jobs and services.

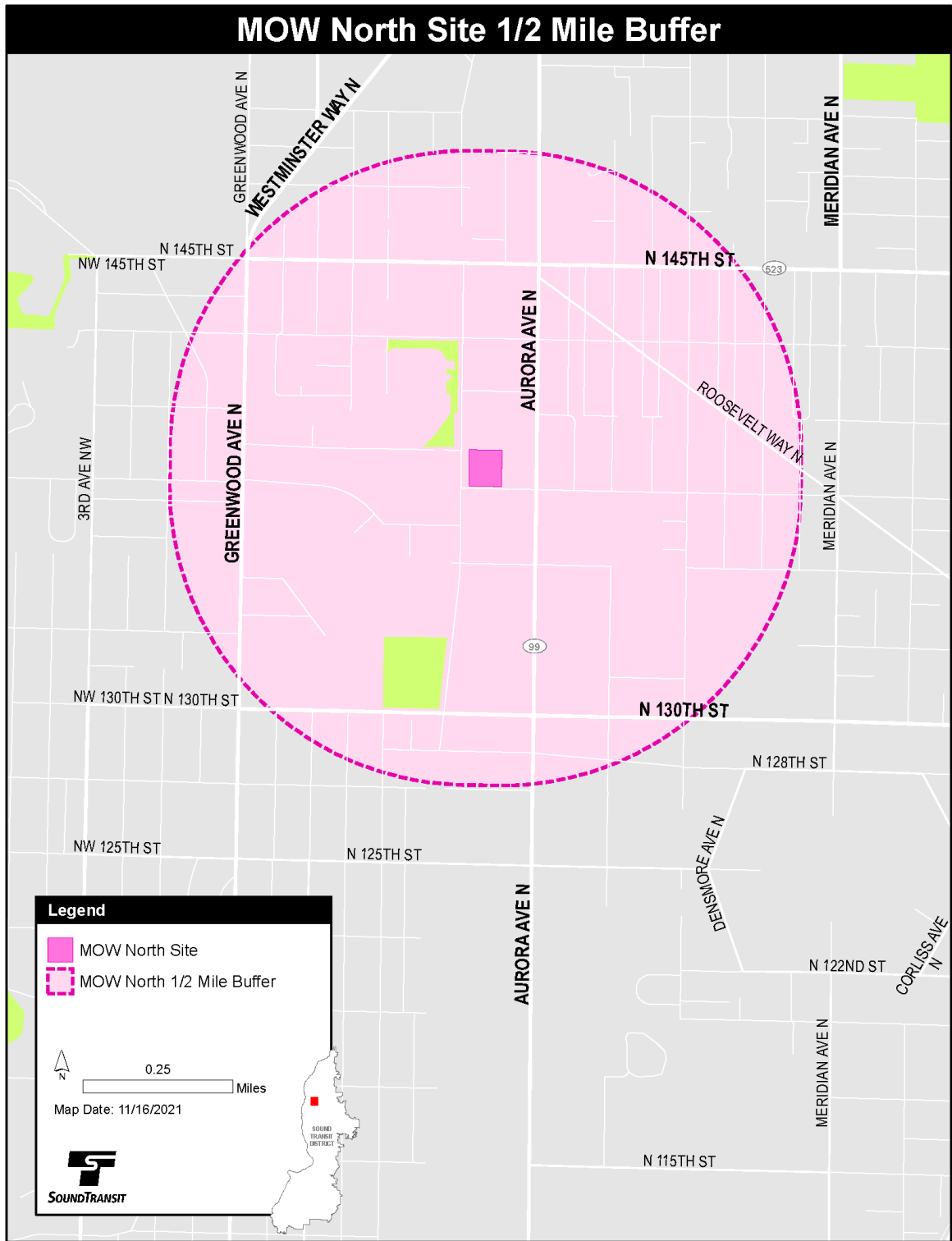


Exhibit 1. Near-term North MOW Facility Study Area

## Disparate Impacts Analysis and Conclusion

The North MOW facility would not result in disparate impacts as defined in the Definitions and Methodology section above. Within the vicinity of the MOW North facility site, there is approximately one percent higher percentage of minority population than in the Sound Transit District as a whole. However, any potential impacts to minority populations are expected to be minor and not adverse based on the likely level and range of impacts associated with the facility. Additionally, the benefits to the surrounding communities from improved transit service in the North Corridor would compensate for and outweigh the negative impacts caused by the North MOW facility.

Despite the potential for minor localized impacts that could accrue to individuals, there is a substantial legitimate justification for the development of this project specifically within the North Corridor, given the stated need to support Sound Transit Operations response times and increase capacity for Operations staff and storage to align with the timing of pre-revenue service on LLE. If this capacity were not developed, Link transit service would have the potential of operating less reliably, and would, therefore, provide limited benefits to the North Corridor and, to some extent, throughout the system as a whole.

The Title VI Facility Equity Analysis concludes that the North MOW facility would provide community benefits, and the 920 N 137th Street site would not result in disparate impacts, and the site was selected without regard to race, color, or national origin.

## Outreach

While no specific outreach effort was conducted for the near-term MOW North facility, Sound Transit used a wide variety of outreach tools to engage with the communities of the Northgate Link and Lynnwood Link Extension project areas, which this project would support the operations of. These included community workshops, fairs, and festivals, interviews, and briefings, engaging through print and digital materials (in English and multiple languages), and holding public events.