

**THIS PRINT COVERS CALENDAR ITEM NO.: 13**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Transit

**BRIEF DESCRIPTION:**

Approving the SFMTA's 2022 Title VI Program Update pursuant to the Federal Transit Administration's (FTA) Circular 4702.1B issued on October 1, 2012, which includes the results of the required system-wide monitoring of service standards and policies conducted by the SFMTA's Transit Planning Division.

**SUMMARY:**

- Title VI of the Civil Rights Act of 1964 applies to programs and services receiving federal funding and prohibits discrimination based on race, color or national origin from federally funded programs such as transit.
- To remain compliant with Title VI requirements and to ensure continued federal funding, the SFMTA must submit an updated Title VI Program every three years to the FTA. Approval of this Program by the Board of Directors is required.
- The 2022 Title VI Program Update includes both General Requirements and Transit-Specific Requirements. For the purposes of this update, the SFMTA follows the terminology contained in FTA C4702.1B and incorporates the agency's preferred terms where contextually appropriate. Use of the term Black, Indigenous and Other People of Color (BIPOC) should be considered as coextensive with the term "minority" as that term is defined in FTA C4702.1B.
- The FTA requires transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies not less than every three years. The 2022 service monitoring exercise confirmed compliance with the Title VI Program requirements and did not identify any disparate impacts to BIPOC populations or disproportionate burdens to people from low-income households.

**ENCLOSURES:**

1. SFMTAB Resolution
2. SFMTA's 2022 Title VI Program Update & Appendices

**APPROVALS:**

DIRECTOR



**DATE**

January 11, 2023

SECRETARY



January 11, 2023

**ASSIGNED SFMTAB CALENDAR DATE:** January 17, 2023

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### **PURPOSE**

Approving the SFMTA's 2022 Title VI Program Update pursuant to the Federal Transit Administration's (FTA) Circular 4702.1B issued on October 1, 2012, which includes the results of the required system-wide monitoring of service standards and policies conducted by the SFMTA's Transit Planning Division.

### **STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES**

This action supports the following SFMTA Strategic Plan Goals:

- Goal 1: Identify and reduce disproportionate outcomes and resolve past harm towards marginalized communities.
- Goal 5: Deliver reliable and equitable transportation services.
- Goal 6: Eliminate pollution and greenhouse gas emissions by increasing use of transit, walking and bicycling.
- Goal 7: Build stronger relationships with stakeholders.

This item addresses the following San Francisco Transit-First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.

### **DESCRIPTION**

Title VI of the Civil Rights Act of 1964 addresses discrimination in almost all aspects of public services and programs administered or funded by the federal government in the United States. Title VI states that "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."

SFMTA receives federal funds through the Federal Transit Administration (FTA) and is required to have in place a Title VI program that achieves the following objectives:

- Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;

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- Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
- Ensure meaningful access to transit-related programs and activities by persons with limited-English proficiency.

Pursuant to FTA Circular 4702.1B, dated October 1, 2012, the SFMTA, as a recipient of federal funds, is required to submit an updated Title VI Program to FTA's regional Civil Rights Officer once every three years. Approval of the SFMTA's Program by the Board of Directors is required pursuant to the FTA's updated guidance.

As part of the Title VI Program update, FTA requires transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies (i.e., vehicle load, vehicle assignment, transit amenities, etc.) not less than every three years in order to remain in compliance with Title VI requirements. SFMTA must submit the results of its monitoring program as well as documentation verifying the Board's approval of the monitoring results to the FTA as part of its Title VI Program.

The Title VI Program is one component of how the agency is advancing equity in transit service. In addition to the Title VI Program requirement the agency further enhances equity through the SFMTA's Muni Equity Strategy program and the agency's Racial Equity Policy. These programs and policies complement the Title VI Program and as a whole inform decision making in planning transit service.

The 2022 Report, an attachment to this calendar item, provides an update to the SFMTA's 2019 Title VI Program and addresses the following requirements:

**General Requirements**

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- List of transit-related Title VI investigations, complaints, and lawsuits, as applicable
- Public Participation Plan, including information about outreach methods to engage minority and limited-English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited-English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the full membership of which is selected by the SFMTA, and a description of the process the agency uses to advertise and recruit for open positions
- A description of how the agency monitors its subrecipients for compliance with Title VI

**Specific Requirements for Transit Providers**

- System-wide Service Standards and Policies for vehicle load, on time performance, vehicle headway, and service availability.

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- Service policies for vehicle assignment and transit amenities.
- Demographic and service profile maps and charts
- Demographic ridership and travel patterns, collected by surveys
- Results of service monitoring program and report, including evidence that the Board of Directors considered, was aware of the results, and approved the analysis
- A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the Board of Directors was aware of, and approved the results of the analysis

The results of the SFMTA’s Title VI Service Standards and Policies Monitoring Program are also discussed below. Per FTA Circular 4702.1B, monitoring of the SFMTA’s systemwide service standards and policies is required at a minimum of every three years.

### **SFMTA’s Service Standards and Policies Monitoring**

The purpose of the service monitoring exercise is to confirm that performance on routes heavily used by BIPOC populations and people who live in low-income households is comparable or better than other routes. Per the FTA Circular 4702.1B, relative performance was evaluated for vehicle load, on time performance, vehicle headway, and service availability. We also evaluated how our vehicles are assigned to each route and the equity of our transit amenity placement. The SFMTA’s service standards and policies were informed by a variety of sources including the City’s Charter and the Transit Effectiveness Project (TEP) and are documented in the Short-Range Transit Plan (SRTP). Full details and discussion of monitoring results are included in the attached 2022 Title VI Program Update.

For the Title VI service standards and policies monitoring exercises, the SFMTA has historically classified transit routes using on-board customer survey data rather than census data. The last on-board survey was conducted between 2016-2017. In the time since the last survey was conducted, the pandemic has significantly impacted travel patterns and ridership. In addition, the SFMTA has introduced new routes and made significant changes to existing routes to be more responsive to riders and the agency’s resources. While the SFMTA has historically found on-board ridership data to be the most representative of ridership, at this time, relying on the previous on-board survey data would be even less representative of each route’s ridership demographics due to the significant changes that have occurred. For these reasons, the monitoring exercises in this program update rely on the five-year estimated 2016-2020 American Community Survey Census Data (2020 ACS) to classify routes.

For each performance category (e.g., vehicle loads) we compared the performance of minority routes to non-minority routes and did the same for low-income and non-low-income routes. FTA Circular 4702.1B only requires that transit agencies evaluate the performance of minority routes; however, the SFMTA also conducted this analysis for low-income routes as a best practice. For the purposes of this comparison, routes were grouped into service categories to compare routes

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with similar roles in the network. The SFMTA currently operates 60<sup>1</sup> routes, which range from 24-hour frequent service routes to infrequent commuter express routes. The SFMTA uses the following framework to organize its transit service:

- **Muni Metro & Rapid Bus:** These heavily used bus and rail lines form the backbone of the Muni system, with vehicles arriving frequently and transit priority enhancements along the routes. The Rapid network delivers speed and reliability whether customers are heading across town, or simply traveling a few blocks. Routes in this category include the J, KT, L, M, N, 5R, 9R, 14R, 28R and 38R.
- **Frequent:** These routes may overlap with rapid routes but provide premium, frequent service with more stops along the route. Routes in this category include the 1, 7, 8, 9, 14, 22, 24, 28, 30, 38, and 49.
- **Grid:** These citywide routes combine with the Rapid and frequent routes to form an expansive core grid system that lets customers get to their destinations with no more than a short walk or a seamless transfer. These routes do not typically have the all-day heavy demand we see on the Rapid or Frequent networks and typically operate less frequently than Rapid Network routes. Routes in this category include the 2, 5, 6, 10, 12, 15, 18, 19, 21, 23, 27, 29, 31, 33, 43, 44, 45, 48, and 54.
- **Connector:** These bus routes predominantly circulate through San Francisco's hillside residential neighborhoods, filling in gaps in coverage and connecting customers to major transit hubs. Routes in this category include the 25, 35, 36, 37, 39, 52, 55, 56, 57, 58, 66 and 67.
- **Specialized:** These routes augment existing service during specific times of day to serve a specific need or serve travel demand related to special events. They include AM and PM commute service. Routes in this category include the 8AX and 8BX.
- **Historic:** These routes include our historic street cars and cable car routes. They have the added complexity of serving citywide residents, as well as high numbers of tourists. Routes in this category include the F Market & Wharves, California Cable Car, Powell/Hyde Cable Car, and Powell/Mason Cable Car.
- **Owl:** These routes operate overnight between the hours of 12am and 5am and are made up of segments of daytime routes 5, 24, 44, 48 and full routes running owl service including 14, 22, 25, and 38. Special owl routes include the 90 Owl and 91 Owl.

### Disparate Impact and Disproportionate Burden

Results of the service monitoring exercises were evaluated based on SFMTA's Title VI Policies for disparate impact and disproportionate burden. These policies were developed in response to Circular 4702.1B. After an extensive multilingual public outreach process, the SFMTA Board of Directors approved these policies on August 20, 2013.

- Disparate Impact Policy determines the point (threshold) when adverse effects of fare or service changes are borne disparately by minority populations. Under this policy, a fare

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<sup>1</sup> The 10 Townsend and 28R 19<sup>th</sup> Ave Rapid routes are currently not in service due a transit operator shortage the SFMTA is facing. Once these routes are restored the SFMTA will operator 62 routes.

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change, or package of changes, or major service change, or package of changes, will be deemed to have a disparate impact on minority populations if the difference between the percentage of the minority population impacted by the changes and the percentage of the minority population system-wide is eight percentage points or more. Packages of major service changes across multiple routes will be evaluated cumulatively and packages of fare increases across multiple fare instruments will be evaluated cumulatively.

- Disproportionate Burden Policy determines the point when adverse effects of fare or service changes are borne disproportionately by low-income populations. Under this policy, a fare change, or package of changes, or major service change, or package of changes, will be deemed to have a disproportionate burden on low-income populations if the difference between the percentage of the low-income population impacted by the changes and the percentage of the low-income population system-wide is eight percentage points or more. Packages of major service changes across multiple routes will be evaluated cumulatively and packages of fare increases across multiple fare instruments will be evaluated cumulatively.

If the performance on a minority route was more than eight percent worse than the performance on a non-minority route in its same service category, a disparate impact finding would have been made. Likewise, if the performance on a low-income route in its same service category was more than eight percent worse than the performance on a non-low-income route than a disproportionate burden finding would have been made.

### Monitoring Results

The overall results from the service monitoring were positive. No disparate impacts were identified for BIPOC populations and no disproportionate burdens were identified for people from low-income households.

- **Vehicle Loads** — This standard evaluates whether or not we have enough scheduled service on our routes and is evaluated during the AM and PM peak periods. For almost every route service category and classification, minority and low-income routes generally performed better than non-minority and non-low-income routes. The Muni Metro, Rapid and Frequent minority and low-income routes performed better in the AM peak and PM peak compared to non-minority and non-low-income routes in the same service category. The Grid low-income routes performed significantly better in the AM peak compared to non-low-income routes in the same category. No disparate impact or disproportionate burden was found.
- **On-Time Performance** — This standard was evaluated using service gaps for Muni Metro, Rapid, Frequent, Grid, Historic and Specialized routes and schedule adherence for Connector and Owl Routes. With the exception of the F Market & Wharves and the KT Ingelside-Third St line which are both evaluated using schedule adherence since for operational reasons they are managed using a fixed schedule. As an agency, the SFMTA is very focused on initiatives to improve on-time performance. For Muni Metro, Rapid & Frequent, Grid, Historic and Specialized routes on average minority routes in this

category were closer to the standard of less than 14% gaps. For Connector and Owl routes, the average OTP regardless of route classification did not meet the 85% standard. No disparate impact or disproportionate burden was found.

- **Policy Headways** – This metric evaluates the minimum frequency for transit service. Minimum headways are defined for specific times of day for each service category based on the SFMTA’s service standards. Minimum headways are intended to provide customers with a base level of service regardless of how heavily the route is used. Many routes have frequencies that exceed the minimum policy headways because demand warrants more service to avoid crowding. The 2022 summer schedule was used to analyze minimum headways during each of the time periods specified in the standards on weekdays and weekends per service category. For each time period of the day, each route was marked if it met or did not meet the standard for its category and time period. For both the minority classified and low-income classified route monitoring exercise, the total time periods that met the standards for each route by service category were added together to provide the percentage of time periods that met the standards for each service category and classification. Connector route headways met SFMTA’s standards for both route classifications. Muni Metro, Rapid and Frequent routes met the minimum headway about 80% of the time for both minority and non-minority routes and 81% of the time for low-income routes compared to 75% for non-low-income routes. Grid minority routes met the minimum headways similarly to non-minority routes and 98% of the time for low-income routes compared to 96% for non-low-income routes. These results reflect the SFMTA’s response to the COVID-19 pandemic. At the start of the pandemic SFMTA reduced service dramatically and as service was restored, service frequencies were adjusted based on demand due to limited resources. As resources become available, the SFMTA will plan to adjust route schedules as needed to meet the minimum policy headways. No disparate impact or disproportionate burden was found.
- **Service Coverage** – This metric evaluates how easy it is for residents to access Muni Service. The SFMTA currently operates 60 routes which combined provide transit service within a convenient walking distance of most locations within San Francisco. Muni routes connect all of San Francisco’s residential neighborhoods and commercial corridors. Overall, 90% of San Francisco is within a quarter of a mile of a Muni bus or rail stop, and 100% of residential areas are within a quarter of a mile of a Muni bus or rail stop. No disparate impact or disproportionate burden was found.
- **Vehicle Assignment** – This metric evaluates how vehicles are assigned to routes to ensure that minority classified and low-income classified routes are not getting a concentration of older/dirtier vehicles. The SFMTA policy is to assign vehicles in a manner that prevents discrimination to minority and low-income communities and considers technical criteria including peak load factors, route type, physical route characteristics such as street widths and grades, required headways, vehicle availability and transit operator availability. SFMTA vehicle assignment policy was developed to ensure that older/dirtier (environmentally) vehicles are not concentrated in communities with a larger proportion of BIPOC and low-income populations. Currently, the SFMTA’s

transit fleet is entirely fossil fuel free and low or no-emissions. However, this report continues to analyze average age of fleet for consistency with past reports. Woods, Flynn and Islais Creek Divisions have the highest proportion of minority routes of all the divisions. A total of 71% of the routes operating from Woods Division, 75% of the routes operating from Flynn and 80% of the routes operating from Islais Creek are minority routes. All divisions except for Kirkland and Wood divisions have the highest share of low-income routes with 70%-100% of their routes being low-income routes. For the rubber-tire fleet, the average age is 6 years except for the Woods Divisions with an average of 8 years. Woods does have a high percentage of minority and low-income routes, but the fleet age is due to this Division being the first targeted for replacement at the start of SFMTA's current fleet replacement cycle. Woods also has a mixed fleet, and although all 40-foot coaches have been replaced, the smaller number of 32-foot coaches have not yet been fully replaced.

The light rail fleet is reducing in age, with an average age of 21 years in 2016, to a current average age of 16 years. Muni is currently undergoing a replacement of the LRV fleet. Over the next 10 years all existing vehicles will be replaced and the average age of Green/MME will continue to decrease.

The Cable Car and Geneva Divisions vehicle age varies due to the historic nature of the service and as a result, the average age is not valuable for comparison. No disparate impact or disproportionate burden was found.

- **Transit Amenities** – This metric evaluates how equitably transit amenities are distributed throughout the system. To the extent location and distribution of a particular transit amenity is within the control of the SFMTA, it is agency policy that amenities are distributed throughout the transit system so that all customers have equal access to these amenities, without regard to race, color, national origin or income status. SFMTA applies neutral standards such as boarding activity, geographical limitations, etc. in deciding the location of transit amenities and applies these standards to both rail and bus routes. The SFMTA's goal is to have shelters at all stops within the Muni system and prioritizes stops with more than 125 boardings per day. To compare equitable distribution of these amenities, shelters and real time displays were mapped using Geographic Information Systems (GIS) software and overlaid with stops with 125 or more boardings per day. The number of shelters and real time displays at stops with 125 or more boardings in minority and low-income census block groups were then compared to those in non-minority and non-low-income census block groups. No disparate impact or disproportionate burden was found.
  - **Stop IDs, Stop Markings, and Flags:** All transit stops regardless of their minority or low-income census block group location have a unique five digit stop identification number that can be used by customers to access real-time vehicle arrival predictions and information about planned service changes.



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- **Transit Shelters and System Maps:** All stops with shelters contain the latest version of the Muni system map for customer information and navigation. For minority stops, 34% of them have shelters compared to 35% in non-minority census block groups. For stops in low-income census block groups, 39% have shelters compared to 29% in non-low-income census block groups.
- **Real Time Displays:** For stops in minority census block groups, 22% have real time displays and 24% have real time displays in non-minority census block groups. For stops in low-income census block groups, 22% have real time displays, and 24% in non-low-income census block groups have real time displays.
- **Amenities at Underground Metro Rail Stations:** All Metro Rail Stations are equipped with the following amenities regardless of minority or low-income routes:
  - Street-level and platform-level elevators and escalators
  - System maps
  - Real-time vehicle arrival time and destination information
  - Automated voice information system
  - Agents who can provide information and assistance to customers

## **STAKEHOLDER ENGAGEMENT**

The SFMTA conducts extensive outreach to develop policies related to our Title VI program. To highlight some examples, members of the SFMTA Board of Directors were briefed during the public engagement and outreach process for updating the Public Participation Plan and Language Assistance Plan, which included in-language focus groups, Community Conversations, CBO Leadership Interviews and administration of a multilingual survey. In addition, detailed outreach activities and incorporation of feedback received is described in fare and service equity analyses that were conducted from 2019-2022 and are attached to the 2022 Program Update. The CAC was briefed on January 5, 2023.

## **ALTERNATIVES CONSIDERED**

The approval of the Board of Directors of the SFMTA's 2022 Title VI Program Update and results of the agency's system-wide monitoring of service standards and policies is required by the FTA and therefore no other alternatives were considered.

## **FUNDING IMPACT**

The 2022 Title VI Program and system-wide monitoring of service standards and policies have no funding impact.

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**ENVIRONMENTAL REVIEW**

On December 7, 2022, the SFMTA, under authority delegated by the Planning Department, determined that the 2022 Title VI Program Update is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

None. The City Attorney’s Office has reviewed this report.

**RECOMMENDATION**

Approving the SFMTA’s 2022 Title VI Program Update pursuant to the Federal Transit Administration’s (FTA) updated Circular 4702.1B issued on October 1, 2012, which includes the results of the required system-wide monitoring of service standards and policies conducted by the SFMTA’s Transit Planning Division.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, Title VI of the Civil Rights Act of 1964 addresses discrimination in almost all aspects of public services and programs administered or funded by the federal government in the United States, such as SFMTA's public transit service; and

WHEREAS, The SFMTA receives federal funds through the Federal Transit Administration (FTA) and is required to have in place a Title VI program that ensures that the level and quality of public transportation service is provided in a nondiscriminatory manner, promotes full and fair participation in public transportation decision-making without regard to race, color, or national origin, and ensures meaningful access to transit-related programs and activities by persons with limited English proficiency; and

WHEREAS, The FTA's updated Title VI Circular (FTA C 4702.1B), issued on October 1, 2012, requires that the SFMTA Board of Directors approve SFMTA's Title VI Program Update and the results of the SFMTA's Service Standards and Policies Monitoring Program; and

WHEREAS, As part of FTA's Title VI Program requirements, SFMTA must submit the Program Update and Service Standards and Policies Monitoring Program to the FTA every three years; and

WHEREAS, On December 7, 2022, the SFMTA, under authority delegated by the Planning Department, determined that the 2022 Title VI Program Update is not defined as a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; and

WHEREAS, The Service Standards and Policies Monitoring Program compares the level of transit service and performance on routes heavily used by minority populations and people who live in low-income households compared to routes with lower usage by minority populations and people who live in low-income households to ensure service equity; and

WHEREAS, If a disparate impact or disproportionate burden is found, SFMTA shall consider alternatives to avoid, minimize, or mitigate the impact in order to take corrective action to remedy the disparity to the greatest extent possible and shall discuss the identified impacts and proposed actions in the 2022 Title VI Program Update;

WHEREAS, The 2022 Service Monitoring Exercise evaluated Muni's service standards for vehicle load, on-time performance, policy headway, and service coverage and did not identify any disparate impacts or disproportionate burdens;

WHEREAS, The 2022 Service Monitoring Exercise evaluated Muni's service policies for vehicle assignment and transit amenities and did not identify any disparate impacts or disproportionate burdens; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors approves the SFMTA's 2022 Title VI Program Update, and the results of the required system-wide monitoring of service standards and policies conducted by SFMTA's Transit Planning Division.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 17, 2023.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency