

**THIS PRINT COVERS CALENDAR ITEM NO. : 12**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Transit

**BRIEF DESCRIPTION:**

Approving the SFMTA's 2016 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.

**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 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 2016 Title VI Program Update includes both General Requirements and Transit-Specific Requirements.
- 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 2016 service monitoring exercise did not identify any disparate impacts to people of color or disproportionate burdens to people from low-income households.

**ENCLOSURES:**

1. SFMTAB Resolution
2. SFMTA's 2016 Title VI Program Update

**APPROVALS:**

**DATE**

DIRECTOR		<u>10/25/16</u>
SECRETARY		<u>10/25/16</u>

**ASSIGNED SFMTAB CALENDAR DATE:** November 1, 2016

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### **PURPOSE**

Approving the SFMTA's 2016 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.

### **GOAL**

This program supports the following SFMTA Strategic Plan objectives:

- Goal 2: Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel
  - Objective 2.1: Improve customer service and communications
  - Objective 2.2: Improve transit performance
- Goal 4: Create a workplace that delivers outstanding service
  - Objective 4.4: Improve relationships and partnerships with our stakeholders

### **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;
- 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

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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 2016 Report provides an update to the SFMTA's December 2013 Title VI Program, which was submitted to the FTA in December 2013. All documents related to the General Requirements and Requirements for Transit Providers listed below are included in the attached Title VI Program Update, unless otherwise noted.

### **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) and a sample Title VI Complaint Form
- 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 membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- A description of how the agency monitors its subrecipients for compliance with Title VI
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc. (note: not applicable during the timeframe of this report)
- A copy of SFMTA Board meeting minutes, resolution, or other appropriate documentation showing the Board of Directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. The approval must occur prior to submission to FTA.

### **Specific Requirements for Transit Providers**

- System-wide Service Standards and Policies for vehicle load, on time performance, vehicle headway, and service availability.
- Service policies for vehicle assignment and transit amenities.
- Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people, such as the SFMTA, must also submit
  - Demographic and service profile maps and charts
  - Demographic ridership and travel patterns, collected by surveys

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- Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) 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 or other governing entity or official(s) considered, was aware of, and approved the results of the analysis

As applicable, the required information described above is attached to the calendar item as a comprehensive 2016 Title VI Program Update.

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 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 people of color 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. 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).

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, so that we were comparing routes with similar roles in the network. The SFMTA operates 81 routes, which range from 24-hour frequent service routes to infrequent commuter express routes. For the purposes of service monitoring, routes were categorized as described below:

#### **• Rapid (bus and rail) and frequent local:**

- Rapid Bus and Rail: 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, 7R, 9R, 14R and 28R.
- Frequent Local: These routes combine with Muni Metro and Rapid Bus routes to create the Rapid network. They provide high frequency service, similar to Rapid Bus routes, but with more stops along the route. Routes in this category include the 1, 7, 8, 9, 14, 22, 28, 30, 38, 47, and 49

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- **Grid:** These citywide routes combine with the Rapid network 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 network and typically operate less frequently than Rapid Network routes. Routes in this category include the 2, 3, 5, 6, 10, 12, 18, 19, 21, 23, 24, 27, 29, 31, 33, 43, 44, 45, 48, 54, and 55
- **Circulator:** These bus routes predominantly circulate through San Francisco's hillside residential neighborhoods, filling in gaps in coverage and connecting customers to major transit hubs. These include Routes 25, 35, 36, 37, 39, 52, 56, 57, 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, late night "owl" service, and weekend-only service. Routes include the 1AX/BX, 7X, 8AX/BX, 14X, 30X, 31AX/BX, 38AX/BX, 41, 81X, 82X, 83X, 88, F, NX
- **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 include the F, E, California Cable Car, Powell/Hyde Cable Car, and Powell/Mason Cable Car.

For the Title VI service standards and policies monitoring exercises, the SFMTA classified minority and low income transit routes using the 2013 On-Board Customer Survey data. Routes that have more customers who self-identify as minority than the systemwide average of 58 percent are considered minority routes. Routes that have more customers from low-income households than the systemwide average of 51 percent are considered low-income routes.

For new and increased service routes since 2013, such as the 55-Mission Bay, E-Embarcadero, and 76X-Marin Express (weekends only), survey data was collected in fall of 2016. This data was used to supplement 2013 On-board Customer Survey data for the service monitoring exercises.

### **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 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.

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- 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 burden 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 very positive. No disparate impacts were identified for people of color and no disproportionate burdens were identified for customers from low-income households. Additionally, two findings from the 2013 Service Monitoring exercise have been resolved. Details are presented below:

- 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. The monitoring exercise did identify some routes that exceeded our load standards, for example, we have significant crowding on our rail system. Within each service category, the minority and low income routes generally performed better than non-minority and non-low income routes. The minority routes performed worse than the non-minority routes in the PM Peak, but no disparate impact was found because the variation was less than 8%.
- On-Time Performance – This standard was evaluated using schedule adherence for the Grid, Circulator and Specialize Routes and service gaps for the Rapid/Frequent routes gaps, since customers rarely consult a schedule for service that comes every ten minutes or better. As an agency, the SFMTA is very focused on initiatives to improve on-time performance. However, with the exception of the 90 Owl route, as a system, we are not meeting our schedule adherence goals. We are making better progress on the service gap metric, with about a quarter of routes meeting the gap standard of less than 14% of trips have a gap longer than five minutes plus the headway. No disparate impacts or disproportionate burdens were found for this standard, although for some service categories minority and low-income routes performed worse, but within the 8% threshold.
- Policy Headways – This metric evaluates the minimum frequency for transit service. Different policy headways are established for each route type by time of day. The policy headways determine the maximum intervals between buses, even if there isn't high enough demand to fill a bus. Most Muni routes are meeting our policy headways and no disparate burdens or disproportionate impacts were identified for this service standard. In the 2013 Title VI Program

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update, the service monitoring exercise for policy headways found there to be a disparate impact on minority routes. Since that time, the SFMTA modified its policy headways to better reflect route service categories based on the findings from the Transit Effectiveness Project (TEP) and implemented a 10% service increase as part of the Muni Forward program. These changes are reflected in the improvement of policy headway compliance.

- **Service Coverage** – this metric evaluates how easy it is for residents to access Muni Service. We are currently meeting our coverage goals and all residential neighborhoods are within a short walk of a transit stop. No disparate impact or disproportionate burden was found.
- **Vehicle Assignment** – This metric evaluates how vehicles are assigned to routes to ensure that minority and low-income routes are not getting a concentration of older 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. The analysis found that the lowest average vehicle age was at the Flynn and Woods divisions, which have the highest percentage of minority and low-income routes. Systemwide, average fleet age will continue to decline as SFMTA continues its fleet replacement program, including the replacement of all rubber tire vehicles by spring 2018.
- **Transit Amenities** – This metric evaluates how equitably transit amenities are distributed throughout the system. SFMTA requires a stop marking or flag at every stop and shelters and maps at stops with more than 125 boardings per day. To compare equitable distribution of these amenities, shelters and real times 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. While there were slightly more shelters in non-minority, non-low income census blocks, the difference in percentage is less than 8% for both minority and low income stops with shelters, no disparate impact or disproportionate burden is found. Additionally, the percentage of minority stops with shelters has increased since the 2013 Title VI Program Update, which identified a finding in this category. The SFMTA is continuing to work towards further closing this gap. New shelters are prioritized at minority and low income stops when possible. There are constraints to installing shelters such as available right of way, but where applicable, this monitoring exercise is being used as a tool for selecting new shelter installation locations.

## **STAKEHOLDER ENGAGEMENT**

The SFMTA conducts extensive stakeholder engagement to develop policies related to our Title VI program. For example, in 2013, as part of the process to develop SFMTA's Title VI policies to define a major service change, disparate impact and disproportionate burden, the SFMTA conducted a multilingual stakeholder outreach campaign to receive input on the proposed policies and engage the public in the decision making process for adoption of these policies by the SFMTA Board. This effort included presentations to the SFMTA Citizens Advisory Council (CAC) and Muni Accessible Advisory Committee (MAAC), as well as two public workshops. The workshops were promoted through email, telephone calls to community groups and in nine languages on the SFMTA website.

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Outreach was also targeted to approximately 30 Community Based Organizations and transportation advocates with broad representation among low-income and minority communities. Staff also offered to meet with some community groups if they were unable to attend the public workshops.

For the updates to the 2016 Language Assistance Plan and the 2016 Public Participation Plan, the Policy and Governance Committee of the SFMTA Board of Directors was briefed at the beginning of the process, on November 20, 2015, and was provided with a detailed project update at their May 20, 2016 meeting. This committee was supportive of the project's comprehensive and multilingual stakeholder engagement strategies, specifically, conducting focus groups in-language. They also made recommendations on additional organizations to include in the engagement effort and these recommendations were incorporated. In addition to hosting seven language accessible focus groups, outreach included both customer and staff surveys completed by nearly 5,000 people, a total of 32 interviews with community-based organizations and nine public information sessions.

## **ALTERNATIVES CONSIDERED**

The approval of the Board of Directors of the SFMTA's 2016 Title VI Program Update and results of the agency's system-wide monitoring of service standards and policies is required by the FTA.

## **FUNDING IMPACT**

The 2016 Title VI Program and system-wide monitoring of service standards and policies have no funding impact.

## **ENVIRONMENTAL REVIEW**

On October 13, 2016, the SFMTA, under authority delegated by the Planning Department, determined that the 2016 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 2016 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 October 13, 2016, the SFMTA, under authority delegated by the Planning Department, determined that the 2016 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 people of color and people who live in low-income households compared to routes with lower usage by people of color 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 Title VI Program Update;

WHEREAS, The 2016 Service Monitoring Exercise evaluated Muni's service standards for vehicle load, on-time performance, policy headway, service coverage and did not identify any disparate impacts or disproportionate burdens;

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WHEREAS, The 2016 Service Monitoring Exercise evaluated Muni's service policies for vehicle assignment and transit amenities and did not identify any disparate impacts or disproportionate burdens;

WHEREAS, Corrective actions have been taken to address disparate impact findings for minority routes from the 2013 Service Monitoring Exercise for policy headways and customer amenities (i.e., shelters), therefore, be it

RESOLVED, That the SFMTA Board of Directors approves the SFMTA's 2016 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 November 1, 2016.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency  
Agency