

THIS PRINT COVERS CALENDAR ITEM NO: 10.5

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Approving retroactively a twelve-month pilot program beginning August 15, 2021 through August 14, 2022, waiving Muni fares for regular service for customers 18 years of age and younger and students enrolled in the San Francisco Unified School District’s English Learner and Special Education Services programs through the age of 22, and cable car fares for San Francisco youth.


SUMMARY:

- On April 21, 2020, as part of SFMTA’s FY 2021 and 2022 Operating Budget, the SFMTA Board approved a fare change to expand the Free Muni program for All Youth 18 years and under.
- On June 30, 2020, in response to the Covid-19 health crisis, the SFMTA Board approved a replacement FY 2021 and 2022 Operating Budget in which all fare changes approved in April, 2020 were subsequently rolled back including the expansion of the Free Muni for All Youth 18 years and under.
- Two million dollars has been allocated as part of the City’s budget for FY 2022 to fund a twelve-month pilot program to implement a Free Muni for all Youth program.
- Given the prior approval of this fare change by the SFMTA Board in April, 2020, and anticipating an appropriation by the full Board of Supervisors, this program was implemented as a short-term experimental fare change under the authority granted to the Director of Transportation beginning on August 15, 2021 to correspond with the beginning of the 2021-2022 school year.
- Pursuant to the SFMTA Board’s Rules of Order and Charter Section 16.112, advertisements were placed in the City’s official newspaper to provide notice of the September 7, 2021 meeting.

ENCLOSURES:

1. SFMTAB Resolution
2. Title VI Equity Analysis

APPROVALS:

	DATE
DIRECTOR 	<u>August 31, 2021</u>
SECRETARY 	<u>August 31, 2021</u>

ASSIGNED SFMTAB CALENDAR DATE: September 7, 2021

PAGE 2

PURPOSE

Approving retroactively a twelve-month pilot program beginning August 15, 2021 through August 14, 2022 waiving Muni fares for regular service for customers 18 years of age and younger and students enrolled in the San Francisco Unified School District's English Learner and Special Education Services programs through the age of 22, and cable car fares for San Francisco youth.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This action supports the following SFMTA Strategic Plan Goals and Objectives:

Goal 1: Create a safer transportation experience for everyone.

Objective 1.2: Improve the safety of the transit system.

Goal 3: Improve the quality of life and environment in San Francisco and the region.

Objective 3.1: Use Agency programs and policies to advance San Francisco's commitment to equity.

This action supports the following Transit First Policy Principle:

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.

DESCRIPTION

Numerous studies have established a link between exposure to transit at an early age and continued use in adult years, along with a decrease in auto-ownership. In support of this goal, the San Francisco Municipal Transportation Agency (SFMTA) implemented the "Free Muni for Youth" pilot program in 2013 providing free transit service to all low and moderate-income youth in San Francisco aged 5 through 17 years old. Several months later this was expanded to include students enrolled in Special Education and English Learner programs through age 22. In January 2015 the program was made permanent and extended to include seniors and people with disabilities. In January 2017, the Free Muni for Youth Program was expanded to include 18 year olds.

There are 39,350 active users of the Free Muni for Youth program, representing approximately 72% of those who are eligible. In order to participate in the program, parents submit an application to the SFMTA, and a Clipper card loaded with a Free Muni pass is mailed to their residence. Feedback from numerous stakeholder groups indicates that this application process and requirement to carry a pass creates a barrier for youth to access this program.

On April 21, 2020, as part of SFMTA's FY 2021 and 2022 Operating Budget, the SFMTA Board of Directors approved a fare change to expand the Free Muni program for All Youth 18 years and under; however, on June 30, 2020, in response to the Covid-19 health crisis, the SFMTA Board of Directors approved a replacement FY 2021 and 2022 Operating Budget in which all fare changes approved in April 2020 were subsequently rolled back including the expansion of the Free Muni for All Youth. As part of the City's Fiscal Year 2022 budget proposed by Mayor

PAGE 3

London Breed, two million dollars has been allocated to fund a twelve-month pilot program to expand the Free Muni for Youth program to all youth, which will eliminate the need for parents and guardians to submit applications or for youth to carry a Clipper card or other proof of payment.

Given the prior approval of this fare change by the SFMTA Board in April 2020, and anticipating an appropriation by the full Board of Supervisors to fund this expansion, this program was implemented as a short-term experimental fare change under the authority granted to the Director of Transportation beginning on August 15, 2021 to correspond with the beginning of the 2021-2022 school year.

A Free Muni pass will continue to be issued by the SFMTA provided to students enrolled in the San Francisco Unified School District's English Learner and Special Educations Services through the age of 22, and San Francisco youth who utilize cable car service to continue to use their existing pass for cable car service.

PUBLISHED NOTICE

Pursuant to Charter Section 16.112 and the SFMTA Board of Directors Rules of Order, advertisements were placed in the City's official newspaper regarding this public hearing. The advertisements ran in the San Francisco Examiner, the City's official newspaper, on August 22, August 25 – 27, 2021, and August 29, 2021, to provide notice that the SFMTA Board of Directors will hold a public hearing on September 7, 2021, to consider this program.

TITLE VI

Before the SFMTA Board can approve the Agency's fare policy and pricing or a service change, a Title VI analysis must be approved by the SFMTA Board in accordance with the Federal Transit Administration's (FTA) Circular 4702.1B.

In order to make an appropriate assessment of disparate impact on minority riders or disproportionate burden on low-income riders with regard to the proposed fare changes, the analysis compares available customer survey data and shows the number and percent of minority riders and low-income riders using a particular fare media in order to establish whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type or payment media that would be subject to the fare change.

A Title VI Analysis addressing the potential fare change is included as Enclosure 2. It includes an analysis of the proposed fare change based on available customer survey data for changes to current fare types. The analysis concludes that there are no disparate impacts on customers who self-identify as minority or disproportionate burdens on customers from low-income households based on the fact that this fare change will overwhelmingly benefit low-income and minority youth by eliminating the application process, which has been viewed as a barrier to full participation in the program and providing free Muni for all youth, regardless of race/ethnicity and/or household income.

STAKEHOLDER ENGAGEMENT

Extensive outreach was conducted in early 2020 for all proposed fare changes for the SFMTA’s FY 2021 and 2022 Operating Budget, including extending the Free Muni for Youth program to include all youth 18 years and under. Public feedback during this time was overwhelmingly positive. Additional outreach was conducted in conjunction with this proposed fare change, including e-mail notifications to SFMTA stakeholder groups, social media posts and blogs, and direct mail to the 40,000 existing Free Muni for Youth program participants. Further details are included in the attached Title VI Fare Equity Analysis and in the April 21, 2020 FY21 and FY22 Operating Budget calendar item, which also details feedback received on the Free Muni for All Youth proposal.

ALTERNATIVES CONSIDERED

None. The SFMTA Board of Directors has previously taken a position of support for this program.

FUNDING IMPACT

There is no fiscal impact associated with this proposal. The anticipated two-million dollar appropriation through the City’s FY 2022 budget will cover the estimated costs for this fare change. Should the SFMTA decided to continue this program, additional funding will need to be identified in the SFMTA’s Operating Budget beginning in FY 2023 going forward.

ENVIRONMENTAL REVIEW

On August 9, 2021, the SFMTA, under authority delegated by the Planning Department, determined that the Free Muni for all Youth program expansion is not 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

Pursuant to Charter Sections 8A.108, a budget amendment will be submitted to Board of Supervisors following approval by the SFMTA Board of Directors.

The City Attorney’s Office has reviewed this calendar item.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors retroactively approve a twelve-month pilot program beginning August 15, 2021 through August 14, 2022 waiving Muni fares for regular service for customers 18 years of age and younger and students enrolled in the San Francisco Unified School District’s English Learner and Special Education Services programs through the age of 22, and cable car fares for San Francisco youth.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Numerous studies have established a link between exposure to transit at an early age and continued use in adult years, along with a decrease in auto-ownership; and

WHEREAS, In support of this goal, the SFMTA implemented the Free Muni for Youth pilot program in 2013 providing free transit service to all low and moderate-income youth in San Francisco aged 5 through 17 years old; and

WHEREAS, Several months later this was expanded to include students enrolled in Special Education and English Learner programs through age 22; and

WHEREAS, In January 2017, the Free Muni for Youth Program was expanded to include 18 year olds; and

WHEREAS, There are 39,350 active users of the Free Muni for Youth program, representing approximately 72% of those who are eligible; and

WHEREAS, In order to participate in the program, parents submit an application to the SFMTA, and a Clipper card loaded with a Free Muni pass is mailed to their residence; and

WHEREAS, This application process and requirement to carry a pass to utilize the free program has been identified as a barrier to access; and

WHEREAS, On April 21, 2020, as part of SFMTA's FY 2021 and 2022 Operating Budget, the SFMTA Board of Directors approved a fare change to expand the Free Muni program to All Youth 18 years and under; however, on June 30, 2020, in response to the Covid-19 health crisis, the SFMTA Board of Directors approved a replacement FY 2021 and 2022 Operating Budget in which all fare changes approved in April, 2020 were subsequently rolled back including the expansion of the Free Muni for All Youth; and

WHEREAS, As part of the City's Fiscal Year 2022 budget proposed by Mayor London Breed, two million dollars has been allocated to fund a twelve-month pilot program to expand the Free Muni for Youth program to all youth; and

WHEREAS, The expansion of this program to all youth would eliminate the application and proof of payment requirement, removing barriers to the program; and

WHEREAS, Given the prior approval of this fare change by the SFMTA Board in April 2020, and anticipating an appropriation by the full Board of Supervisors to fund this expansion, this program was implemented as a short-term experimental fare change under the authority

granted to the Director of Transportation beginning on August 15, 2021 to correspond with the beginning of the 2021-2022 school year; and

WHEREAS, A Free Muni pass will continue to be issued by the SFMTA to students enrolled in the San Francisco Unified School District's English Learner and Special Education Services programs through the age of 22, and San Francisco youth who utilize cable car service to continue to use their existing pass for cable car service; and

WHEREAS, Pursuant to Charter Section 16.112 and the SFMTA Board of Directors Rules of Order, advertisements were placed in the City's official newspaper regarding the public hearing which ran in the San Francisco Examiner, the City's official newspaper, on August 22, August 25 – 27, 2021, and August 29, 2021, to provide notice that the SFMTA Board of Directors will hold a public hearing on September 7, 2021, to consider this program; and

WHEREAS, On August 9, 2021, the SFMTA, under authority delegated by the Planning Department, determined that the Free Muni for all Youth program expansion is not a "project" under the California Environmental Quality Act (CEQA) pursuant 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, 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 and in order to remain compliant with Title VI requirements and ensure continued federal funding, the SFMTA must analyze the impacts of fare changes on minority and low-income populations in compliance with the FTA's updated Circular 4702.1B; and

WHEREAS, The SFMTA prepared a Title VI analysis of the impact of the proposed fare changes on low-income and minority communities in San Francisco and has determined that there is no disparate impact to minority populations or disproportionate burden to low-income populations; now, therefore be it

RESOLVED, That the SFMTA Board approves the Title VI analysis of the impact of the proposed fare changes on low-income and minority communities in San Francisco, which determined that there is no disparate impact to minority populations or disproportionate burden to low-income populations; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves retroactively a twelve-month pilot program beginning August 15, 2021 through August 14, 2022 waiving Muni fares for regular service for customers 18 years of age and younger and students enrolled in the San Francisco Unified School District's English Learner and Special Education Services programs through the age of 22, and cable car fares for San Francisco youth.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of September 7, 2021.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency



Title VI Fare Equity Analysis
"FREE MUNI FOR ALL YOUTH" PROGRAM
September 7, 2021

I. Background

On April 21, 2020, as part of SFMTA's FY 2021 and 2022 Operating Budget, the SFMTA Board of Directors approved a fare change to expand the Free Muni program for All Youth 18 years and under; however, on June 30, 2020, in response to the Covid-19 health crisis, the SFMTA Board of Directors approved a replacement FY 2021 and 2022 Operating Budget in which all fare changes approved in April, 2020 were subsequently rolled back including the expansion of the Free Muni for All Youth. As part of the City's Fiscal Year 2022 budget proposed by Mayor London Breed, two million dollars has been allocated to fund a twelve-month pilot program to expand the Free Muni for Youth program to all youth, which will eliminate the need for parents and guardians to submit applications or for youth to carry a Clipper card or other proof of payment, which has been identified as a barrier to the existing program. This program also encourages transit use at a young age, which studies have shown leads to a higher likelihood of transit use in adult years and decreased auto ownership.

Given the prior approval of this fare change by the SFMTA Board in April 2020, and anticipating an appropriation by the full Board of Supervisors to fund this expansion, this program was implemented as a short-term experimental fare change under the authority granted to the Director of Transportation beginning on August 15, 2021 to correspond with the beginning of the 2021-2022 school year.

A Free Muni passes will continue to be issued by the SFMTA to students enrolled in the San Francisco Unified School District's English Learner and Special Education Services programs through the age of 22, and San Francisco youth who utilize cable car service to continue to use their existing pass for cable car service.

Fare Equity Analysis Requirement:

As a federally funded transit agency, the SFMTA must comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the grounds 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." (42 U.S.C. Section 2000d)

The fare equity analysis below, to be forwarded to the SFMTA's Board of Directors for review and approval on September 7, 2021, responds to the reporting requirements contained in the Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI and Title VI-Dependent Guidelines," which provides guidance to transit agencies serving large

urbanized areas and requires that these agencies "shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether these changes have a discriminatory impact." (Circular 4702.1B, Chapter IV-10) The FTA requires that transit providers evaluate the impacts of service and fare changes on minority and/or low-income populations. FTA's Circular 4702.1B includes the following race and ethnicity identities in its definition for those who are considered "minority persons" and members of "minority populations": American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, or Native Hawaiian or other Pacific Islander. For the purposes of this Title VI analysis, the SFMTA considers individuals to be a person of color if they self-identify as any race/ethnicity other than White, Not Hispanic or Latino. Individuals who self-identify as Multi-Racial including White, are also considered to be persons of color. The SFMTA defines low-income individuals as those whose total household income is below 200% of the federal poverty level per household size.

This Title VI analysis includes:

- SFMTA's Board-approved disparate impact and disproportionate burden policies;
- A description of the proposed fare changes and background on why the changes are being proposed;
- A data analysis based on available customer survey data to determine the percentage of users of each fare media proposed for increase or decrease, including a profile of fare usage based on race/ethnicity and income status, and comparison to systemwide representation;
- An analysis of potential impacts on communities of color and low-income populations;
- Any required analysis of alternative transit modes, fare payment types or fare media availability for customers who may be impacted by the proposed fare changes; and,
- A summary of public outreach and engagement efforts to seek public comment.

II. SFMTA's Title VI-Related Policies

On October 1, 2012, FTA issued Circular 4702.1B, which requires a transit agency's governing board to adopt the following policies related to fare and service changes:

- Major Service Change Definition – establishes a definition for a major service change, which provides the basis for determining when a service equity analysis needs to be conducted. Disparate Impact and Disproportionate Burden Policies – establishes thresholds to determine when proposed major service changes or fare changes would adversely affect minority populations and/or low-income populations and when alternatives need to be considered or impacts mitigated.

In response to Circular 4702.1B, the SFMTA developed the following Disparate Impact and Disproportionate Burden Policies, which were approved by the SFMTA Board of Directors 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.
- 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.

As part of the SFMTA’s process to develop the disparate impact and disproportionate burden policies, SFMTA conducted an extensive multilingual public 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 10 languages on the SFMTA website. Outreach also targeted approximately 30 Community Based Organizations and transportation advocates with broad representation among low-income and minority communities. In addition, staff presented the Title VI recommendations at the SFMTA Board of Directors meeting on Tuesday, July 16, 2013. The policies were approved at the Board of Directors meeting on August 20, 2013.

III. Assessing Impacts of the Proposed Fare Changes on Minority Populations and Low-Income Populations

As detailed in FTA Circular 4702.1B, transit providers shall evaluate the impacts of their proposed fare changes (either increases or decreases) on minority populations and low-income populations separately, and within the context of their Disparate Impact and Disproportionate Burden policies, to determine whether riders are bearing a disproportionate impact of the change between the existing cost and the proposed cost based on race/ethnicity and/or income status. The impact may be defined as a statistical percentage. The disparate impact and disproportionate burden thresholds must be applied uniformly, regardless of fare media.

Disparate Impact on Minority Populations: If after analyzing the proposed fare changes, the SFMTA determines that customers will bear a disproportionate impact of the change between the existing cost and the proposed cost based on their race/ethnicity and chooses not to alter the proposed fare changes despite the disparate impact on minority ridership, or if it finds, even after modifications are made, that minority riders will continue to bear a disproportionate share of the proposed fare change, the fare change may only be implemented if:

- (i) There is a substantial legitimate justification for the proposed fare change, and
- (ii) SFMTA can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish its legitimate program goals.

In order to make this showing, any alternatives must be considered and analyzed to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then only the least discriminatory alternative can be implemented.

Low-Income Disproportionate Burden: If, at the conclusion of the analysis, the SFMTA finds that low-income populations will bear a disproportionate burden of the proposed fare change, steps must be taken to avoid, minimize or mitigate impacts where practicable and descriptions of alternatives available to low-income populations affected by the fare changes must be provided.

IV. Data Analysis and Methodology

In order to make an appropriate assessment of disparate impact or disproportionate burden in regard to fare changes, the transit provider must compare available customer survey data and show the number and percentage of minority riders and low-income riders using a particular fare media, or aggregated categories if applicable, in order to establish whether minority and/or low-income riders are disproportionately more likely to

use the mode of service, payment type or payment media that would be subject to the fare change. (Circular 4702.1B, Chapter IV-19). For the purposes of this Title VI analysis, demographic data for ridership by fare type was used from the comprehensive 2017 System-wide On-Board Survey, conducted in Fall 2016 through Summer 2017.

The survey asked demographic questions for race/ethnicity, English proficiency, gender, income bracket and travel information such as payment type, trip purpose, origin and destination and mode to transit access. Consultants collected over 41,000 survey responses, of which over 39,000 were weekday responses, providing a statistically significant snapshot of ridership patterns. The results of these responses were extrapolated to create an estimate of the total ridership across all fare categories, in addition to low-income and minority ridership. This provides the basis for determining the potential impacts of fare changes on our customers. A copy of the survey is available upon request.

As noted above, the SFMTA Board approved a methodology for analyzing Title VI impacts. In the case of fare changes, both increases and decreases of any amount, this methodology relies on comparing the percentage of protected customers using particular fare products or instruments, as a package of changes, to their representation system-wide.

When Title VI-protected customers' usage of said fare products or instruments, as a package of changes, exceeds their system-wide average by eight percent or more, and the cost of those products or instruments in the package is being increased, then a finding of disparate impact (communities of color/minority populations) and/or disproportionate burden (low-income populations) is indicated.

Conversely, Title VI also requires that fare decreases be evaluated to determine whether they disproportionately benefit populations that are not protected by Title VI, thereby diverting the allocation of transit resources away from Title VI-protected groups. As a result, when Title VI-protected customers' usage of fare products or instruments, as a package of changes, falls below their system-wide average by eight percent or more, and the cost of those products or instruments in the package is being reduced, then a finding of disparate impact (impact on minority populations) and/or disproportionate burden (impact based on low-income status) is indicated.

Respondents who declined to answer questions about income or ethnicity are excluded from the analysis when calculating minority or low-income percentages. The overall system-wide averages were determined from National Transit Database and Automatic Passenger Counter (APC) data weighted by the weekly ridership share by line. The system-

wide average for minority customers was determined to be 57%, and the system-wide average for low-income customers was determined to be 38%.

In order to protect privacy, survey respondents were asked to report their income bracket as opposed to their specific income. As a result, the analysis made assumptions about whether the combination of a particular respondent's household size and income bracket fell into a "low-income" category based on the Agency's definition of low-income described above. Generally, the analysis erred on the side of caution and placed possibly low-income respondents into the low-income category.

V. Description of Proposed Fare Change and Summary of Impacts

The SFMTA is proposing to expand the Free Muni for Low- and Moderate-Income Youth to all youth 18 years and under, regardless of family or household income level. This change will eliminate the requirement for families or households to submit an application with proof of age and self-certification of income, a process that has been identified as a barrier for participation to those who qualify for the existing program. The requirement for youth to carry proof of payment in the form of a Clipper card loaded with the Free Muni pass will also be eliminated, with the exception of a pass issued for Special Education Services and English Learner students, as well as San Francisco Youth who utilize cable car service. Providing free Muni service to all youth will encourage the use of transit at an early age, which may lead to increased transit use in adulthood and reduced vehicle ownership.

Tables 1 below provides the disparate impact analysis and Table 2 provides the disproportionate burden analysis for the proposed fare change, as well as the demographic characteristics of the customers who use the fare type. They also include a comparison of the cumulative usage of all these fare types by minority and low-income populations to their representation systemwide. Consistent with SFMTA's disparate impact and disproportionate burden policies, a disparate impact and/or disproportionate burden finding is indicated if the total fare usage by communities of color and low-income populations, respectively, deviates from the system-wide averages by eight percent or more. Conversely, Title VI also requires that fare decreases be evaluated to determine whether they disproportionately benefit populations that are not protected by Title VI, thereby diverting the allocation of transit resources away from Title VI-protected groups. As a result, when Title VI-protected customers' usage of fare products or instruments, as a package of changes, falls below their system-wide average by eight percent or more, and the cost of those products or instruments in the package is being reduced, then a finding of disparate impact (impact on minority populations) and/or disproportionate burden (impact based on low-income status) is indicated.

Table 1: **Disparate Impact Analysis – Free Muni for all Youth**

Fare Type	Current Fares	Proposed Fares	Percentage Change	Riders ¹	Riders Who Reported Race/Ethnicity ²	Minority Riders ³	Percent Minority ⁴
Free Muni for All Youth ⁵	N/A	\$0.00	N/A	27,693	27,581	20,742	75%
All Fare Media ⁶				663,236	659,292	376,000	57%

1. *Riders* includes all survey responses for Youth and for all categories of riders, respectively.
2. *Riders Who Reported Race/Ethnicity* includes responses by youth who chose to report race/ethnicity.
3. *Minority Riders* includes responses who chose to report race/ethnicity and are minority by definition.
4. *Percent Minority* is a percentage calculation of *Minority Riders* out of *Riders Who Reported Race/Ethnicity*.
5. Figures are based on all riders Age 18 and under from 2017 Systemwide On-Board Survey as this entire population will benefit from a free muni ride.

Table 2: **Disproportionate Burden Analysis – Free Muni for all Youth**

Fare Type	Current Fares	Proposed Fares	Percentage Change	Riders ¹	Riders Who Reported Income ²	Low-income Riders ³	Percent Low Income ⁴
Free Muni for All Youth ⁵	N/A	\$0.00	N/A	27,693	19,747	12,747	65%
All Fare Media ⁶				663,236	570,959	220,699	38%

1. *Riders* includes all survey responses for Youth and for all categories of riders, respectively.
2. *Riders Who Reported Income* includes responses by youth who chose to report income bracket.
3. *Low-income Riders* includes responses by riders who chose to report income bracket and are low income by definition.
4. *Percent Low Income* is a percentage calculation of *Low-Income Riders* out of *Riders Who Reported Income*.

5. Figures are based on all riders Age 18 and under from 2017 Systemwide On-Board Survey as this entire population will benefit from a free muni ride.

Table 3: Summary of Disparate Impact and Disproportionate Burden Analysis

Item	Minority Populations	Disparate Impact?	Low Income	Disproportionate Burden?
Fare Free Youth	75%		65%	
All Fare Media	57%		38%	-
Difference in Percentage Points	+18	No	+27	No

A disparate impact or disproportionate burden is found if the total usage by minority populations and/or low-income populations deviates from their system-wide averages by eight percent or more. Conversely, Title VI also requires that fare decreases be evaluated to determine whether they disproportionately benefit populations that are not protected by Title VI, thereby diverting the allocation of transit resources away from Title VI-protected groups. As a result, when Title VI-protected customers' usage of fare products or instruments, as a package of changes, falls below their system-wide average by eight percent or more, and the cost of those products or instruments in the package is being reduced, then a finding of disparate impact (impact on minority populations) and/or disproportionate burden (impact based on low-income status) is indicated.

Shown in Table 3, the Free Muni for all Youth program will impact 75% of minority riders and 65% of low-income riders. Although these results deviate more than eight percent of the system-wide average of 57% minority and 38% low-income riders based on fare usage, this fare change provides a benefit to minority and low-income populations by removing barriers to access and expanding free Muni to all youth, regardless of household income, so no disparate impact or disproportionate burden is found.

X. Public Comment and Outreach

Pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations, as well as state and local laws, the SFMTA takes responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of SFMTA's programs and activities for low-income, minority, and limited-English proficient (LEP) individuals, and regardless of race, color or national origin. Given the diversity of San Francisco and of Muni's ridership, the SFMTA is strongly committed to disseminating information on both fare and service changes that is accessible to LEP individuals.

In April 2020, the SFMTA Board of Directors approved the expansion of free Muni fares to all youth 18 years and under as part of the Fiscal Years 2021 and 2022 budget. Prior to this action, the SFMTA launched a public outreach campaign at the beginning of the FY2021-FY2022 process in order to gather and consider public input on the budget and the proposed fare changes, which impacted the final proposals submitted to the SFMTA Board of Directors for its consideration and approval.

As part of this process, notices for public comment opportunities were provided in multiple languages and included information on how to request free language assistance at the meetings with at least 48 hours' notice. As required by the City Charter, advertisements publicizing the public hearing were placed in advance in San Francisco newspapers. Multilingual ads were placed in prominent Chinese, Spanish and Russian newspapers in San Francisco. Multilingual information has been available to the public through the SFMTA website throughout the budget process. Additional methods for keeping the public informed were conducted through blog posts, e-mail blasts to stakeholders and through SFMTA/Muni's Twitter and Facebook accounts. Feedback was compiled and forwarded to appropriate staff and to the MTAB for consideration in the decision-making process.

Specific outreach activities included:

- Collateral on Muni vehicles publicizing budget feedback opportunities, including proposed service changes and notice of free language assistance:
- Newspaper Ads in 13 newspapers, including ethnic media, publicizing budget feedback opportunities
- Social Media: Facebook ads publicizing budget feedback opportunities that reached more than 23,000 people
- Email updates to more than 20 community organizations publicizing budget feedback opportunities
- Email updates to more than 800 recipients
- Public meetings: multiple opportunities to provide public comment and feedback, including at two SFMTA Board of Directors meetings and an Online Budget Conversation with Jeff Tumlin.

Approval of the expansion of free Muni fares to all youth was subsequently rescinded in June 2020 as part of the suspension of all fare changes due to the Covid-19 pandemic. In conjunction with the current proposal to reinstate the fare change, the SFMTA conducted the following additional outreach, beginning in July 2021:

- Public Hearing Notice, as required by the City Charter, placed in the official City newspaper
- Multilingual information posted on the SFMTA website

- Announcements made through blog posts, e-mail to stakeholders and through SFMTA/Muni's Twitter and Facebook accounts
- Email updates to community organizations and stakeholder groups

XI. Conclusion

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs and activities receiving Federal financial assistance. In compliance with this law, the SFMTA has conducted a Title VI analysis on this proposed fare change. This analysis found there are no disparate impacts or disproportionate burdens for this proposal as this change benefits all youth 18 years old and under and eliminates a significant barrier to access by removing the requirement to submit an application for the program and receive a Free Muni transit pass.

The analysis will be forwarded to the Board of Directors of the San Francisco Municipal Transportation Agency (SFMTAB) for review and approval and a copy of the Board resolution will be provided to the FTA as documentation.