

THIS PRINT COVERS CALENDAR ITEM NO.: 11

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Transit

BRIEF DESCRIPTION:

Approving the SFMTA's 2019 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 2019 Title VI Program Update includes both General Requirements and Transit-Specific Requirements.
- To ensure compliance with applicable Title VI regulations, 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 2019 service monitoring exercise did not identify any disparate impacts on the basis of race, color, or national origin or any disproportionate burdens on low-income populations.

ENCLOSURES:

1. SFMTAB Resolution
2. SFMTA's 2019 Title VI Program Update & Appendices

APPROVALS:

DIRECTOR  _____

SECRETARY  _____

DATE

October 30, 2019

October 28, 2019

ASSIGNED SFMTAB CALENDAR DATE: November 5, 2019

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PURPOSE

Approving the SFMTA's 2019 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 program supports the following SFMTA Strategic Plan objectives:

Goal 2: Make transit and other sustainable modes of transportation the most attractive and preferred means of travel.

Objective 2.1: Improve transit service.

Goal 4: Create a workplace that delivers outstanding service.

Objective 4.3: Enhance customer service, public outreach, and engagement.

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.

Based on 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, including the results of the service monitoring exercise, is required.

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

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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 2019 Report provides an update to the SFMTA's November 2016 Title VI Program, which was submitted to the FTA at the end of 2016. All documents related to the General Requirements and Requirements for Transit Providers listed below, which are required for submission to the FTA, are included in the enclosed 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, including 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 and strategies to engage minority and limited English proficient populations in the SFMTA's public participation activities, as well as a summary of major outreach efforts made since the last Title VI Program submission
- Language Assistance Plan, detailing how the SFMTA provides meaningful access to its programs, information and services for individuals with limited English proficiency (LEP), based on the Department of Transportation's LEP Guidance
- A table depicting the membership of transit-related, non-elected advisory councils or committees, the full membership of which is selected by the SFMTA, 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
- Title VI equity analyses related to the determination of site or location of facilities to ensure that the location of projects requiring land acquisition and the displacement of persons from their residences and businesses is not determined on the basis of race, color or national origin. (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 2019 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

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- Demographic ridership and travel patterns, collected by surveys
- 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 2019 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 designated as minority routes and low-income routes is comparable or better than other routes. The SFMTA’s definitions of minority and low-income routes and census block groups are based on FTA Circular 4702.1B, Chapter I-4. Additional details can be found in the 2019 Title VI Program Update, Section 3.3 Customer Demographics and Travel Patterns. 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 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 with similar roles in the network.

The SFMTA operates 79 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 Local:** 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, 47 and 49.
- **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 or Frequent networks 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, 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, 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, and weekend-only service. Routes in this category include the 1AX/BX, 7X, 8AX/BX, 14X, 30X, 31AX/BX, 38AX/BX, 41, 76X, 78X, 79X, 81X, 82X, 83X, 88, and 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 in this category include the E, F, California Cable Car, Powell/Hyde Cable Car, and Powell/Mason Cable Car.
- **Owl:** These routes operate overnight between the hours of 1am 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.

From the fall of 2016 to the summer of 2017, the SFMTA conducted a system-wide, on-board customer survey. The purpose of the survey was to collect customer demographic information such as race/ethnicity, English proficiency, gender, income and travel information such as payment type usage, trip purpose, origin and destination and mode to transit access. The survey was performed to be statistically significant to the route and time of day including weekend and Owl service.

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.

- 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 would have been found. 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, then a disproportionate burden would have been found.

Monitoring Results

The overall results from the service monitoring were very positive. No disparate impacts or disproportionate burdens were found.

- **Vehicle Loads** – This analysis evaluates whether or not we have enough scheduled service on our routes and is evaluated during the AM and PM peak periods. The minority routes performed better than the non-minority routes in each service category. The low-income routes generally performed better than the non-low-income routes in each category, except for the Connector routes in the AM peak which were 1% more over capacity than non-low-income routes. There is no disparate impact or disproportionate burden resulting from the service monitoring for Vehicle Loads.
- **On-Time Performance** – This analysis was evaluated using schedule adherence for the Grid, Connector and Specialized Routes, and service gaps for the Muni Metro Rapid & Frequent Routes. For Muni Metro, Rapid & Frequent Routes, on average minority routes in this category were closer to the standard of less than 14% gaps. For Grid, Connector and Specialized routes, the average On-Time Performance regardless of route classification was well below the 85% standard. This is largely due to an operator shortage and vehicle availability trend, that has made service delivery for the agency a challenge. Under these conditions, the agency is prioritizing service delivery of minority

and low-income routes, and the results demonstrate that overall they are performing slightly better or the same as non-minority, non-low-income routes. There is no disparate impact or disproportionate burden resulting from the service monitoring for On-Time Performance.

- **Policy Headways** – This analysis 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. Connector route headways met SFMTA’s standards for both route classifications. Muni Metro, Rapid and Frequent routes met the minimum headway 100% of the time for minority classified routes and 97% of the time for low-income classified routes. For both minority and low-income classified routes, Grid routes met the minimum headways 93-97% of the time. There is no disparate impact or disproportionate burden resulting from the service monitoring for Policy Headways.
- **Service Coverage** – This analysis evaluates how easy it is for residents to access Muni Service. The SFMTA operates 79 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. There is no disparate impact or disproportionate burden resulting from the service monitoring for Service Coverage.
- **Vehicle Assignment** – This analysis 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.
 - **Rubber-Tire:** Woods, Flynn and Islais Creek Divisions have the highest proportion of minority routes of all the divisions. A total of 62% of the routes operating from Woods Division, 67% of the routes operating from Flynn and 50% of the routes operating from Islais Creek are minority routes. With the addition of Presidio, these divisions also have the highest share of low-income routes. Over 50% of the routes operating from these divisions are low-income routes. For the rubber-tire fleet, the average age is two to three years except for the Woods Division with an average age of eight 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 Muni’s current fleet replacement cycle. In 2016, the average age of the fleet at Woods was five years compared to averages of six to fifteen years at the other rubber-tire Divisions. 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 replaced. It is expected the agency will replace these 32-foot coaches over the next five years which will further decrease the average age of the fleet at Woods.

- **Rail:** The light rail fleet is also reducing in age, with an average age of 21 years in 2016, to a current average age of 13 years. Muni is currently undergoing a replacement of the LRV fleet, including an expansion of 64 vehicles. Over the next 10 years all existing vehicles will be replaced and the average age of Green/MME vehicles will continue to decrease.
- **Historic:** 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.

There is no disparate impact or disproportionate burden resulting from the service monitoring for Vehicle Assignment.

- **Transit Amenities** – This analysis 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. The 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. For shelters and Nextbus displays, the SFMTA does not have decision-making authority over siting and location of these amenities, but still includes them in this monitoring exercise to track progress in reaching its goals to have shelters and Nextbus displays at all stops within the Muni system, with a priority on 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 transit stops. The number of shelters and real time displays at stops in minority and low-income census block groups were then compared to those in non-minority and non-low-income census block groups.
 - **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.
 - **Transit Shelters and System Maps:** All stops with shelters contain the latest version of the Muni system map for customer information and navigation. For both minority and non-minority stops, 34% of stops have shelters. For stops in low-income census block groups, 38% have shelters compared to 31% in non-low-income census block groups. Since the SFMTA does not have decision-making authority over the siting and location of this amenity, this monitoring exercise is done to track progress in reaching the agency's siting goals.

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- **Real Time Displays:** For stops in minority census block groups, 23% have real time displays and 24% have real time displays in non-minority census block groups. For stops in low-income census block groups, 26% have real time displays, and 21% in non-low-income census block groups have real time displays. Since the SFMTA does not have decision-making authority over the siting and location of this amenity, this monitoring exercise is done to track progress in reaching the agency's siting goals.
- **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

There is no disparate impact or disproportionate burden resulting from the service monitoring for Transit Amenities.

STAKEHOLDER ENGAGEMENT

Staff presented the 2019 Title VI Program to the Citizens Advisory Council (CAC) on October 3, 2019. The SFMTA conducts extensive stakeholder engagement to develop policies related to our Title VI program and as part of ongoing Title VI requirements. For example, in 2019, expansive stakeholder outreach was conducted, both externally and internally, to gather data and collect feedback in order to update the SFMTA's Language Assistance Plan (LAP). In 2018 and 2019, extensive feedback was collected, including the outreach conducted as part of the agency's Public Outreach and Engagement Team (POETS), to update the SFMTA's Public Participation Plan (PPP), which details the strategies and methods for engaging stakeholders throughout San Francisco in the agency's important decision-making processes. In addition, outreach is conducted regarding proposed fare and service changes. Details of stakeholder engagement is included in the PPP, Appendix D, and the LAP, Appendix F, in the 2019 Title VI Program Update.

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ALTERNATIVES CONSIDERED

No alternatives were considered. The approval of the Board of Directors of the SFMTA's 2019 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 2019 Title VI Program and system-wide monitoring of service standards and policies have no funding impact.

ENVIRONMENTAL REVIEW

On October 9, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the 2019 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 2019 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 9, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the 2019 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 compares the level of transit service and performance on routes designated as minority routes and low-income routes with routes designated as non-minority and non-low-income routes 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; and

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WHEREAS, The 2019 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; and

WHEREAS, The 2019 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 be it

RESOLVED, That the SFMTA Board of Directors approves the SFMTA's 2019 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 5, 2019.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency