



SFMTA
Municipal
Transportation
Agency

Title VI Analysis of Providing Free Muni to Low and Moderate Income 19 to 22 Year Old English Learner and Foster Care SFUSD Students

May 2015

I. Overview

At the April 15, 2014 meeting of the San Francisco Municipal Transportation Agency Board of Directors (MTAB), in addition to other fare changes, the Board approved continuing to provide free Muni for low and moderate income youth up to 17 years old who use a Clipper® card. In addition, the MTAB indicated that the agency should provide free Muni for low and moderate income 18 year olds who use a Clipper card effective November, 2014. At the April 15th meeting, the MTAB requested that the Title VI report approved at that Board meeting be updated to include providing free Muni for low and moderate income 18 year olds who use a Clipper card effective November, 2014, for approval at a later Board meeting. This approval occurred at the August 19, 2014 MTAB meeting.

In addition, on April 15, 2014, the MTAB gave direction to the Director of Transportation (DOT) to explore the feasibility of adding low and moderate income 19 to 22 year olds enrolled in the San Francisco Unified School District's (SFUSD) Special Education Services (SES) program to the Free Muni program. On August 19, 2014, the MTAB approved the recommendation that these students be added to the program.

Following SFMTA Board of Directors approval expanding the Free Muni for Youth program to include the SES program on August 19, 2014, SFUSD requested that this program also include low and moderate income 19 to 22 year old San Francisco Unified School District (SFUSD) English Learner and Foster Care students who use a Clipper® card.

II. Background

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.

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 analysis below 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 effects of service and fare changes on low-income populations in addition to Title VI-protected populations.

The San Francisco Municipal Transportation Agency (SFMTA), a department of the City and County of San Francisco, was established by voter proposition in 1999. One of the SFMTA's primary responsibilities is running the San Francisco Municipal Railway, known universally as "Muni." Muni is the largest transit system in the Bay Area and the seventh largest in the nation, with approximately 700,000 passenger boardings per day and serving approximately 215 million customers a year. The Muni fleet includes: historic streetcars, biodiesel and electric hybrid buses and electric trolley coaches, light rail vehicles, paratransit cabs and vans and the world-famous cable cars. Muni provides one of the

highest levels of service per capita with 63 bus routes, seven light rail lines, the historic streetcar F Line and three cable car lines and provides seamless connections to other Bay Area public transit systems such as BART, AC Transit, Golden Gate Transit and Ferries, SamTrans, and Caltrain.

The proposed change would expand the Free Muni program to include low and moderate income 19 to 22 year old SFUSD students enrolled in English Learner and Foster Care students who use a Clipper® card.

This Title VI analysis includes:

- SFMTA's Board-approved disparate impact and disproportionate burden policies, as well as a summary of the public outreach and engagement process employed in the development of these policies;
- A description of the proposed fare changes and background on why the changes are being proposed;
- A data analysis including a profile of fare usage by protected group – minority and low-income – and a comparison to their representation system-wide;
- An analysis of potential impacts on minority and/or low-income customers;
- A summary of public outreach and engagement efforts.

III. SFMTA's Title VI-Related Policies and Definitions

On October 1, 2012, FTA issued updated 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 – establish thresholds to determine when proposed major service changes or fare changes would adversely affect minority 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 recommended Disparate Impact and Disproportionate Burden Policies, which were approved, after an extensive multilingual public outreach process, 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.

The SFMTA Board of Directors approved the Title VI policies (see Resolution No. 13-192).

Stakeholder Outreach and Engagement

As part of the SFMTA’s process to develop the proposed Title VI policies, 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. 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. In addition, staff presented the Title VI recommendations at the SFMTA Board of Directors meeting on July 16, 2013. The policies were approved at the Board of Directors meeting on August 20, 2013.

Definition of Minority

For the purpose of the Title VI analysis, “minority” is defined as a person who self-identifies as any race/ethnicity other than white. Minority includes those self-identifying as multi-racial including white.

Definition of Low Income

The SFMTA defines low-income as a person self-reporting their household income at 200% below the 2015 Federal Poverty Levels (FPL). The table below shows the 2015 household income levels meeting the 200% FPL threshold. This definition of low-income matches the SFMTA’s criteria for Lifeline Muni passes for low-income households in San Francisco.

Household Size	Household Income 200% of the 2015 Federal Poverty Levels
1	\$23,540
2	\$31,860
3	\$40,180
4	\$48,500
5	\$56,820
6	\$65,140
7	\$73,460
8	\$81,780

Household Size	Household Income 200% of the 2015 Federal Poverty Levels
For each additional person, add:	\$8,320

IV. Assessing Impacts of the Proposed Fare Changes on Minority and/or Low-Income Communities

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

Minority Disparate Impact: If the SFMTA finds potential disparate impacts and then modifies the proposed changes in order to avoid, minimize or mitigate those impacts, it is required to reanalyze the proposed changes in order to determine whether the modifications actually removed the potential disparate impacts of the changes. If SFMTA chooses not to alter the proposed fare changes despite the disparate impact on minority ridership, or if it finds, even after the revisions, 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 the transit provider's 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.

V. 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 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. (Circular 4702.1B, Chapter IV-19). The SFMTA has data on ridership demographics by transit line based on a comprehensive On-Board Customer Survey conducted in Spring 2013. The survey asked demographics questions for

race/ethnicity, household income, household size, gender, age, vehicle ownership, and other information including fare type used on the trip and origin/destination information. Consultants collected over 22,000 survey responses, providing a statistically significant snapshot of ridership patterns. 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, in August 2013, 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 a particular fare product or instrument to their representation system-wide. When protected customers' usage of said fare product or instrument exceeds their system-wide average by eight percent or more, and the cost of that product or instrument is being increased, then a finding of disparate impact (minority-based impact) and/or disproportionate burden (low-income based impact) 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 a fare product or instrument falls below their system-wide average by eight percent or more, and the cost of that product or instrument is being reduced, then a finding of disparate impact (minority-based impact) and/or disproportionate burden (low income-based impact) is indicated.

Respondents who declined to answer questions about income or ethnicity are excluded from the analysis. 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 58%, and the system-wide average for low-income customers was determined to be 51%.

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.

VI. Description of Proposed Fare Changes and Analysis of Impacts

As noted in Section II, the SFMTA is proposing to expand the existing Free Muni program to include low and moderate income 19 to 22 year old SFUSD English Learner and Foster Care students. Tables 1 and 2 provide an analysis of the effects of the fare change included in this proposal. Table 1 includes current and proposed fares by planned year of implementation, as well as the demographic characteristics of the customers who use the fare type. Table 2 compares the cumulative usage of these fare types by minority and low-income customers to their representation system-wide. A disparate impact and/or disproportionate burden finding is indicated if the total usage by minority and/or low-income customers deviates from their system-wide averages by eight percent or more.

According to the SFUSD demographic information, 97.3% of the customers impacted by the proposed fare decrease are minority and 85.45% are low-income. With Muni's ridership being 58% minority and 51% low income, the proposed fare decrease benefits minority and low income customers more than the general Muni population. Since fare decreases carry a positive effect, however, the assessment of impact or burden focuses on whether the fare

decreases will benefit populations not protected by Title VI disproportionately to their representation system-wide. Therefore an impact or burden is indicated only if the percentages of low income and minority riders is more than eight percent *lower* than their system-wide averages. In this case, the percentage of low-income riders receiving this benefit is 34.45% higher than the system average and 39.3% higher for minority riders. Because the fare decrease benefits minority and low income customers at a higher percentage than overall Muni minority and low income ridership, there is no disparate impact or disproportionate burden.

Table 1 below summarizes the fare change information and the SFUSD demographics information on the population benefiting from the fare change.

Table 1: Assessment of Disparate Impact/Disproportionate Burden

Fare Type	FY 2015 Current Fare	FY 2016 Fare	FY 2016 Proposed Fare	Estimated Ridership	% Low Income	Estimated Minority Ridership
<i>19 to 22 Year Olds enrolled in SFUSD English Learner and Foster Care programs</i>	\$2.25/\$68.00	\$2.25/\$70.00 (change effective 7/1/15)	\$0.00	200	85.45% ¹	97.3% ²

¹ Data provided by SFUSD based on participant enrollment in the Free/Reduced lunch program (below 185% of Federal Poverty level).

² Data provided by SFUSD.

As Table 2 indicates, the proposed fare change does not result in a disparate impact or disproportionate burden on minority and low-income Muni customers:

Table 2: Summary of Disparate Impact and Disproportionate Burden Analysis

Type of Change	% Minority Impacted	System-wide Average: Minority	Disparate Impact?	% Low-Income Impacted	System-wide Average: Low-Income	Disproportionate Burden?
<i>Fare Decrease</i>	97.3%	58%	NO	85.45%	51%	NO

VII. Public Comment and Outreach

Given the diversity of the SFMTA’s service area and ridership and pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations, 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 individuals and regardless of race, color or national origin.

In order to inform our riders and gather public comment regarding the proposed fare changes, the SFMTA informed customers of the Board of Directors hearing date of June 2, 2015 and advised of the availability of free language assistance at the meeting with 48 hours' notice via multilingual notices on its website and email and text notifications to riders and other stakeholders. Customers were also directed to the City's 311 Telephone Customer Service Center, which provides multilingual assistance 24 hours a day, 365 days per year, to forward comments or questions and find out additional information. Pursuant to Charter Section 16.112 and state law, advertisements were also placed in the City's official newspaper regarding this public hearing. The advertisements ran in the San Francisco Chronicle.

VIII. Conclusion

In summary, the SFMTA is proposing fare decreases for SFUSD English Learner and Foster Care low and moderate income 19 to 22 year old students. The Agency performed a Title VI analysis of the ridership impacted by this proposed change, in keeping with its Title VI-related policies and methodology adopted by the SFMTA Board in August 2013. The analysis indicated that there are neither disparate impacts nor disproportionate burdens associated with this fare change.