

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 13-192

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 governing board of a transit agency approve a Major Service Change Definition and Disparate Impact and Disproportionate Burden policies; and

WHEREAS, As part of FTA's Title VI Program requirements, SFMTA must perform a service equity analysis when a major service change is proposed or any fare change that will exceed six months to determine if the change will adversely affect minority and low-income populations; and

WHEREAS, Based on data from the 2010 U.S. Census, 58 percent of San Francisco residents are minority and 31 percent of San Francisco households are at or below 200 percent of the federal poverty level; and

WHEREAS, If the service or fare equity analysis identifies a potential disparate impact on minority populations or customers, SFMTA is required to consider alternative proposals to avoid, minimize, or mitigate the disparate impact and the service or fare changes can only be implemented if (1) a substantial legitimate justification for the service or fare change exists, (2) there are no comparably effective alternative practices that would result in a less disparate impact on minority populations, and (3) the justification for the service change is not a pretext for discrimination; and

WHEREAS, If a disproportionate burden is found, the service or fare change may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects on low-income populations are not practicable; and

WHEREAS, SFMTA has performed multilingual community and peer outreach during the development of these policies; and

WHEREAS, After reviewing demographic data, characteristics of system ridership and conducting peer reviews/comparisons, a threshold of eight percent was determined to be the appropriate proposed threshold for both the Disparate Impact Policy and Disproportionate Burden Policy; and

WHEREAS, SFMTA staff recommend the following Major Service Change Definition be adopted by the SFMTA Board of Directors:

Major Service Change - A change in transit service that would be in effect for more than a 12-month period and that would consist of any of the following criteria:

- A schedule change (or series of changes) resulting in a system-wide change in annual revenue hours of five percent or more implemented at one time or over a rolling 24 month period;
- A schedule change on a route with 25 or more one-way trips per day resulting in:
  - Adding or eliminating a route;
  - A change in annual revenue hours on the route of 25 percent or more;
  - A change in the daily span of service on the route of three hours or more; or
  - A change in route-miles of 25 percent or more, where the route moves more than a quarter mile.

Corridors served by multiple routes will be evaluated based on combined revenue hours, daily span of service, and/or route-miles.

- The implementation of a New Start, Small Start, or other new fixed guideway capital project, regardless of whether the proposed changes to existing service meet any of the criteria for a service change described above; and

WHEREAS, SFMTA staff recommends that the following Disparate Impact Policy be adopted by the SFMTA Board of Directors:

Disparate Impact 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; and

WHEREAS, SFMTA staff recommends that the following Disproportionate Burden Policy be adopted by the SFMTA Board of Directors:

Disproportionate Burden 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 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; now, therefore, be it;

RESOLVED, That the SFMTA Board of Directors approves the Major Service Change Definition and Disparate Impact and Disproportionate Burden policies that are required to be adopted pursuant to the FTA's updated Circular 4702.1B issued on October 1, 2012.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 20, 2013.

*R. Berman*

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency