



Resolution No. R2022-19

Updating Sound Transit's Major Service Change and Fare Change Policies

| Meeting: | Date: | Type of action: | Staff contact: |
|---------------------|------------|--------------------|--|
| Executive Committee | 07/07/2022 | Recommend to Board | Jonté Robinson, Chief Diversity, Equity & Inclusion Officer |
| Board of Directors | 07/28/2022 | Final action | Nicole Hill, Deputy Director – Equity & Social Responsibility Michael Couvrette, Deputy Director – Service Planning |

Proposed action

Adopts a Disparate Impact and Disproportionate Burden Policy and supersedes Resolution Nos. R2013-18 and R2013-19.

Key features summary

- This policy establishes when the agency conducts equity analyses as required by the FTA and applies to major service changes, fare changes and siting of maintenance facilities.
- The policy requires the agency to perform an equity analysis to determine if service changes, fare changes, and the location selection of a maintenance facility will cause a disparate impact to minority populations. The policy also requires an equity analysis to determine if service and fare changes will create a disproportionate burden on low-income populations.
- Changes to the policy include:
 - Updating the service data used to define a major service change from “platform service hours” to “revenue service hours” to better measure changes in the amount of service delivered to riders.
 - Reducing the distance a bus stop can be moved from ½ mile to ¼ mile before causing a major service change to help highlight changes to rider experience and access when evaluating potential stop location changes.
 - Aligning the threshold for evaluating potential service changes with industry standards by establishing a 5% threshold for changes to a single line or route.
 - Adding a new system-wide analysis to determine the cumulative impacts of past and potential service changes by establishing a 20% threshold for service improvements and service reductions. This threshold is a ratio that compares the percentage of the populations affected by all service changes.
 - Updating fare change evaluation to be consistent with new system-wide analysis threshold of 20% to identify impacts for fare changes. The fare threshold is a ratio similar to systemwide service change threshold. Also adding criteria for evaluating fare media changes.
 - Establishing a facility equity analysis policy that applies to selecting the location of maintenance facilities and establishes threshold at 5%, meaning that a disparate impact

occurs when the percentage of the minority population adversely affected by a maintenance facility location exceeds the percentage of the minority population of the Sound Transit district by at least five percent.

- Revising the definition of low-income to align with poverty guidelines utilized by ORCA to determine low-income reduced fare eligibility.

Background

When Sound Transit considers making significant changes to its transit service, fares or the location of a new maintenance facility, the agency follows Federal Transit Administration (FTA) requirements to make changes in a nondiscriminatory manner, consistent with Title VI of the Civil Rights Act of 1964 (Title VI). FTA requires all transit agencies to measure if impacts of potential changes disproportionately affect minority and low-income populations. Equity is core to Sound Transit's values and a key element of future system expansion.

In order to conduct an equity analysis, the agency first determines the population within the service area impacted by the potential change. Using Census data, staff calculates what percentage of people within this impacted service area self-identify as people of color/minority and how many people live in households earning below 200% of the federal poverty line.

The equity analysis then compares the percentage of Title VI protected populations in the impacted service area to the average percentage of Title VI protected populations across the Sound Transit District to determine if a potential disparate impact or disproportionate burden may be caused by the service change.

- A Disparate Impact is defined as, "A facially neutral policy or practice that disproportionately affects members of a group identified by race, color or national origin".
- A Disproportionate Burden is defined as, "A policy or practice that disproportionately affects low-income populations more than non-low-income populations".

In 2013, Sound Transit established policies for conducting equity analyses of Major Service Changes and Fare Changes impacting minority or low-income populations via Resolution No. R2013-18 and Resolution No. R2013-19. The policies establish when an equity analysis is required and also establish thresholds to identify potential situations where changes may disproportionately impact minority and low-income populations.

This resolution proposes a new policy that would consolidate, update, and replace Resolution No. R2013-18 and Resolution No. R2013-19. The new policy will better reflect our growing region and network of transit services. Future system expansion will bring significant changes as we open new Link and Stride stations and adjust existing bus service to better connect communities with new stations. The updated policies will better prepare the agency for evaluating potential changes in the next few years.

Fiscal information

The proposed policy has no budget or financial impact.

Small business participation and apprenticeship utilization

Not applicable to this action.

Public involvement

The following public engagement efforts were conducted beginning in March 2022.

- Presentation to the Transportation Access Coalition
- Presentation to the Citizens Accessibility Advisory Council
- Dedicated public website with information about the proposed DIDB Policy.
- A short survey to solicit feedback was translated into Sound Transit's top six Title VI languages and available via the website.
- Traffic to the website driven by social media posts and press release.

Time constraints

The proposed Disparate Impact and Disproportionate Burden (DIDB) Policy will be included in the Sound Transit 2022 Title VI submittal to the FTA. The Board is scheduled to take final action to approve the submittal at the August 2022 Board of Directors meeting. Submittal is to be sent to the FTA by October 1, 2022. FTA regulations prevent the policy from being changed between triennial program submissions.

Prior Board/Committee actions

Resolution No. R2013-18: Established policies for conducting equity analysis of Major Service Changes impacting minority and low income populations.

Resolution No. R2013-19: Established policies for conducting equity analysis of Fare Changes impacting minority and low income populations.

Resolution No. R2011-15: Adopted an inclusive public participation policy to ensure meaningful access to public involvement and community outreach programs for minority, low income and limited English proficient populations.

Environmental review – KH 6/16/22

Legal review – MT 7/1/22



Resolution No. R2022-19

Disparate Impact and Disproportionate Burden Policy

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority adopting a Disparate Impact and Disproportionate Burden Policy and superseding Resolution Nos. R2013-18 and R2013-19.

WHEREAS, the Central Puget Sound Regional Transit Authority, commonly known as Sound Transit, was formed under chapters 81.104 and 81.112 of the Revised Code of Washington (RCW) for the Pierce, King and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Sound Transit district on November 5, 1996, November 4, 2008 and November 8, 2016, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, Sound Transit has made a commitment to the people within its three-county region to seek community involvement as it plans, designs, builds and operates a regional transit system; and

WHEREAS, Sound Transit is a recipient of federal funding primarily from the Federal Transit Administration (FTA); and

WHEREAS, consistent with Title VI of the Civil Rights Act of 1964, Sound Transit is committed to providing services without regard to race, color or national origin, promoting the full and fair participation of affected populations in transit decision-making and preventing denial, reduction or delay in benefits related to programs and activities that benefit minority or low-income populations; and

WHEREAS, in accordance with Title VI requirements and FTA guidelines, the Sound Transit Board established policies in 2013 to conduct analyses of and set analysis thresholds for disparate impacts and disproportionate burden for major service changes and fare changes and take all reasonable steps to remove, explore alternatives or otherwise mitigate and reduce any disparate impacts on minority populations or disproportionate burden on low-income populations; and

WHEREAS, the agency has determined the need to update the disparate impact and disproportionate burden analysis thresholds and expand the policy's scope to address the siting of maintenance facilities; and

WHEREAS, the agency has conducted public outreach to receive input on this proposed policy.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority that Resolution Nos. R2013-18 and R2013-19 are hereby superseded with a Disparate Impact and Disproportionate Burden Policy, which is hereby adopted as follows:

1.0 Scope

- 1.1 This policy establishes when the agency conducts equity analyses as required by the FTA and applies to major service changes, fare changes and siting of maintenance facilities.

2.0 Definitions

- 2.1 Disparate impact: A facially neutral policy or practice that disproportionately affects members of a group identified by race, color or national origin pursuant to FTA guidelines.
- 2.2 Disproportionate burden: A policy or practice that disproportionately affects low-income populations more than non-low-income populations pursuant to FTA guidelines.
- 2.3 Fare change: A change in fare, regardless of the amount of the increase or decrease and including changes in payment type or payment media and availability or duration of paper or electronic transfers, except for promotional periods where Sound Transit has declared that all passengers will ride free, temporary fare reductions that are mitigating measures for other actions and promotional or temporary fare reductions lasting no more than six months.
- 2.4 Low-income population: A population whose household income is at or below the poverty guidelines set by the Department of Health and Human Services level utilized by the regional transit fare program to determine low-income reduced fare eligibility.
- 2.5 Major service change: Any single change in service on an individual bus or rail route that would add or eliminate more than 25 percent of the route's weekly revenue service hours, permanently move the location of a bus stop by more than a quarter mile or rail station by more than a half mile and/or close or eliminate a bus stop or rail station without a replacement of any kind within a quarter mile for bus stops or a half mile for rail stations. A major service change excludes:
 - 2.5.1 Replacement of an existing transit service by a different route, mode or contractor providing a service with the same headways, fare, transfer options, span of service and stops, so long as an analysis is completed that provides evidence that the replacement level service is equal to or better than the existing Sound Transit service; or
 - 2.5.2 Changes to route numbers without any other changes to the route characteristics; or
 - 2.5.3 Changes to service or new services considered to be temporary, where temporary is defined as less than 12 months in duration.
- 2.6 Maintenance facility: A bus or rail operations and maintenance facility, maintenance of way facility or any other standalone facility necessary to support the agency's transit operations, excluding traction power substations.
- 2.7 Minority population: A population who self-identifies as American Indian/Alaska Native, Asian, Black or African American, Hispanic or Latino and/or Native Hawaiian/Pacific Islander.

3.0 Policy

- 3.1 The agency measures adverse effects that could cause a disparate impact and/or disproportionate burden before any proposed major service change, fare change or siting of a maintenance facility.
- 3.2 **Major service changes**
 - 3.2.1 The agency conducts an equity analysis of all proposed major service changes to determine adverse effects and equitable distribution of benefits. For major service changes:
 - 3.2.1.a Adverse effects are a geographical or time-based reduction in service, which includes, but is not limited to, span of service changes, frequency of service changes, route segment elimination and rerouting or route elimination, and
 - 3.2.1.b Benefits are a geographical or time-based addition of service, which includes, but is not limited to, an increase in span, frequency and service coverage.

- 3.2.2 **Changes to a single line or route.** When a proposed major service change to a single line or route creates a potential adverse effect, a disparate impact or disproportionate burden occurs when the percentage of the adversely affected minority or low-income population in the service area of the line or route exceeds the percentage of the minority or low-income population within the Sound Transit district by at least five percentage points (e.g., 15 percent of the population adversely affected is low-income compared to a district low-income population of 10 percent).
- 3.2.3 **Systemwide service reductions.** When a systemwide potential adverse effect occurs due to major service changes on more than one line or route, the agency determines if the collective service reductions create a disparate impact or disproportionate burden by comparing the percentage of the service area's minority or low-income population adversely affected by the major service reductions to the percentage of the district's non-minority or non-low-income population adversely affected.
- 3.2.3.a If the percentage of the minority or low-income population adversely affected is 20 percent or greater than the percentage of the non-minority or non-low-income population adversely affected (e.g., 12 percent or more of the minority population is adversely affected while 10 percent or less of the non-minority population is adversely affected), the reductions create a disparate impact or disproportionate burden.
- 3.2.3.b Collective service reductions include both service reductions under consideration for the next year and implemented service reductions in the past two years, both major and minor service changes.
- 3.2.4 **Systemwide service additions.** When a systemwide potential adverse effect occurs due to major service changes on more than one line or route, the agency determines if the collective service additions create a disparate impact or disproportionate burden by comparing the percentage of the minority or low-income population who benefit from the major service additions to the percentage of the district's non-minority or non-low-income population who benefits from the service additions.
- 3.2.4.a If the percentage of the minority or low-income population benefited is 80 percent or less than the percentage of the non-minority or non-low-income population benefited (e.g., eight percent or less of the minority population benefits while 10 percent or more of the non-minority population benefits), the changes create a disparate impact or disproportionate burden.
- 3.2.4.b Collective service additions include both service additions under consideration for the next year and implemented service additions in the past two years, both major and minor service changes.

3.3 Fare changes

- 3.3.1 The agency conducts an equity analysis of all proposed fare changes, as identified in section 2.3, to determine any potential disparate impact or disproportionate burden.
- 3.3.2 **Fare increases.** When considering a fare increase, if the agency's analysis indicates that the average percentage fare increase experienced by minority or low-income riders is 20 percent or greater than the average percentage fare increase experienced by non-minority or non-low-income riders, the change creates a disparate impact or disproportionate burden.

- 3.3.3 **Fare decreases.** When considering a fare decrease, if the agency's analysis indicates the average percentage fare decrease experienced by non-minority or non-low-income riders is 20 percent or greater than the average percentage fare decrease experienced by minority or low-income riders, the change creates a disparate impact or disproportionate burden.
- 3.3.4 **Change in payment type or fare media.** When considering a change in payment type or fare media, if the agency's analysis indicates that the impact on minority or low-income riders is 20 percent or greater than the impact on non-minority or non-low-income riders, the change creates a disparate impact or disproportionate burden. To the extent a change to fare media has any impact on the cost to ride transit, the incremental costs associated with the change are considered as part of a fare increase or decrease analysis.

3.4 **Siting of maintenance facilities**

- 3.4.1 The agency conducts an equity analysis to determine any disparate impact for maintenance facilities that require the acquisition of land.
- 3.4.2 A maintenance facility location creates an adverse effect when both direct costs, such as residential and business displacements, and indirect costs, such as construction impacts and public health risks, are greater than the benefits to the surrounding community associated with the proposed facility location. The measurement of the costs and benefits of the facility location alternatives may include quantitative data and qualitative inputs from potentially impacted communities.
- 3.4.3 A disparate impact occurs when the percentage of the minority population adversely affected by a maintenance facility location exceeds the percentage of the minority population of the Sound Transit district by at least five percent.

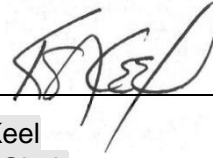
3.5 **Findings of disparate impact or disproportionate burden**

- 3.5.1 If the agency's analyses find that a major service change or fare change results in a potential disparate impact or disproportionate burden or a maintenance facility location results in a disparate impact, then the agency must consider steps to avoid, reduce and/or mitigate the potential adverse effects and reanalyze the modified proposal to determine if potential effects were removed or lessened.
- 3.5.2 The agency conducts public outreach regarding major service changes, fare changes and maintenance facility location selections, including the agency's steps to avoid, reduce and/or mitigate any adverse effects and the modified proposal to determine if potential effects were removed or lessened.
- 3.5.3 If the equity analysis reveals a major service change or fare change creates a disparate impact or disproportionate burden or a facility location creates a disparate impact, the agency may only proceed if it has a substantial legitimate justification for implementing the proposal and the selected proposal is the least discriminatory under consideration.

4.0 **References**

- 4.1 Resolution No. R2011-15 Inclusive Public Participation and Community Outreach (Title IV) Policy

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 28, 2022.



Kent Keel
Board Chair

Attest:



Kathryn Flores
Board Administrator