



RESOLUTION NOs. R2013-18 and R2013-19

**Establishing policies for conducting equity analyses of Major Service Changes and Fare Changes impacting minority and low income populations**

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Executive Committee Board	09/05/2013 09/26/2013	Recommend to Board Final Action	Leslie Jones, Diversity Programs Director <b>Alec Stephens, Diversity Technical Advisor</b>	206-398-5047 206-398-5019

PROPOSED ACTION

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

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

KEY FEATURES SUMMARY

- As a recipient of federal financial assistance, primarily from the Federal Transit Administration, Sound Transit must continue to ensure that it complies with Title VI of the Civil Rights Act of 1964, which protects individuals from discrimination on the basis of race, color and national origin in any program receiving federal funds.
- The resolutions address how Sound Transit will proceed with major service changes or fare changes in a manner that complies with Title VI.
- The resolutions incorporate practices that Sound Transit has used in the past in assessing major service changes and fare changes. In compliance with Title VI Guidelines by the Federal Transit Administration, Sound Transit is to set forth those practices as policies adopted by the agency’s policy-making body.
- Major Service Changes. A Title VI “equity evaluation” shall be conducted for all major service changes, which are defined as 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 platform service hours, *and/or* move the location of a stop or station by more than a half mile.
- Fare Changes. A Title VI “equity evaluation” shall be conducted for all fare changes except for:
  1. Instances where Sound Transit has declared that all passengers will ride free.
  2. Temporary fare reductions that are mitigating measures for other actions.
  3. Promotional or temporary fare reductions lasting no more than six months.
- The resolutions establish thresholds for determining whether proposed major service changes or fare changes indicate disparate impacts to minority populations or disproportionate burdens to low income populations, and outlines efforts to be made to mitigate such impacts, and conduct outreach activities to affected populations to ensure the inclusion of affected people in the process prior to the adoption of the proposed changes.
- The resolutions provide that the Title VI equity evaluation, mitigation efforts, and outreach activities will be included as a part of the record for consideration by Sound Transit prior to final action on the proposed major service change or fare change.

BACKGROUND

Section 601 of Title VI of the Civil Rights Act of 1964 states 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.

Sound Transit receives federal financial assistance to design and build the regional transit system through grants primarily awarded and administered by the Federal Transit Administration. As an FTA grant recipient, Sound Transit cannot, on the basis of race, color, or national origin, either directly or through contractual means:

- Deny an individual any service, financial aid or benefit provided under the program to which he or she might otherwise be entitled;
- Make distinctions in the quality, quantity or manner in which the service or benefit is provided; or
- Segregate or separately treat individuals in any matter related to the receipt of any service or benefit.

As Sound Transit operates its transit services—Link Light Rail, Regional Express Bus, and Sounder Commuter Rail, and associated facilities—it must ensure that such services are provided in an equitable manner. This includes decisions by Sound Transit to make major changes to its transit services or changes in its fare structures.

The two resolutions set a policy framework under which Sound Transit will evaluate proposed major service changes or fare changes that may be recommended for Sound Transit Board approval as follows:

1. Sound Transit includes in its evaluation whether such changes adversely affect minority or low income populations;
2. Determine if the adverse effects result in “Disparate Impacts to Minority Populations”, setting as a threshold effects that for the minority populations subject to the major service change are greater than the minority population in the Sound Transit District (currently, 31.13%); and/or result in “Disproportionate Burdens to Low Income Populations”, setting as a threshold effects that for the low income populations subject to the major service change are greater than the low income population in the Sound Transit District (currently, 11.24%);
3. If the proposed changes result in disparate impacts to minority populations and/or disproportionate burdens to low income populations Sound Transit will examine and develop ways to mitigate or lessen the effect, and alert the affected Title VI stakeholders of the proposed changes to allow them to comment on the change and the impacts.
4. The Title VI evaluation of the proposed major service changes or fare changes, the impacts, mitigation efforts, outreach to impacted stakeholders, and public comments will be a part of the record before the Sound Transit Board when it makes its decision to approve the major fare change or fare change in question.
5. The Sound Transit Board may approve the change unaltered and Sound Transit may proceed to implement the change “if there is a substantial legitimate justification for the change(s) and Sound Transit can demonstrate that there were no alternatives that would have less of an impact on minority or low income populations and would still accomplish Sound Transit’s legitimate program goals.”

## FISCAL IMPACT

Not applicable to this action.

## SMALL BUSINESS PARTICIPATION

Not applicable to this action.

## EQUAL EMPLOYMENT WORKFORCE PROFILE

Not applicable to this action.

## APPRENTICE UTILIZATION COMMITMENT

Not applicable to this action.

## PUBLIC INVOLVEMENT

Over 60 organizations and individuals in the Sound Transit region, representing minority and low income advocacy, interest and community based organizations, were sent a letter notifying recipients of the proposed policies and soliciting comments. The letter included a summary of the proposed actions along with copies of the draft resolutions, and offering to provide further information or respond to questions. The information also contained a discussion of Title VI, and the process for public comment not only to staff, but also the dates and times of the Executive Committee and the Sound Transit Board meetings when consideration of the policies is scheduled should they decide to provide comments directly to Boardmembers. In addition, this information was provided to Sound Transit's Diversity Oversight Committee for discussion and comments at their meeting, held on August 23, 2013.

As set forth in the policies, more extensive outreach will take place regarding proposed major service changes or fare changes to populations affected by the particular change.

## TIME CONSTRAINTS

The policies will be included in the Sound Transit 2013 Title VI Submittal to FTA. The Board is scheduled to take final action on a motion to approve the submittal at its September 26, 2013 meeting. Submittal is to be sent to FTA by October 1, 2013. It would be preferable to include the adopted policies, however, draft policies pending Board approval could be included if further consideration is required by the Board.

## PRIOR BOARD/COMMITTEE ACTIONS

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

## ENVIRONMENTAL REVIEW

Jl 8/28/2013

## LEGAL REVIEW

RM 8/29/2013

## **RESOLUTION NO. R2013-19**

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority establishing policies for conducting equity analyses of Fare Changes impacting minority and low income populations, in accordance with Title VI requirements and guidelines for Federal Transit Administration recipients.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created 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 Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, 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 3-county region to seek community involvement as it plans, designs, builds, and operate a regional transit system; and

WHEREAS, Sound Transit is a recipient of federal funding primarily from the Federal Transit Administration; 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,
- 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 guidelines for FTA recipients, Sound Transit conducts an equity evaluation of major service changes and all fare changes to determine whether such changes result in adverse impacts on minority populations or impose burdens on low-income populations; and

WHEREAS, Sound Transit is to then evaluate whether the major service change or whether the fare change results in disparate impacts on minority populations or disproportionate burdens on low-income populations; and

WHEREAS, Sound Transit is to ensure inclusive public participation and take all reasonable steps to remove, explore alternatives or otherwise mitigate and reduce the disparate impacts on minority populations or disproportionate burdens on low-income populations; and

WHEREAS, in accordance with the FTA's Title VI requirements and guidelines, Sound Transit is to establish a policy defining the threshold to determine whether any Fare Change results in disparate impacts to minority populations or disproportionate burdens to low-income populations; and

WHEREAS, Sound Transit engaged the public in developing these policies in a manner consistent with Sound Transit's inclusive public participation policy.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Central Puget Sound Regional Transit Authority, that in accordance with Title VI of the Civil Rights Act of 1964, and FTA requirements and guidelines, this policy is enacted to establish policies to conduct an equity analysis of fare changes to assess the impact of such changes on Minority and Low-Income populations.

BE IT FURTHER RESOLVED that all fare changes 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) will be subject to an equity analysis which includes an analysis of potential adverse effects on minority and low-income populations with the following exceptions:

1. Instances where Sound Transit has declared that all passengers will ride free.
2. Temporary fare reductions that are mitigating measures for other actions.
3. Promotional or temporary fare reductions lasting no more than six months.

BE IT FURTHER RESOLVED that when Sound Transit conducts an Equity Assessment of Fare Changes, the threshold for determining that the changes in question result in Disparate Impacts for minority populations or Disproportionate Burdens for low income populations are as follows:

1. Disparate Impact—a disparate impact occurs when the minority percentage of the population adversely affected by any fare change is greater than the average minority percentage of the population of Sound Transit's service area. As appropriate, Sound Transit will analyze any available information generated from ridership surveys indicating whether minority riders are disproportionately more likely to use the mode of service, payment type or payment media that would be subject to the fare change as a comparison in the analysis.
2. Disproportionate Burden—a disproportionate burden occurs when the low income percentage of the population adversely affected by any fare change is greater than the average low income percentage of the population of Sound Transit's service area. As appropriate, Sound Transit will analyze any available information generated from ridership surveys indicating whether 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 as a comparison in the analysis.

BE IT FURTHER RESOLVED that if it finds that the fare change results in a potential disparate impact or potential disproportionate burden, then in accordance with Title VI of the Civil Rights Act

of 1964 and FTA requirements and guidelines, Sound Transit will consider steps to avoid, minimize or mitigate the adverse impacts and reanalyze the modified change(s) to determine if the impacts were removed or lessened.

BE IT FURTHER RESOLVED that prior to adopting the fare change(s), Sound Transit will include in its report the equity evaluation of the fare change(s), and that the public and Title VI stakeholders will be invited to provide comments regarding the change(s) including the steps to avoid, minimize or mitigate the adverse impacts and the modified change(s) to determine if the impacts were removed or lessened.

BE IT FURTHER RESOLVED that If Sound Transit chooses not to alter the proposed fare change(s), the implementation of the fare change(s) may proceed if there is a substantial legitimate justification for the fare change(s) and Sound Transit can demonstrate that there were no alternatives that would have less of an impact on minority or low income populations and would still accomplish Sound Transit's legitimate program goals.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 26, 2013.



Pat McCarthy  
Board Chair

ATTEST:



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Marcia Walker  
Board Administrator