County Connection

INTER OFFICE MEMO

To: Marketing, Planning, & Legislative Committee **Date:** 08/29/2023

From: Melody Reebs, Director of Planning, Marketing, & Innovation **Reviewed by**: RH

SUBJECT: Clipper Fare Change Title VI Fare Equity Analysis

Background:

At the July 2023 Board meeting, staff presented a fare change proposal to increase the discount for Clipper START and Youth Clipper from 20% to 50% as well as reduce Express route fares on Clipper to match local fares. The proposal was developed in an effort to incentivize ridership, simplify our fare structure, and increase consistency with regional policies. After reviewing the proposal, the Board authorized staff to proceed with the public hearing process and Title VI Fare Equity Analysis.

Proposed Changes:

Table 1 below shows a combined summary of the proposed fare changes, including the increased discount for Clipper START and Youth as well as the elimination of Express route surcharges on Clipper. If approved, the proposed fare changes would take effect in January 2024. The Clipper START and Youth fare discounts would remain a pilot program through June 30, 2025. However, the proposed Express route fare changes would be permanent.

Table 1: Proposed Fare Changes

Clipper Card Type	Fare Product	Current		Proposed
		Local	Express	All Routes
Adult	Single Ride	$2.00	$2.25	$2.00
Clipper START & Youth (6-18)	Single Ride	$1.60	$1.80	$1.00
	BART-to-Bus Transfer	$0.80		$0.50
All	31-day Pass	$60.00	$70.00	$60.00

No changes are being proposed for cash fares, Senior Clipper, RTC, or LINK paratransit fares.

<u>Clipper START & Youth Clipper Discounts</u>

The Clipper START and Youth Clipper fare discounts on County Connection began as a pilot in January 2021 and currently provide a 20% discount off the Clipper single-ride fare for eligible low-income adults as part of the regional Clipper START program, and for youth ages 6-18 when using a Youth Clipper card. The Metropolitan Transportation Commission (MTC), who has been administering the Clipper START program, conducted an evaluation of the first two years of the pilot and identified several strategies to improve the effectiveness of the program and increase participation, one of which is to provide a more consistent discount across operators. To achieve this, MTC is incentivizing all operators to offer a 50% discount by increasing its reimbursement amount. Thus, County Connection is proposing to increase the discount from 20% to 50% for both Clipper START and Youth Clipper fares. To date, all operators that are part of the Clipper program have indicated that they intend to offer a 50% discount for Clipper START.

The proposal that was presented to the County Connection Board of Directors on July 20, 2023 to authorize the public hearing including a reduction to the East Bay Day Pass threshold for Clipper START and Youth Clipper from $3.75 to $1.75. However, this has been removed from the proposal due to impacts on the other East Bay operators that do not provide youth discounts on Clipper.

Express Route Clipper Fares

In addition, staff has proposed to reduce Express route Clipper fares to match Local fares. The current fare structure includes surcharges for riders using Clipper on Express routes that are inconsistent with the fares on Local routes. Riders using Clipper on Express routes are charged an extra $0.25 for a single ride, and a 31-day pass for Express routes costs $10 more than a 31-day pass for Local routes. The proposal would eliminate these surcharges so that the fare for Express routes is the same as for Local routes and there is a single 31-day pass that is valid on all routes.

Title VI Requirement:

As a federal grant recipient, County Connection is required to maintain and provide to the Federal Transit Administration (FTA) information on its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination by recipients of federal financial assistance. The FTA further requires that recipients of FTA financial assistance conduct an analysis on all non-exempt fare changes to assess the impacts of those changes on low-income and minority populations. Since the proposal constitutes a fare change, its implementation requires an equity analysis under the FTA's Title VI regulations.

A fare reduction is deemed to be a benefit, and the required disparate impact analysis examines the allocation of benefits from the fare reduction among minority riders on the affected routes relative to the proportion of minority riders among the system ridership as a whole. Similarly, the required disproportionate burden analysis examines the allocation of benefits from the fare reduction among low-income riders on the affected routes relative to proportion of low-income riders among the system ridership as a whole.

Equity Analysis:

The impact analyses were conducted using onboard passenger survey data for the Clipper START and Express route fare changes and Census data for the Youth Clipper fare change. The use of Census data for the Youth Clipper analysis was due to the lack of reliable onboard survey data among youth riders, who are less likely to complete these types of surveys and/or provide accurate information such as household income.

The attached Title VI Fare Equity Analysis did not find any disparate impact based on race or any disproportionate burden to low-income populations from any of the proposed fare changes. For the Clipper START discount, the analysis found that minority and low-income riders would be more likely to receive the discount by a margin of 5.8% and 37.6%, respectively. For the Youth Clipper fare discount, minority and low-income riders would also be more likely to receive the discount by a margin of 11.6% and 0.2%, respectively.

For the Express route fare reduction, minority and low-income riders would be less likely to receive the discount by a margin of 5.6% and 5.0%, respectively. However, this is well within the 20% threshold set forth in County Connection's disproportionate burden policy. In addition, most minority riders (58.8%) and all low-income riders (100%) would qualify for the Clipper START program, which would provide a greater discount across all routes.

Public Outreach:

In July 2023, staff began outreach to receive public comment on the proposed fare changes. A public hearing has been scheduled for September 28, 2023, preceding the Board of Directors meeting. The public may also submit written comments via mail, email, and online through County Connection's website. Written comments are due September 20th and will be included in the item presented to the Board. All comments received, including those at the public hearing will be summarized in the final Title VI report, which will be presented to the FTA.

Financial Implications:

When the Board approved the two-year extension of the Clipper START and Youth Clipper discounts in June, staff estimated a net fare revenue loss of about $50,000 annually, assuming a continuation of the 20% discount. For the proposed increase to a 50% discount and reduction in Express route Clipper fares, staff estimates an additional fare revenue loss of about $37,000 annually (see Table 3 below).

Table 2: Estimated Annual Fare Revenue Loss

Fare Change	Current	Proposed	Change
Clipper START	$2,000	$4,500	$2,500
Youth Clipper	$48,000	$72,500	$24,500
Express routes	--	$10,000	$10,000
TOTAL	**$50,000**	**$87,000**	**$37,000**

For the two-year pilot extension of the Clipper START program, MTC will be providing a one-time upfront payment to transit operators based on anticipated fare revenue losses as opposed to quarterly reimbursement payments. County Connection is expected to receive a total of $28,271 to cover FY 2024 and FY 2025.

Recommendation:

Staff recommends that the MP&L Committee forward the attached Title VI Fare Equity Analysis to the Board for review and approval. The analysis has been reviewed by legal counsel, and the public outreach section will be updated upon completion of the scheduled public hearing.

Action Requested:

Staff requests that the MP&L Committee forward this item to the Board for approval.

Attachments:

Attachment 1: Title VI Fare Equity Analysis

County Connection

Title VI Fare Equity Analysis

2023 Clipper Fare Changes

CENTRAL CONTRA COSTA TRANSIT AUTHORITY
September 2023

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1 INTRODUCTION

As a federal grant recipient, the Central Contra Costa Transit Authority (County Connection) is required to maintain and provide to the Federal Transit Administration (FTA) information on its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination by recipients of federal financial assistance. The FTA further requires that recipients of FTA financial assistance conduct an analysis on all fare changes to assess the impacts of those changes on low-income and minority populations.

County Connection is proposing the following changes to Clipper® fares:

- Increasing the discount for Clipper START and Youth Clipper riders from 20% to 50% off the Clipper single-ride fare; and
- Eliminating Express route surcharges on Clipper fares for single rides and 31-day passes.

The proposed changes will reduce the fares for certain riders, which constitutes a fare change requiring an equity analysis under the FTA's Title VI regulations. The following equity analysis concludes that there is no disparate impact based on race, and no disproportionate burden on low-income riders, from either of the proposed fare changes.

2 TITLE VI POLICIES

In October 2012, the FTA released Circular 4702.1B (Circular), which provides guidelines for compliance with Title VI. Under the Circular, transit operators are required to study proposed fare changes and "major service changes" before the changes are adopted to ensure that they do not have a discriminatory effect based on race, color, national origin or low-income status of affected populations. As a first step, public transit providers must adopt their own "Major Service Change," "Disparate Impact," and "Disproportionate Burden" policies. County Connection's Board of Directors adopted these policies in June 2013. The adopted Disparate Impact and Disproportionate Burden policies, which apply to fare equity analyses, are described below.

2.1 Disparate Impact Policy

The Disparate Impact Policy establishes a threshold for determining whether proposed fare or major service changes have a disproportionately adverse effect on minority populations relative to non-minority populations on the basis of race, ethnicity or national origin.

The threshold is the difference between the burdens borne by, or benefits experienced by, minority populations compared to non-minority populations. Exceeding the threshold means either that a fare or major service change negatively impacts minority populations more than non-minority populations, or that the change benefits non-minority populations more than minority populations. A change with disparate impacts that exceed the threshold can only be adopted (a) if there is substantial legitimate justification for the change, and (b) if no other alternatives exist that would serve the same legitimate objectives with less disproportionate effects on the basis of race, color or national origin.

County Connection establishes that a fare change, major service change or other policy has a disparate impact if minority populations will experience 20% more of the cumulative burden, or experience 20% less of the cumulative benefit, relative to non-minority populations, unless (a) there is substantial legitimate justification for the change, and (b) no other alternatives exist that would serve the same legitimate objectives with less disproportionate effects on the basis of race, color or national origin.

2.2 Disproportionate Burden Policy

The Disproportionate Burden Policy establishes a threshold for determining whether proposed fare or major service changes have a disproportionately adverse effect on low-income populations relative to non-low-income populations.

The threshold is the difference between the burdens borne by, and benefits experienced by, low-income populations compared to non-low income populations. Exceeding the threshold means either that a fare or service change negatively impacts low-income populations more than non-low-income populations, or that the change benefits non-low-income populations more than low-income populations. If the threshold is exceeded, County Connection must take steps to avoid, minimize or mitigate impacts where practicable.

County Connection establishes that a fare change, major service change or other policy has a disproportionate burden if low-income populations will experience 20% more of the cumulative burden, or experience 20% less of the cumulative benefit, relative to non-low-income populations, unless avoiding, minimizing, or mitigating the disproportionate effects is impracticable.

2.3 Public Outreach

In developing the above policies, County Connection staff conducted public outreach (detailed below), including three public meetings with language services available, to provide information and get feedback on the draft policies. Staff incorporated public input gathered through this outreach into the policies proposed for Board approval.

March 28, 2013 – Monument Corridor Transportation Action Team

Public Comments: Include an annual review to ensure that major service change threshold has not been crossed.

April 15, 2013 – Public Meeting at the San Ramon Community Center

Public Comments: Consistent with prior comment to include an annual review for major service changes.

May 14, 2013 - Public Meeting at the Walnut Creek Library

Public Comments: None

April 1st – June 1st, 2013 – Draft policies made available for public comments on County Connection Website

June 20, 2013 – Public Hearing and Proposed Adoption at the County Connection Board of Directors Meeting

Public Comments: None

3 PROPOSAL DESCRIPTION

The proposed fare changes are described in the following sections, and a summary of the current and proposed fare amounts is shown in Table 1.

Clipper START & Youth Clipper Discounts

The Clipper START and Youth Clipper fare discounts on County Connection began as a pilot program in January 2021 and provide 20% off the Clipper single-ride fare. The Clipper START program is a regional program administered by the Metropolitan Transportation Commission (MTC) to provide discounted fares for low-income adults. Adults (ages 19-64) with incomes at or below 200% of the federal poverty level are eligible for the discount, which is provided using a specially encoded Clipper card. MTC is providing funding to transit operators to partially offset the cost of the program. Because the Clipper START program is limited to adults over the age of 18, County Connection implemented a similar 20% discount for youth riders (ages 6-18) when using a Youth Clipper card. Some transit operators chose to offer greater than a 20% discount in implementing the Clipper START program at their agencies, but MTC only offered funds to offset 50% of fare revenue losses resulting from a 20% discount.

MTC conducted an evaluation of the first two years of the Clipper START pilot program and identified several strategies to improve the effectiveness of the program and increase participation. One strategy is to provide a more consistent discount across operators. In addition to extending the pilot program through June 2025, MTC is incentivizing all operators to offer a 50% discount by increasing its reimbursement amount. Thus, County Connection is proposing to increase the discount from 20% to 50% for both Clipper START and Youth Clipper fares, including single rides and BART-to-Bus transfers.

Express Route Fares

The current fare structure includes surcharges for riders using Clipper on Express routes that are inconsistent with the fares on Local routes. Riders using Clipper on Express routes are charged an extra $0.25 for a single ride, and a 31-day pass for Express routes costs $10 more than a 31-day pass on Local routes. These surcharges introduce complexities that can negatively impact the rider experience and potentially cause conflict between drivers and passengers. The surcharges for Express routes were initially implemented in recognition that those routes were providing a premium service, which catered to regional commuters who were higher income and often had employers that subsidized their transit fares. However, ridership and travel patterns on Express routes have changed significantly post-COVID, with a shift towards more local travel. In an effort to simplify the fare structure and recognize this shift in ridership, County Connection is proposing to eliminate all Express route surcharges on Clipper so that the fare for Express routes is the same as for Local routes, and implement a 31-day pass that is valid on all (local and Express) routes.

Express route surcharges were eliminated from cash fares in March 2019. The proposed change will both provide consistency and further increase the differential between cash and Clipper fares on Express routes to incentivize more Clipper usage. In addition, the change would bring County Connection's fare structure more in-line with the recommendations from the regional Fare Coordination and Integration Study (FCIS), which calls for a flat local fare.

Summary of Changes

Table 1 below shows a combined summary of the proposed fare changes, including the increased discount for Clipper START and Youth as well as the elimination of Express route surcharges on Clipper.

Table 1: Proposed Fare Changes

<table>
<tr><th>Clipper Card Type</th><th>Fare Product</th><th>Route Type</th><th>Current Cost</th><th>Proposed Cost</th><th>Absolute Change</th><th>Percentage Change</th></tr>
<tr><td>Adult</td><td>Single Ride</td><td>Express</td><td>$2.25</td><td>$2.00</td><td>-$0.25</td><td>-11.1%</td></tr>
<tr><td rowspan="3">Clipper START & Youth (6-18)</td><td rowspan="2">Single Ride</td><td>Local</td><td>$1.60</td><td>$1.00</td><td>-$0.60</td><td>-37.5%</td></tr>
<tr><td>Express</td><td>$1.80</td><td>$1.00</td><td>-$0.80</td><td>-44.4%</td></tr>
<tr><td colspan="2">BART-to-Bus Transfer</td><td>$0.80</td><td>$0.50</td><td>-$0.30</td><td>-37.5%</td></tr>
</table>

All	31-Day Pass	Express	$70.00	**$60.00**	-$10.00	-14.3%

No changes are being proposed for cash fares, Senior Clipper, RTC, or LINK paratransit fares.

If approved, the changes would take effect on January 1, 2024. The Clipper START and Youth fare discounts would remain a pilot program through June 30, 2025. However, the proposed Express route fare changes would be permanent.

4 EQUITY ANALYSIS

Pursuant to the Title VI Circular, a reduction in fare is a fare change and requires an equity analysis. Because a reduction in fare is a benefit, the disparate impact analysis examines the allocation of benefits from the fare reduction among minority riders who receive the discount relative to their share of the ridership as a whole. Similarly, the disproportionate burden analysis examines the allocation of benefits from the fare reduction among low-income riders relative to their share of the ridership as a whole.

4.1 Methodology and Data

Methodology

The Circular requires County Connection to conduct a fare equity analysis for all fare changes, regardless of the amount of increase or decrease, to evaluate the effects of fare changes on minority and low-income populations. The following actions do not require a fare equity analysis:

(i) “Spare the air days” or other instances when a local municipality or transit agency has declared that all passengers ride free.

(ii) Temporary fare reductions that are mitigating measures for other actions.

(iii) Promotional fare reductions. If a promotional or temporary fare reduction lasts longer than six months, then FTA considers the fare reduction permanent and the transit provider must conduct a fare equity analysis.

For proposed changes that would increase or decrease fares on the entire system, or on certain transit modes, or by fare payment type or fare media, the fare equity analysis must analyze available information generated from ridership surveys indicating 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.

Both the Disparate Impact Policy and Disproportionate Burden Policy require an examination of the cumulative impacts of a fare change. As a result, this analysis determines potential impacts of the proposed changes by comparing the percentages of low-income and minority riders who would receive each discount based on relative ridership against the percentages of low-income and minority riders who use the system as a whole. These metrics will identify whether low-income and minority riders would experience a disproportionately lower benefit than non-low income and non-minority riders due to the proposed fare changes.

Definitions

Minority – FTA defines a minority person as anyone who is American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, or Native Hawaiian or other Pacific Islander.

Low-Income – FTA defines a low-income person as a person whose household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines. However, FTA encourages the use of any locally developed threshold provided that the threshold is at least as inclusive as the HHS poverty guidelines. This analysis defines low-income as 200% of the federal poverty level, which is the same threshold that will be used to determine eligibility for the proposed Clipper START discount.

Data Sources

Onboard Passenger Survey

An onboard passenger survey (Onboard Passenger Survey) was conducted on County Connection buses in October 2019 and a total of 1,188 responses were collected. The survey was conducted on both weekdays and weekends using handheld tablet personal computers on which the online survey was administered. A sampling plan was developed to ensure that the distribution of completed surveys mirrored the actual distribution of passengers using the system. The sampling plan included completion goals that were set by route and time period based on ridership.

The Onboard Passenger Survey data provides demographic information on County Connection's riders, including race and income. Survey respondents who declined to answer questions about income or ethnicity are excluded from the analysis. In order to protect privacy, survey respondents were asked to report their income bracket as opposed to their specific income. Because of this, the analysis uses the median of the selected income bracket to compare against the federal poverty level. Table 2 below shows how low-income status—defined in this analysis as 200% of the 2020 federal poverty guidelines—is determined based on household size and income bracket. Using these thresholds, each individual survey response was categorized as either low-income or non-low-income based on responses to the questions about household size and income.

Table 2: Low-Income Thresholds by Household Size

Household Size	Low-Income Threshold
1	Under $25,000
2	Under $35,000
3-5	Under $50,000
6-7	Under $75,000
8-10	Under $100,000

American Community Survey

While County Connection's Onboard Passenger Survey provides a representative sample of adult riders, these types of surveys generally underrepresent youth riders, as they are less likely to complete the survey and/or be able to provide accurate information such as household income. Due to this absence of reliable demographic data on County Connection's youth riders, data from the American Community Survey (ACS) was used for analyzing the proposed increase to the youth fare discount. More specifically, the analysis uses data from the 2021 ACS 5-year estimates for all Census tracts and 2020 Decennial Census for all Block Groups within County Connection's service area. Staff also considered using school data from the California Department of Education, but determined that the available data is incomplete because it excludes private schools. Staff ultimately decided not to use the California Department of Education data.

4.2 Impact Assessment

The analysis and findings for each of the three proposed fare changes—Clipper START, Youth Clipper, and Express route Clipper fares—are described in the following sections.

Clipper START

Based on the Onboard Passenger Survey data, 56.1% of all County Connection riders identify as minority, and 62.4% are considered low-income. Of the riders who would qualify for the Clipper START program, 61.8% identify as minority, and all are low-income.

Disparate Impact

The Onboard Passenger Survey data shows that there is no disparate impact on minority riders from the increased Clipper START discount. Of the low-income riders who would qualify for the program, 61.8% are minority, which is higher than the system as a whole (56.1%) by a margin of +5.8%. Thus, minority riders are more likely to receive the benefits of the increased discount than non-minority riders.

Disproportionate Burden

There is also no disproportionate burden on low-income riders from the increased Clipper START discount. All users (100%) of the Clipper START discount would be low-income given that this is the eligibility criteria for the program. When compared to the system as a whole, this is a differential of +37.6%. The increased fare discount does not create a burden on low-income riders. In fact, the increased discount benefits low-income riders more than non-low income riders.

Table 3 below shows the results of the impact analysis for the Clipper START program.

Table 3: Clipper START Impact Analysis Results

	% Minority	% Low-Income
Eligible for Clipper START	**61.8%**	**100.0%**
Systemwide	56.1%	62.4%
Difference from Systemwide	**+5.8%**	**+37.6%**
Results	*No Disparate Impact*	*No Disproportionate Burden*

Youth Clipper

Based on Decennial Census data, 51.8% of all residents within County Connection's service area identify as minority, and based on ACS data, 13.9% are considered low-income. Of all residents in the service area that would qualify for the increased youth fare discount, 63.4% are minority, and 14.1% are considered low-income.

Disparate Impact

There is no disparate impact on minority riders from increasing the Clipper youth fare discount. The percentage of minority youth in County Connection's service area that would qualify for the increased discount is higher than the overall minority population in the service area by a margin of +11.6%. Thus, minority riders are more likely to receive the benefits of the increased discount than non-minority riders.

Disproportionate Burden

There is also no disproportionate burden on low-income riders from increasing the Clipper youth fare discount. The percentage of low-income youth in County Connection's service area that would qualify for the increased discount is higher than the overall low-income population in the service area by a margin of +0.2%. Therefore, the increased fare discount does not create a burden on low-income riders. In fact, the increased discount benefits low-income riders more than non-low income riders.

Table 4 below shows the results of the impact analysis for the Youth Clipper fare.

Table 4: Youth Clipper Fare Impact Analysis Results

	% Minority	% Low-Income
Eligible for Youth Fare	**63.4%**	**14.1%**
Service Area	51.8%	13.9%
Difference from Service Area	**+11.6%**	**+0.2%**
Results	*No Disparate Impact*	*No Disproportionate Burden*

Express Route Fares

Based on the Onboard Passenger Survey data, 50.5% of riders on Express routes identify as minority, and 57.4% are considered low-income. On the system as a whole, the percentage of minority riders is 56.1%, and the percentage of low-income riders is 62.4%.

It is important to note that Local routes tend to carry more minority and low-income riders compared to Express routes, which means those populations would be less likely to benefit from the proposed reduction in Express route Clipper fares. However, most minority riders (58.8%) and all low-income riders (100%) would qualify for the Clipper START program, which would provide a greater discount across all routes.

Disparate Impact

There is no disparate impact on minority riders from the proposed change to Express route Clipper fares. The percentage of minority riders on Express routes who use Clipper as a payment method (50.5%) is lower than the system as a whole (56.1%) by a margin of -5.6%, which means that minority riders would be less likely to benefit from a reduction in Express route Clipper fares. However, the differential of -5.6% is still within the 20% threshold set forth in the Disparate Impact Policy.

Disproportionate Burden

There is also no disproportionate burden on low-income riders from the proposed change to Express route Clipper fares. The percentage of low-income riders on Express routes who use Clipper as a payment method (57.4%) is lower than the system as a whole (62.4%) by a margin of -5.0%, which means that low-income riders would be less likely to benefit from a reduction in Express route Clipper fares. However, the differential of -5.0% is within the 20% threshold set forth in the Disproportionate Burden Policy.

Table 5 below shows the results of the impact analysis for the Express Route Clipper Fare.

Table 5: Express Route Clipper Fare Impact Analysis Results

	% Minority	% Low-Income
Express Route Riders Using Clipper	**50.5%**	**57.4%**
Systemwide	56.1%	62.4%
Difference from Systemwide	**-5.6%**	**-5.0%**
Results	*No Disparate Impact*	*No Disproportionate Burden*

5 PUBLIC OUTREACH

In August 2023, staff began conducting outreach to solicit feedback from the public on the proposed Clipper fare changes. County Connection invited public comment at a public hearing on September 28, 2023, as well as by mail, email, and online through County Connection's website. Notices for the public hearing were placed on all fixed-route buses, and published in the East Bay Times. Information about the proposed changes was available on County Connection's website and announced through several social media posts on Twitter, Facebook, Instagram, and NextDoor. All materials were translated into Spanish per County Connection's Limited English Proficiency (LEP) Plan. Copies of outreach materials and public hearing notices are attached in Appendix B.

5.1 Public Comment

[Placeholder for public comment]

APPENDIX A: RESOLUTION NO. 2013-019 AND COUNTY CONNECTION'S TITLE VI POLICIES

RESOLUTION NO. 2013-019

Central Contra Costa Transit Authority

Board of Directors

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Adoption of Major Service Change, Disparate Impact, and Disproportionate Burden policies required for compliance with Title VI of the Civil Rights Act of 1964

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 et seq., for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions; and

WHEREAS, Title VI of the Civil Rights Act of 1964 requires recipients of Federal grants and other federal financial assistance to operate their programs and services in a nondiscriminatory manner without regard to, race, color or national origin; and

WHEREAS, the Federal Transit Administration (FTA) issued Circular FTA C 4702.1B, effective October 1, 2012, setting forth requirements and guidelines for Title VI compliance; and

WHEREAS, as set forth in the above-referenced Circular, the Board of Directors is required to adopt policies to guide the equitable distribution of County Connection services; and

WHEREAS, the County Connection is also required to adopt policies to define when a service change is sufficiently broad or large to necessitate a review of its potential impacts on minority and low-income populations, and to define when a fare change or major service change will have a disparate impact on minority populations or impose a disproportionate burden on low-income populations, all of which policies and definitions are required to be subject to public input; and

WHEREAS, over the past three months, staff has presented draft policies to the Marketing, Planning, and Legislative Committee and the public through public meetings, and accepted public comment on the policies; and

WHEREAS, the General Manager recommends the Board approve the attached definition of "Major Service Change," and Disparate Impact and Disproportionate Burden policies, which comply with FTA requirements and which will guide future decisions regarding and monitoring of County Connection programs and services to ensure they are provided equitably, without discrimination based on race, color or national origin.

NOW, THEREFORE, BE IT RESOLVED the Board of Directors of the Central Contra Costa Transit Authority hereby approves the attached definition of "Major Service Change," and Disparate Impact and Disproportionate Burden policies.

Regularly passed and adopted this 20th day of June, 2013 by the following vote:

AYES: Directors Andersen, Haskew, Horn, Hoffmeister, Manning, Schroder and Worth

NOES: Directors Dessayer and Weir

ABSTENTIONS: None

ABSENT: Directors Hudson and Storer

Erling Horn, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board

Title VI of the Civil Rights Act - Proposed Major Service Change Policy / Disparate Impact Policy / Disproportionate Burden Policy

Summary of Issues:
In October 2012, the Federal Transit Administration released new guidelines for compliance with Title VI of the Civil Rights Act of 1964 (Title VI Circular 4702.1B). Under the Circular, transit operators are required to study proposed fare changes and "major" service changes before the changes are adopted to ensure that they do not have a discriminatory effect based on race, ethnicity, national origin or socio-economic status of affected populations. As a first step, public transit providers must adopt their own "Major Service Change," "Disparate Impact," and "Disproportionate Burden," policies. The three policies, and County Connection's proposals, are described below.

Major Service Change Policy

Description:
This policy establishes a threshold for when a proposed service increase or decrease is "major," and thus must be subject to a Title VI Equity Analysis.

County Connection previously defined major service decreases in its adopted "Public Hearing Policy." The new Policy will apply this threshold to both increases and decreases, and provide for changes to be measured not just individually, but on a cumulative basis over a 12-month period.

Proposed Policy:
County Connection defines a major service change as:

1. An increase or decrease of 25 percent or more to the number of transit route miles of a bus route; or
2. An increase or decrease of 25 percent or more to the number of daily transit revenue miles of a bus route for the day of the week for which the change is made; or.
3. A change of service that affects 25 percent or more of daily passenger trips of a bus route for the day of the week for which the change is made.

Changes shall be counted cumulatively, with service changes being "major" if the 25 percent change occurs at one time or in stages, with changes totaling 25 percent over a 12-month period.

The following service changes are exempted from this policy:

1. Changes to service on a route with fewer than 10 total trips in a typical service day are not considered "major" unless service on that route is eliminated completely on any such day.

2. The introduction or discontinuation of short- or limited-term service (e.g., promotional, demonstration, seasonal or emergency service, or service provided as mitigation or diversions for construction or other similar activities), as long as the service will be/has been operated for no more than twelve months.
3. County Connection-operated transit service that is replaced by a different mode or operator providing a service with similar or better headways, fare, transfer options, span of service, and stops.

Disparate Impact Policy

Description:
The Disparate Impact Policy establishes a threshold for determining whether proposed fare or major service changes have a disproportionately adverse effect on minority populations relative to non-minority populations on the basis of race, ethnicity or national origin.

The threshold is the difference between the burdens borne by, or benefits experienced by, minority populations compared to non-minority populations. Exceeding the threshold means either that a fare or major service change negatively impacts minority populations more than non-minority populations, or that the change benefits non-minority populations more than minority populations. A change with disparate impacts that exceed the threshold can only be adopted (a) if there is substantial legitimate justification for the change, and (b) if no other alternatives exist that would serve the same legitimate objectives but with less disproportionate effects on the basis of race, color or national origin.

Proposed Policy:
County Connection establishes that a fare change, major service change or other policy has a disparate impact if minority populations will experience 20% more of the cumulative burden, or experience 20% less of the cumulative benefit, relative to non-minority populations, unless (a) there is substantial legitimate justification for the change, and (b) no other alternatives exist that would serve the same legitimate objectives but with less disproportionate effects on the basis of race, color or national origin.

Disproportionate Burden Policy

Description:
The Disproportionate Burden Policy establishes a threshold for determining whether proposed fare or major service changes have a disproportionately adverse effect on low-income populations relative to non-low-income populations.

The threshold is the difference between the burdens borne by, and benefits experienced by, low-income populations compared to non-low income populations. Exceeding the threshold means either that a fare or service change negatively impacts low-income populations more than non-low-income populations, or that the change benefits non-low-income populations more than low-income populations.

If the threshold is exceeded, County Connection must avoid, minimize or mitigate impacts where practicable.

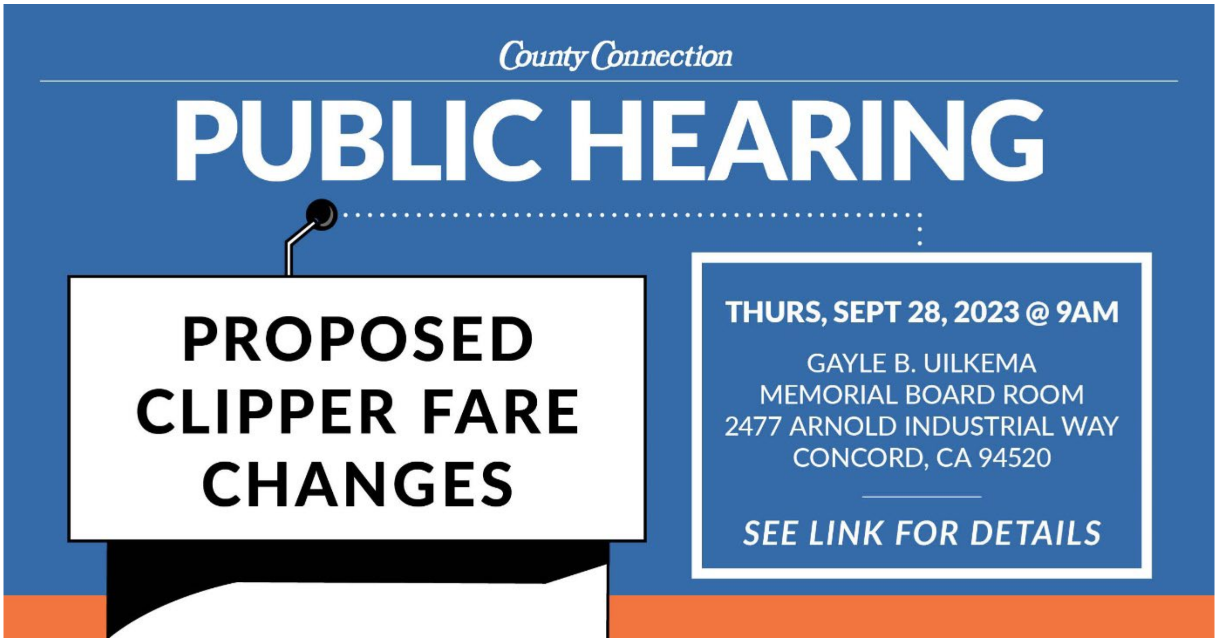
Proposed Policy:
County Connection establishes that a fare change, major service change or other policy has a disproportionate burden if low-income populations will experience 20% more of the cumulative burden, or experience 20% less of the cumulative benefit, relative to non-low-income populations unless the disproportionate effects are mitigated.

APPENDIX B: PUBLIC OUTREACH MATERIALS & NOTICES OF PUBLIC HEARING

Webpage

https://countyconnection.com/2023-fare-proposal/

Social Media Graphics



Legal Notice

NOTICE OF PUBLIC HEARING

The Central Contra Costa Transit Authority (County Connection) will hold a public hearing to receive public comment on the following proposed changes to Clipper fares:

- Increasing the discount for Clipper START and Youth Clipper riders from 20% to 50% off the Clipper single-ride fare
- Elimination of Express route surcharges on Clipper for single rides and 31-day passes

Further information on the fare change proposal is available on the County Connection website or by calling (925) 676-7500.

Comments can be submitted in writing via mail, email, or online, or at the scheduled public hearing. Written comments must be received by September 20, 2023. It is anticipated that the Board of Directors will take action on the proposed fare changes at their regular meeting scheduled for September 28, 2023, following the public hearing.

Mail: Director of Planning & Marketing
2477 Arnold Industrial Way
Concord, CA 94520

Email: planning@countyconnection.com

Online: https://countyconnection.com/2023-fare-proposal

Public Hearing: Thursday, September 28, 2023 at 9:00 am
Gayle B. Uilkema Memorial Board Room
2477 Arnold Industrial Way
Concord, CA 94520

Teleconference option:
Web link: https://us02web.zoom.us/j/85399133311
By phone: 408-638-0968 (Meeting ID: 853 9913 3311)

Bill Churchill, General Manager
Central Contra Costa Transit Authority
2477 Arnold Industrial Way
Concord, CA 94520
CCT 6773494; Aug. 21, 2023

County Connection

PUBLIC HEARING

PROPOSED CLIPPER FARE CHANGES

We're seeking community input on:

Increased discount for Clipper START and Youth Clipper

— & —

Reducing Clipper express fare to match local fare

SCAN QR CODE FOR ALL DETAILS ▷

COMMENT IN PERSON

SEPTEMBER 28, 2023 @ 9AM

GAYLE B. UILKEMA
MEMORIAL BOARD ROOM
2477 ARNOLD INDUSTRIAL WAY
CONCORD, CA 94520

ZOOM: Be a virtual guest!
(Scan QR code below for link)

CALL-IN: 408-638-0968
Meeting ID: 853 9913 3311

WRITTEN COMMENTS *

VIA MAIL
Director of Planning & Marketing
2477 Arnold Industrial Way
Concord, CA 94520

VIA EMAIL
planning@countyconnection.com

COMMENT ONLINE
countyconnection.com/2023-fare-proposal

**** Written comments must be received by September 20, 2023.***

Public Notice No. 549 Post Date: 8/21/2023 Pull Date: 9/29/2023

County Connection

AUDIENCIA PÚBLICA

CAMBIOS PROPUESTOS EN LAS TARIFAS DE CLIPPER

Estamos buscando la opinión de la comunidad sobre:

- *Descuento incremental para Clipper START y Youth Clipper*
- *Reducción de la tarifa exprés de Clipper para que coincida con la tarifa local*

ESCANEA EL CÓDIGO QR PARA TODOS LOS DETALLES

COMENTA EN PERSONA

28 DE SEPTIEMBRE DEL 2023
A LAS 9:00 AM

GAYLE B. UILKEMA
MEMORIAL BOARD ROOM
2477 ARNOLD INDUSTRIAL WAY

¡Sé un/a invitado/a virtual!
Escanee el código QR a continuación para ver el enlace

LLAMAR: 408-638-0968
Identificación de la reunión: 853 9913 3311

COMENTARIOS POR ESCRITO *

POR CORREO
Director of Planning & Marketing
2477 Arnold Industrial Way
Concord, CA 94520

POR CORREO ELECTRÓNICO
planning@countyconnection.com

COMENTE POR INTERNET
countyconnection.com/2023-fare-proposal

Los comentarios escritos deben recibirse antes del 20 de septiembre del 2023

APPENDIX C: PUBLIC COMMENTS

[Placeholder]

APPENDIX D: RESOLUTION NO. 2023-XX, APPROVING THE PROPOSED FARE CHANGE AND EVIDENCING CONSIDERATION OF THIS EQUITY ANALYSIS

[Placeholder]