

To: Marketing, Planning, & Legislative Committee

Date: 11/22/2022

From: Melody Reeb, Director of Planning, Marketing, & Innovation

Reviewed by: 

SUBJECT: Weekend Monument Free Expansion Title VI Fare Equity Analysis

Background:

In July 2019, County Connection started offering free rides on three of its weekday bus routes: Routes 11, 14, and 16. All three routes served the Monument Corridor in Concord and connect Concord BART to various destinations in Martinez, Pleasant Hill, and Walnut Creek, including BART stations, the Martinez Amtrak station and Contra Costa Regional Medical Center. The project is being funded by a grant through California's Low Carbon Transit Operations Program (LCTOP), which distributes cap-and-trade proceeds to support programs and projects that reduce greenhouse gas emissions and serve disadvantaged communities.

At the March 2020 meeting, the Board approved an expansion of the Monument Corridor free fares to include three weekend routes: Routes 311, 314 and 316. This was a result of increased available funding for FY 2021-22, as well as rollover funding from previous years that wasn't spent due to reduced ridership as a result of COVID-19.

Ridership:

The free fare program expansion (Program) was initially implemented as a six-month pilot in July 2022, and the goal was to increase ridership and make transit more accessible and affordable, particularly to low-income communities along the Monument Corridor. The expansion of free rides to weekend Routes 311, 314 and 316 had an instant impact on ridership, with all three routes performing better than during the previous fiscal year. In just the first three months, ridership on the weekend Monument Corridor routes grew by 32% compared to the previous fiscal year average, while ridership on other weekend routes grew by only 19%.

Given the Program's success, County Connection is proposing to continue it for as long as funding remains available through LCTOP or another funding source. The Program is subject to termination if funding becomes unavailable in the future.

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. As the Program will reduce the fares

on the three included routes, its implementation is a fare change requiring an equity analysis under the FTA's Title VI regulations.

Equity Analysis:

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.

Based on 2019 onboard survey data, 55.9% of all County Connection riders identify as minority (i.e., non-white and non-Hispanic, or Latino), and 45.7% are considered low-income (i.e., with household incomes less than 150% of the federal poverty limit). On the three weekend routes that would be free under the Weekend Monument Free Expansion Program, 60.0% of riders identify as minority and 64.1% are low-income.

	% Minority	% Low-Income
Route 311	60.0%	33.3%
Route 314	70.0%	56.3%
Route 316	46.7%	92.9%
Weekend Monument Free Program Total	60.0%	64.1%
Systemwide	55.9%	45.7%
Difference from Systemwide	4.1%	18.4%

There is no disparate impact on minority riders from the continuation of the Program based on County Connection's Disparate Impact Policy. The Program's routes have a minority ridership of approximately 60.0%, which is 4.1% higher than the system as a whole, which is 55.9%.

There is also no disproportionate burden on low-income riders from the continuation of the Program based on County Connection's Disproportionate Burden Policy. The usage of the Program's routes by low-income riders is 64.1%, which is 18.4% higher than their share of the ridership on the system as a whole, which is 45.7%.

Public Outreach:

In November 2022, staff began outreach to receive public comment on the proposed continuation of the Program. A public hearing has been scheduled for December 15, 2022 preceding the Board of Directors meeting. The public may also submit written comments via mail, email, and online through County Connection’s website. The comments received will be included in the final Title VI report, which will be presented to the FTA.

Financial Implications:

LCTOP funds will be used to subsidize fares on Routes 311, 314, and 316 for this Program during fiscal year (FY) 2023. Continuation of the Program beyond FY 2023 will be contingent upon available LCTOP or other similar funding.

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 to enable continuation of the Program beyond the initial six-month pilot period.

Attachments:

Attachment 1: Title VI Fare Equity Analysis



Title VI Fare Equity Analysis

Weekend Monument Free Expansion

CENTRAL CONTRA COSTA TRANSIT AUTHORITY
December 2022

TABLE OF CONTENTS

- 1 Introduction 3**
- 2 Title VI Policies..... 3**
 - 2.1 Disparate Impact Policy 4
 - 2.2 Disproportionate Burden Policy..... 4
 - 2.3 Public Outreach..... 5
- 3 Proposal Description 5**
- 4 Equity Analysis..... 7**
 - 4.1 Data and Methodology 8
 - 4.2 Impact Assessment 10
- 5 Public Outreach 11**
 - 5.1 Public Comment..... 12

Tables & Figures

- Figure 1: Expanded Monument Free Route Map 6
- Table 1: Weekend Monument Free Expansion Average Daily Ridership by Route 7
- Table 2: Low-Income Thresholds by Household Size..... 9
- Table 3: Impact Analysis Results 10

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 continuation of the Weekend Free Monument Expansion Pilot Program that began on July 1, 2022, and which offers free fares on weekend Routes 311, 314, and 316 (Program). County Connection intends to operate the Program as long as funding remains available through California's Low Carbon Transit Operations Program (LCTOP) or through another funding source. This analysis also addresses the impacts of the potential discontinuation of the Program in the event that funds are no longer available.

Since the Program is a free fare program that reduces the fares on Routes 311, 314, and 316, continuation of the Program beyond six months is a fare change requiring an equity analysis under the FTA's Title VI regulations. Conversely, discontinuation of the Program is a fare increase requiring an equity analysis under the FTA's Title VI regulations.

County Connection's Program equity analysis concludes the following: (i) the Program's ridership is similar to the ridership of the system as a whole; (ii) the continuation of the Program will not have a disparate impact based on race; and (iii) continuing or discontinuing the Program will not have a disproportionate burden on low-income riders.

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 but 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 but 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 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 the disproportionate effects are mitigated.

2.3 Public Outreach

In developing its Disparate Impact and Disproportionate Burden policies, County Connection Staff (Staff) conducted public outreach (detailed below), including three public meetings with language services available, to provide information and receive 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 Comment(s): Include an annual review to ensure that major service change threshold has not been exceeded.

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

Public Comment(s): Include an annual review for major service changes.

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

Public Comment(s): None

April 1st – June 1st, 2013 – Draft policies made available for public comments on County Connection Website, <https://countyconnection.com/weekend-monument-free/>

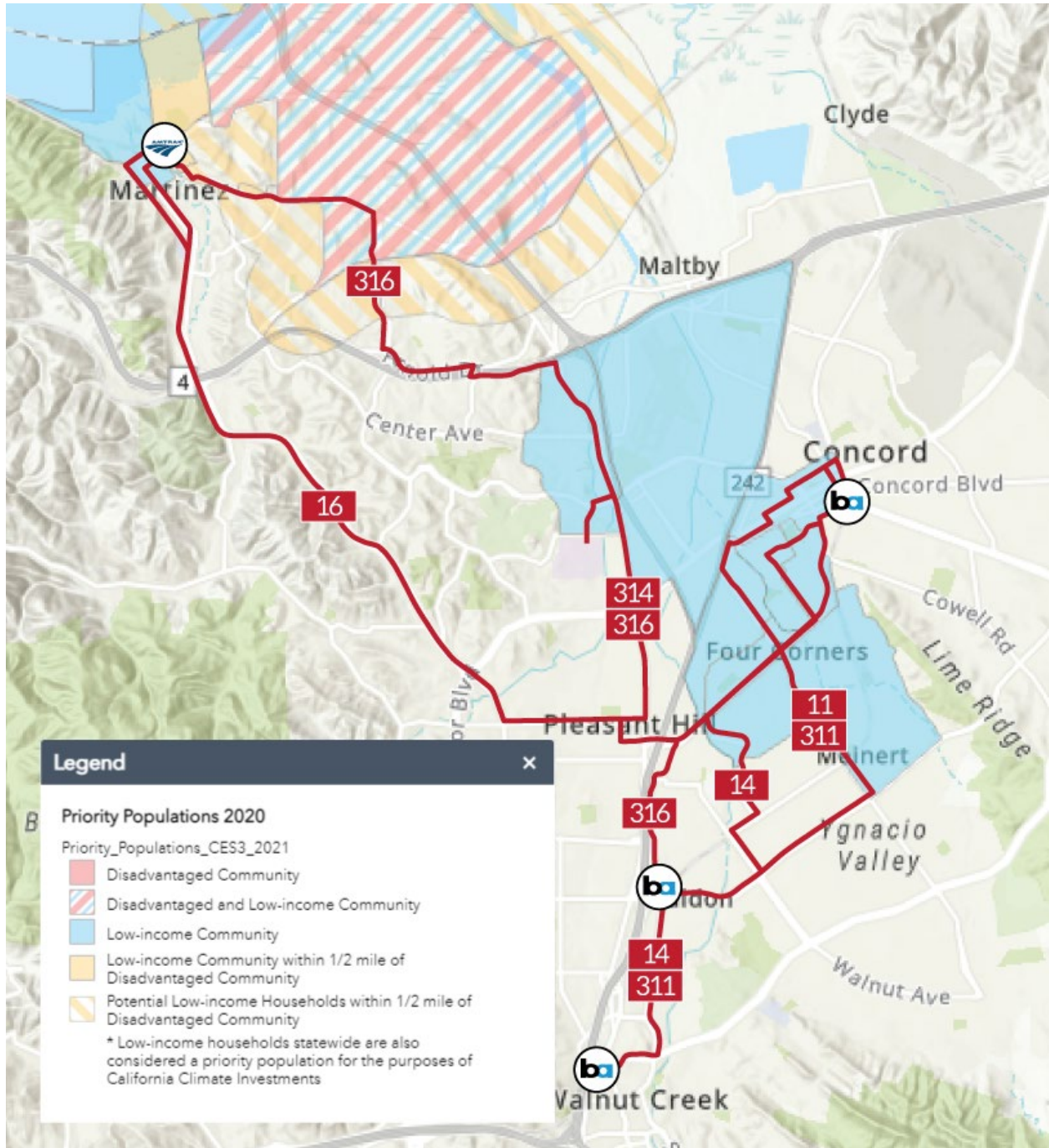
June 20, 2013 – Public Hearing and Proposed Adoption at the County Connection Board of Directors Meeting

Public Comments: None

3 PROPOSAL DESCRIPTION

On July 1, 2022, County Connection began the Program, offering free fares on weekend Routes 311, 314, and 316. The Program was an expansion complements the existing Monument Free Program, which provides free fares on corresponding weekday Routes 11, 14, and 16 . The Program and Monument Free Program serve low-income communities along the Monument Corridor and connects the Concord Bay Area Rapid Transit (BART) station to various destinations in the cities of Martinez, Pleasant Hill, and Walnut Creek, including BART stations within those cities, the Martinez Amtrak station and Contra Costa Regional Medical Center. Combined, the six (6) weekday and weekend routes provide daily, zero-cost transportation to some of the communities with the greatest need in the service area. Figure 1 shows a map of the three Program routes, as well as the Monument Free Program weekday routes that are already permanent. Figure 1 also shows the disadvantaged and low-income communities in County Connection’s service area.

Figure 1: Expanded Monument Free Route Map



The Program is being funded by a grant through California’s Low Carbon Transit Operations Program (LCTOP), which distributes cap-and-trade proceeds to support a wide range of programs and projects that reduce greenhouse gas emissions and deliver other economic, environmental, and public health benefits for Californians, with a priority on benefitting low-income and disadvantaged communities. LCTOP is one

of several programs that are a part of the Transit, Affordable Housing, and Sustainable Communities Program established by the California Legislature in 2014 by Senate Bill 862.

The goal of the Program is to increase ridership and make transit more accessible and affordable, particularly to low-income communities along the Monument Corridor. The expansion of free rides to weekend Routes 311, 314 and 316 had an instant impact on ridership with all three routes performing better than the previous fiscal year. In the Program's first three months, the weekend Routes 311, 314, and 316 ridership grew by 32% compared to the same period in fiscal year 2022, while the other weekend routes grew by only 19% for the same time period. Route 314 grew by 30% compared to the fiscal year 2022 average and was 8% higher than its pre-COVID levels, making it the only non-school route on which ridership has fully returned. Route 311 grew by 29% and Route 316 grew by 38% compared to fiscal year 2022 (see Table 1). Given the Program's success, County Connection is proposing to continue the Program, as long as funding remains available through LCTOP or another funding source. The Program is subject to termination if funding becomes unavailable in the future.

Table 1: Weekend Monument Free Expansion Average Daily Ridership by Route

	FY 2019 (Pre-COVID)	FY 2022	FY 2023 (YTD)	% Change (FY 23 v. FY 22)
Route 311	261	173	223	28.9%
Route 314	476	391	512	30.9%
Route 316	302	165	227	37.6%
Total	1,039	729	962	32.0%

4 EQUITY ANALYSIS

Pursuant to the Circular, a reduction in fare is a fare change. Accordingly, the Circular's equity analysis requirement applies. 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 their share of the 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 their share of the ridership as a whole.

Conversely, the elimination of a free fare program results in a fare increase, which the Circular deems to be a fare change. A fare increase is examined through the same analytical framework as a fare reduction, outlined above.

4.1 Data and Methodology

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 low-income populations in addition to Title VI-protected populations. A fare equity analysis is not required when a fare change is due to:

- (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, 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 the disproportionate burden policy examine the cumulative impacts of a fare change. As a result, this analysis determines potential impacts of the proposed program by comparing the percentages of low-income and minority riders who use Routes 311, 314, and 316 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/or minority riders would experience a disproportionately lower benefit due to the free fares program.

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. Due to Contra Costa County's higher cost of living, County Connection defines low-income as 150% of the federal poverty level, which is more inclusive than the HHS Poverty Guidelines.

Data Source

An onboard passenger survey was conducted on County Connection buses in October 2019 and a total of 1,188 responses were collected (2019 Survey). The 2019 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 plan included completion goals that were set by route and time period based on ridership. Because the number of surveys collected on each route is based on relative ridership, the percentages of low-income and minority riders for the overall Weekend Monument Free Expansion Program were determined by summing up the numbers from the surveys from Routes 311, 314, and 316.

The 2019 Survey data provides demographic information on County Connection's riders, including race and income, by route. 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 150% of the 2019 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
1-2	Under \$25,000
3-4	Under \$35,000
5-7	Under \$50,000
8-10	Under \$75,000

As COVID-19 continues to impact ridership, more recent passenger demographic data was not utilized for the analysis since it would not accurately reflect ridership, which is continually shifting as people start returning to transit. In addition, because the Program has only been in place for a few months, the effects of the free fares on ridership and utilization are not yet fully realized. However, a limited survey was conducted both onboard and online in September 2022 (2022 Survey), which provides some additional data, though not statistically significant to the Program's routes. There were 7 surveys collected from passengers who indicated they use at least one of the three weekend routes and responded to questions regarding race and income.

4.2 Impact Assessment

Based on the 2019 Survey data, 55.9% of all County Connection riders identify as minority and 45.7% are considered low-income. On the three weekend routes that would be free under the Weekend Monument Free Expansion Program, 60.0% of riders identify as minority and 64.1% are low-income. From the more recent 2022 survey, 4 out of the 7 respondents identified as minority and 4 as low-income, which is relatively consistent with 2019 Survey results.

Continuation

There is no disparate impact on minority riders from the continuation of the Program. The Program's routes have a minority ridership of approximately 60.0%, which is 4.1% higher than the system as a whole, which is 55.9%.

There is also no disproportionate burden on low-income riders from the continuation of the Program. The usage of the Program's routes by low-income riders is 64.1%, which is 18.4% higher than their share of the ridership on the system as a whole, which is 45.7%.

Table 3: Impact Analysis Results

	% Minority	% Low-Income
Route 311	60.0%	33.3%
Route 314	70.0%	56.3%
Route 316	46.7%	92.9%
Weekend Monument Free Program Total	60.0%	64.1%
Systemwide	55.9%	45.7%
Difference from Systemwide	4.1%	18.4%

As noted above, the Program is funded by a LCTOP grant, which is intended to deliver environmental benefits to low-income communities. The Program serves AB 1550 low-income communities and a Metropolitan Transportation Commission Equity Priority Community (formerly known as communities of concern), furthering a main goal of the LCTOP grant, which is to improve mobility for disadvantaged and low-income communities.

Discontinuation

Discontinuation of the Program would not result in a disparate impact on minority riders. The discontinuation would result in a fare increase that would burden routes that have 60.0% minority ridership, which is slightly higher than the system as a whole, which is 55.9%. The resulting 4.1% margin is within the 20% threshold established by County Connection's Disparate Impact Policy.

The discontinuation of the Program would also not have a disproportionate burden on low-income riders. The usage of the affected routes by low-income riders is 64.1%, which is significantly higher than their share of the ridership on the system as a whole, which is 45.7%. However this 18.4% differential is within the 20% threshold established by County Connection's Disparate Impact Policy.

Notably, the discontinuation of the Program would result in a fare increase, but the increase would place the affected riders in the same position as all other riders on the system.

5 PUBLIC OUTREACH

Implementation

As part of the initial launch of the Program, Staff launched a bilingual marketing campaign to inform riders of the expanded free fare program on Routes 311, 314, and 316. This included notices on buses, information on County Connection's website, and posts on County Connection's social media accounts, as well as distribution of materials to local jurisdictions and various community-based organizations, including Monument Crisis Center and Monument Impact. Staff has also conducted outreach at senior centers and community events within the service area, as well as at major bus stops and BART stations.

Discontinuation

In the event funds are no longer available to support the program, Staff will conduct public outreach prior to discontinuation of the Program, that is similar to the outreach done for the Program's implementation.

5.1 Public Comment

Implementation

In November 2022, Staff began outreach to receive public comment on the proposed continuation of the Program. The public was able to comment on the proposed changes at a public hearing on December 15, 2022, as well as via mail, email, and online through County Connection's website.

Notices for the public hearing were placed on all buses, as well as in the East Bay Times, and information about the proposed continuation of the Program was available on County Connection's website and announced through County Connection's social media accounts.

[Placeholder for summary of public comment]

Discontinuation

In the event funds are no longer available to support the Program, Staff will solicit public comment prior to discontinuation of the Program.