



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; border: 1px solid black; padding: 2px;">             DocuSigned by:  <i>Michael Jones</i>  <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 1/3/2023      1/6/2023		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Javierree PruittHill <b>Dept:</b> Office of Civil Rights <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">             DocuSigned by:  <i>Javierree PruittHill</i>  <small>A209A947572F420...</small> </div> <b>Signature/Date:</b> 1/5/2023	<b>General Counsel</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">             DocuSigned by:  <i>Jana Belan</i>  <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> 1/5/2023 <div style="text-align: right;">[   ]</div>	<b>Controller/Treasurer</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">             DocuSigned by:  <i>Chris Gan</i>  <small>EE11C8CEEEA04FD...</small> </div> <b>Signature/Date:</b> 1/5/2023 <div style="text-align: right;">[   ]</div>	<b>District Secretary</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">             DocuSigned by:  <i>Pamela Herhold</i>  <small>3BB24D65B8724F5...</small> </div> <b>Signature/Date:</b> 1/5/2023 <div style="text-align: right;">[   ]</div>	<b>BARC</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">             DocuSigned by:  <i>Pamela Herhold</i>  <small>3BB24D65B8724F5...</small> </div> <b>Signature/Date:</b> 1/5/2023 <div style="text-align: right;">[   ]</div>

### Title VI Triennial Report to the Federal Transit Administration

#### PURPOSE:

To request Board approval of the District's Title VI Civil Rights Program 2022 Triennial Update.

#### DISCUSSION:

BART, as a recipient of federal funding, is required by the Federal Transit Administration (FTA) to conform to Title VI of the Civil Rights Act of 1964 and its related regulations. Pursuant to FTA Title VI Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients, effective October 2012 (Circular), BART is required to submit a Title VI Civil Rights Program (Title VI Program) to the FTA once every three years. The Title VI Program must be approved by the Board prior to submission to the FTA.

#### I. Requirements and Guidelines

BART's Title VI Program consists of the following general requirements and guidelines:

- Notification to Beneficiaries of Protection under Title VI
- Title VI Complaint Procedures and Complaint Form
- Recording and Reporting of Title VI Investigations, Complaints, and Lawsuits
- Promoting Inclusive Public Participation
- Providing Meaningful Access to LEP Persons
- Minority Representation on Planning and Advisory Bodies

- Assisting and Monitoring Subrecipients
- Determination of Site or Location of Facilities
- Board approval of Title VI Program prior to submission to FTA

The Circular also requires that all fixed route transit providers, such as BART, comply with the following requirements:

- System-Wide Service Standards and Policies
- Transit Service Monitoring
- Collection and Reporting of Demographic Data
- Major Service Change Policy
- Disparate Impact and Disproportionate Burden Policy
- Equity Analysis of Service and Fare Changes

## II. Title VI Compliance Efforts

In addition to the requirements and guidelines listed above, the Circular requires that the Board approve the District's Title VI related policies, service and fare equity analyses, and transit service monitoring. These documents demonstrate BART's Title VI compliance during the Program's reporting period.

### Title VI Service and Fare Equity Analysis:

BART must conduct an equity analysis for any Fare Change or Major Service Change to determine if the proposed change will have a disparate impact on minority populations or a disproportionate burden on low-income populations. The list below summarizes the Fare and Service equity analyses conducted during this reporting period.

- Discontinuance of Sales of Magnetic-Stripe Tickets. Approved by the Board on January 23, 2020.
- 2022 Productivity-Adjusted Inflation Based Fare Increase. Approved by the Board on June 9, 2022.

The results of the following equity analyses found either a disparate impact or disproportionate burden on minority or low-income populations. Mitigation measures were identified in the analysis and implemented to address adverse impacts.

- Discontinuance of Sales of Magnetic-Stripe Tickets
- Approved by the Board on January 23, 2020

## III. Monitoring Transit Service

Staff seeks Board approval of the Service Monitoring results, included in the Title VI Program. As a fixed route transit provider, BART is required to monitor the performance of its transit system relative to its adopted system-wide Service Standards and Policies every three years. BART's transit service in the 2022 Title VI Program was monitored based on the standards adopted by the Board in BART's 2019 Title VI Program (valid from 1/1/2020 – 12/31/2022).

The Service Standards Monitoring Results are divided into four sections: Vehicle Load, Vehicle Headway, On-time Performance, and Service Availability. The Service Policies Monitoring Results are divided into two sections: Distribution of Transit Amenities and Vehicle Assignment. For all categories except Transit Amenities, BART's Disparate Impact/Disproportionate Burden (DI/DB) Policy threshold is used as guidance in applying a 5% threshold for assessment of these System-wide Standards and Policies. Transit Amenities are to be distributed equitably, generally in proportion to station ridership and as a function of location (urban/suburban) and station design. Applying this methodology and threshold to an assessment of BART's system-wide Service Standards and Policies, there is no disparate impact in the levels of service BART provides to minority communities.

#### IV. Current and Upcoming Title VI Policies

The 2022 Title VI Program sets standards and policies for BART to incorporate and comply with for its future Title VI efforts. There are no changes to the below three policies.

- Major Service Change Policy: Establishes a threshold to determine when a service change is considered "major." The Board adopted an amended version of this Policy on October 13, 2016.
- Disparate Impact and Disproportionate Burden Policy: Establishes a threshold to determine when adverse impacts are borne disproportionately by protected populations or riders. The current policy establishes a 5% threshold for assessing impacts on existing fares and service and a 10% threshold for evaluating new fares and service. The Board adopted this Policy on July 11, 2013.
- System-wide Service Standards and Policies: Establishes quantitative standards for the following indicators:
  - Vehicle Load: BART's vehicle load levels are measured at points on the system where trains are observed to carry the greatest number of passengers in a given direction during the three consecutive hours of highest throughput for each line.
  - Vehicle Headway: BART's base headway standard for each of its five lines is 15 minutes during the early morning, mid-day, and AM/PM peak period.
  - On-time Performance: BART measures on-time performance in two ways: Train On-Time and Customer On-Time. Train On-Time is a measure of train runs completed as scheduled.
  - Service Availability: BART's DI/DB Policy, BART applies a 5% threshold to the analysis of its Service Availability. A disparate impact on minority riders exists when minority

Census tracts have, on average, a 5% greater linear distance to their nearest BART station than non-minority Census tracts.

- Additionally, policies are developed for each of the following service indicators: i) Distribution of Transit Amenities and ii) Vehicle Assignment to address how service is distributed across the BART system.

#### **FISCAL IMPACT:**

Approving the Title VI Civil Rights Program 2022 Triennial Update would allow the District to maintain its eligibility for federal funding.

#### **ALTERNATIVES:**

Do not approve the Title VI Civil Rights Program 2022 Triennial Update, resulting in the District being non-complaint with Title VI of the Civil Rights Act of 1964 and its related regulations and loss of federal funding.

#### **RECOMMENDATION:**

Approval of the following motion.

#### **MOTION:**

The Board of Directors approves the District's Title VI Civil Rights Program 2022 Triennial Update.