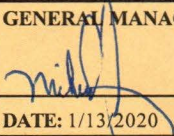
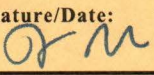
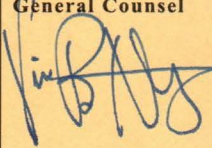

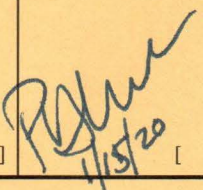




## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  DATE: 1/13/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 1/13/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jennella Sambour-Wallace Dept: Office of Civil Rights  Signature/Date:  01/14/2020	General Counsel  1/15/20 [ ]	Controller/Treasurer  1/15/2020 [ ]	District Secretary [ ]	BARC  1/15/20 [ ]

### Title VI Civil Rights Program 2019 Triennial Update and Service Standards and Policies Update

#### PURPOSE:

To request Board approval of the District's Title VI Civil Rights Program 2019 Triennial Update and Service Standards and Policies updated for reporting period 2020-2022.

#### 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 (Act) 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 also outlines Service Standards and Policies, which will be used to monitor transit service over the subsequent reporting period (2020-2022). The Title VI Program must be approved by the Board prior to submission to 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

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, a Circular requirement is Board approval of 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 Analyses:

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. None of the following equity analyses resulted in a disparate impact or disproportionate burden on minority or low-income populations, respectively.

- *Transit Operations Facility Title VI Siting Analysis*. Approved by the Board on June 13, 2017.
- *BART to Antioch Title VI Analysis – Fares and Service*. Approved by the Board on October 26, 2017.
- *Title VI Fare Equity Analysis for BART Participation in the Metropolitan Transportation Commission's Regional Means-Based Transit Fare Discount Pilot Program*. Approved by the Board on April 25, 2019.
- *Silicon Valley Berryessa Extension Title VI Analysis – Fares and Service*. Approved by the Board on May 23, 2019.

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



- *Proposed Productivity-Adjusted Inflation-Based Fare and FY 2018 Fare Changes*
  - Approved by the Board on May 31, 2017, though the Board later opted not to implement the reduction of any discounted fares.
- *Title VI Fare Equity Analysis of Possible Changes to the Fare Discount Offered to Youth Riders*
  - Approved by the Board on May 31, 2017.
- *Title VI Fare Equity Analysis for Discontinuing the BART Discounted Orange Ticket Program for Students at Participating Middle and High Schools.*
  - Approved by the Board on June 14, 2018.
- *Title VI Fare Equity Analysis for the Proposed 2020 Productivity-Adjusted Inflation-Based Fare Increase, Series 3, 2022-28, of the Productivity-Adjusted Inflation-Based Fare Increase Program; and Magnetic-Stripe Surcharge Increase*
  - Approved by the Board on May 23, 2019, though the Board later opted not to implement the surcharge increase.

### **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 2019 Title VI Program was monitored based on the standards adopted by the Board in BART's 2016 Title VI Program (effective January 1, 2017 – December 31, 2019).

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, no disparate impact or disproportionate burden was found in the levels of service that BART provides to minority and low-income communities.

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

The 2019 Title VI Program sets standards and policies for BART to incorporate and comply with for its future Title VI efforts. These policies have been previously adopted by the Board and are included with this 2019 Triennial to use for the following three years, 2020-2022.



- **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
  - Vehicle Headway
  - On-time Performance
  - Service Availability
  - 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.

#### **V. Updated Title VI Policy: System-wide Service Standards and Policies**

The Board approved the standards and policies used for the 2019 Title VI Program on January 9, 2017 as part of the previous Triennial Update and is requested to approve updates to the current Service Standards and Policies. Amendments include:

- **Vehicle Headways:** Amending the weekday evening Vehicle Headways standard from 20 minutes to 24 minutes to accommodate single tracking through the Transbay Tube for a major seismic retrofit project starting in 2019.
- **On-Time Performance:** Amending the Train On-Time performance goal to 91% in 2019 and the Customer On-Time performance goal to 94% in 2019.
- **Transit Amenities:** Amending the list of Transit Amenities from 21 to 24 to include Clipper Vending Machines in the current Automated Fare Collection Equipment list and to better reflect the current types of Bicycle Parking and Storage amenities.

#### **FISCAL IMPACT:**

Approving the Title VI Civil Rights Program 2019 Triennial Update and updated Service Standards and Policies would allow the District to maintain its eligibility for federal funding.

#### **ALTERNATIVES:**

Do not approve the Title VI Civil Rights Program 2019 Triennial Update, including the



updated Service Standards and Policies, 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 motions.

**MOTION:**

1. The Board of Directors approves the District's Title VI Civil Rights Program 2019 Triennial Update.
2. The Board of Directors approves the District's updated Service Standards and Policies for the Subsequent Reporting Period.