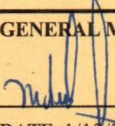
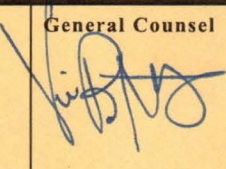
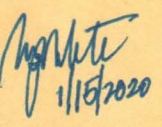
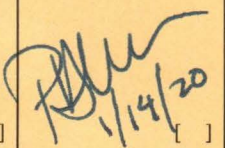




EXECUTIVE DECISION DOCUMENT

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

Title VI Fare Equity Analysis and Public Participation Report: Discontinuance of Sales of Magnetic-Stripe Tickets

PURPOSE:

To request Board approval of the "Title VI Fare Equity Analysis for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets."

DISCUSSION:

To ensure compliance with federal Title VI regulations, BART is required to conduct an analysis of any proposed fare change to determine if the change could potentially place a disparate impact on minority riders or a disproportionate burden on low-income riders (protected riders). A fare change equity finding is made based on a demographic assessment of affected riders and public outreach that is inclusive of minority, low-income, and Limited English Proficient (LEP) populations. Should a disparate impact or disproportionate impact be found, then in accordance with BART's Disparate Impact/Disproportionate Burden (DI/DB) Policy and the Title VI Circular, BART is required to take steps to mitigate such impacts.

Staff analyzed and conducted public outreach on the following proposed fare changes:

- A. Discontinuance of the sales of the Blue magnetic-stripe tickets;
- B. Discontinuance of the sales of the Green magnetic-stripe tickets for seniors;
- C. Discontinuance of the sales of the Red magnetic-stripe tickets for people with disabilities and youth.

Discontinuance of Sales of Blue Mag-Stripe Tickets

The DI/DB Analysis shows that the proposed discontinuance of the sale of the Blue mag-stripe tickets would result in a disproportionate burden on low-income riders but not on minority riders. The equity finding based on the fare change analysis and public comment received is that, while the discontinuance of the sales of Blue mag-stripe tickets may be disproportionately borne by low-income riders, most surveyed low-income riders already use Clipper cards and actually support the discontinuance of the sales of the Blue mag-stripe tickets, which balances out the disproportionate burden analysis finding. Regardless, mitigation measures are still recommended and outlined in further detail in Attachment A.

Discontinuance of Sales of Green and Red Mag-Stripe Tickets

Due to insufficient demographic information from the 2018 Customer Satisfaction Survey (Customer Sat), a DI/DB analysis could not be conducted to determine whether there are any disproportionate impacts on protected riders using Green (senior) or Red (disabled and youth) discount mag-stripe tickets. Alternative data sources were used to evaluate the likelihood of an impact on these protected riders, though the specific demographic information necessary to perform a DI/DB analysis was not available. Accordingly, an equity finding based on the fare change analysis and public comment received also cannot be determined due to insufficient ridership and public input data. In the absence of an equity finding, this report assumes the discontinuance of Green (senior) and Red (disabled and youth) discount mag-stripe tickets may disproportionately impact minority and low-income riders using each fare type and existing fare media alternatives could mitigate these adverse effects. Proposed mitigation measures are outlined in further detail in Attachment A.

In addition to the mitigation measures, Attachment A also provides detail for each proposed fare change regarding analysis findings, public input, and the fare change's equity findings.

FISCAL IMPACT:

There is no fiscal impact associated with approval of the Title VI Fare Equity Analysis.

ALTERNATIVES:

Do not approve the Title VI Fare Equity Analysis. If the Title VI Fare Equity Analysis is not approved or if approval is deferred, BART must continue to sell and vend mag-stripe paper tickets.

RECOMMENDATION:

Approval of the following motion.

MOTION:

The Board of Directors approves the “Title VI Fare Equity Analysis for the Proposed Discontinuance of Sales of Magnetic-Stripe Tickets.”

Attachment A

For each proposed fare change, Attachment A provides detail on the analysis findings; public input; equity findings (which consider both the analysis results and public comment received), and proposed mitigations.

1. Discontinuance of Sales of Blue Magnetic-Stripe Tickets

a. Analysis Findings

The DI/DB Analysis shows that the proposed discontinuance of the sale of the Blue mag-stripe tickets would result in a disproportionate burden on low-income riders but not on minority riders.

b. Public Outreach

Question 1 of the Clipper-Only Survey was an open-ended question regarding the impact of transitioning to Clipper-Only sales on the respondent and their use of BART. 486 total survey respondents indicated that they paid a regular fare. Of this number, 68.9%, or 335 survey respondents, chose to comment. Of these 335 respondents, 174 or 51.9% identified as minority. Of these minority respondents, 78.2% (136) were in favor (conditional/unconditional support) of the proposed discontinuance of sales of magnetic-stripe tickets, while 21.8% (38) did not support. 72 respondents or 21.5% identified as low-income. Of these respondents, 58 or 80.6% were in favor (conditional/unconditional support) of the discontinuance of sales of mag-stripe tickets while only 14 or 19.4% did not support.

c. Equity Finding

The equity finding based on the fare change analysis and public comment received is that, while the discontinuance of the sales of Blue mag-stripe tickets may be disproportionately borne by low-income riders, most surveyed low-income riders already use Clipper cards and actually support the discontinuance of the sales of the Blue mag-stripe tickets. This balances out the disproportionate burden analysis finding. Regardless, proposed mitigations will still be considered.

d. Proposed Mitigations

- *Established Mitigation -- Promotional Events and MTC Clipper-Pipeline Program for Community-Based Organizations:* From December 2017-March 2018, BART and MTC conducted 29 promotional events at multiple BART stations and community-based organizations (CBOs) located in or near low-income communities to distribute free Clipper cards. MTC operates an ongoing free Clipper card program through eligible CBOs; they added a number of additional CBOs to this program as a result of the BART promotional events. The MTC program will continue for as long as the

CBO requests cards for their members/clients, and provides a consistent pipeline of free Clipper cards to low-income communities. To date, 92 CBOs serving low-income communities distribute free Clipper cards through MTC's program.

- *Recently Completed Mitigation -- Clipper-Only Pilot Program:* Clipper and BART staff were available on-site during the launch of each of the four station's pilot programs to answer questions, help customers with Clipper card purchases, and hand out free Clipper cards. During these outreach events, 26,132 free Clipper cards were handed out to BART riders in 16 days.
- *Upcoming Mitigation-Means Based Fare Pilot Discount Program:* The MTC-sponsored program is scheduled to begin in Spring 2020 and will be available to all qualifying adults who submit an application, including proof of identity and proof of income, through ClipperSTART. This discount pilot program will not only alleviate the cost to ride for low-income customers, but also should help mitigate the burden of the \$3 Clipper card acquisition fee on low-income BART riders.

2. Discontinuance of Sales of Green Magnetic-Stripe Tickets

a. Analysis Findings

Due to insufficient demographic information about Green senior discount mag-stripe ticket users from the 2018 Customer Satisfaction Survey (Customer Sat), a DI/DB analysis could not be conducted to determine whether there are any disproportionate impacts on protected populations using these tickets.

Customer Sat data did show that a senior discount fare rider is 22% less likely to be minority than a rider in the overall BART population. Senior discount fare riders are also less likely to be low-income than the overall BART ridership, though the difference is much smaller at 4.5%. Senior discount riders also use mag-stripe tickets at a significantly lower rate than riders paying a regular BART fare. As a result, the impact of the discontinuance of Green ticket sales will likely be lower on Senior discount riders than on regular fare riders.

b. Public Outreach

Input from the same Question 1 as described in Section 1b above is as follows: 42 respondents indicated that they pay a discounted senior fare and 33 of them chose to answer this question. Of these 33 respondents, ten identified as minority, eight of whom supported the proposed discontinuance of sales (both unconditionally and with caveats) of magnetic-stripe tickets and two did not support it. Only three respondents who pay a senior fare have been identified as low-income. Two of these commenters unconditionally supported the proposed discontinuance of sales, while one did not.

c. Equity Finding

An equity finding based on the fare change analysis and public comment received cannot be determined due to insufficient demographic data and limited public responses from these fare users. In the absence of an equity finding, this report assumes the discontinuance of Green senior discount mag-stripe tickets may disproportionately impact minority and low-income riders using this fare type but that existing fare media alternatives could mitigate these adverse effects.

d. Proposed Mitigations

Green mag-stripe ticket riders pay a \$0.19 per-ride surcharge. Protected riders can avoid the mag-stripe ticket surcharge by paying their fares with a Clipper card, which has no acquisition fee for senior discount riders. A BART rider can apply for a senior discount Clipper card at the Customer Services Center at Lake Merritt Station or the Clipper Customer Services Center at Embarcadero Station. Senior Clipper cards are issued immediately with valid proof of age.

3. Discontinuance of Sales of Red Magnetic-Stripe Tickets for People with Disabilities

a. Analysis Findings

Due to insufficient demographic information about Red disabled discount mag-stripe ticket riders from the Customer Sat, a DI/DB analysis could not be conducted to determine whether there are any disproportionate impacts on protected populations using these tickets.

Customer Sat data did show that disabled discount riders are predominantly minority and are 13.1% more likely to be minority than an average BART rider. Disabled discount riders are also disproportionately low-income, with 51.7% of respondents who use this discount reporting that they are low-income, making Disabled discount riders 31.6% more likely to be low-income than the average BART rider. As a result, it is more likely that the discontinuance of the sales of Red disabled discount mag-stripe tickets will disproportionately impact protected riders using this fare type. Disabled discount riders use mag-stripe tickets at a lower rate than regular fare riders, but the difference is small enough to reasonably assume that a disproportionate impact may be borne by protected riders of this fare discount group.

b. Public Outreach

Input from the same Question 1 as described in Section 1b above is as follows: 34 respondents received a disabled discount on their BART fare and of these, 22 chose to answer this question with some sort of comment.

Of these 22 respondents, 12 identified as minority riders. Of these minority respondents, seven supported the proposed discontinuance of sales of Red mag-stripe tickets; the remaining five respondents did not support the discontinuance of sales. Eight respondents identified as low-income. Of these respondents, four unconditionally supported the discontinuance of sales and four did not.

c. Equity Finding

An equity finding based on the fare change analysis and public comment received cannot be determined due to insufficient demographic data and limited public responses from these fare users. In the absence of an equity finding, this report assumes the discontinuance of Red disabled discount mag-stripe tickets may disproportionately impact minority and low-income riders using this fare type. While existing fare media alternatives exist that could help mitigate these adverse effects, these alternatives include an administration fee that may serve as a barrier to some protected riders.

d. Proposed Mitigations

Red disabled discount mag-stripe ticket riders pay a \$0.19 per-ride surcharge and must pay a \$3 administration fee to receive their alternative fare card, the RTC card. Riders must complete 16 BART trips in order to recoup this fee, which is ten more trips than a regular fare rider who purchases a Clipper card due to the prorated surcharge. As a result, the proposed mitigation is to offset the \$3 administration fee for BART riders. The recommendation is that staff work with our regional partners to identify a feasible solution to offset this fee for the RTC card.

4. Discontinuance of Sales of Red Magnetic-Stripe Tickets for Youths

a. Analysis Findings

Due to insufficient demographic information about Red youth discount mag-stripe tickets from the Customer Sat, a DI/DB analysis could not be conducted to determine whether there are any disproportionate impacts on protected populations using these tickets. Customer Sat data did show that youth discount riders are disproportionately minority and low-income compared to the overall BART protected ridership. Youth discount riders are using mag-stripe tickets at a significantly lower rate, however, than regular BART fare riders, and accordingly, are less likely to be disproportionately impacted by the discontinuance of the sales of Red youth discount mag-stripe tickets.

b. Public Outreach

Input from the same Question 1 as described in Section 1b above is as follows: 13 respondents indicated that they pay a youth fare, seven of whom chose to answer this question. Of these seven respondents, four identified as minority. Of these minority

respondents, two supported the proposed discontinuance of sales of magnetic-stripe tickets, while two did not. Only one respondent who indicated that they paid a discounted youth fare was identified as low-income based on their responses to household income and household size, and this respondent did not support the proposed discontinuance of sales.

c. Equity Finding

An equity finding based on the fare change analysis and public comment received cannot be determined due to due to insufficient demographic data and limited public responses from these fare users. In the absence of an equity finding, this report assumes the discontinuance of Red youth discount mag-stripe tickets may disproportionately impact minority and low-income riders using this fare type, but that existing fare media alternatives could mitigate these adverse effects.

d. Proposed Mitigations

Red youth discount mag-stripe ticket riders pay a \$0.25 per-ride surcharge. Protected riders can avoid the mag-stripe ticket surcharge by paying their fares with a Clipper card, which has no acquisition fee for youth discount riders.