



**TITLE VI POLICIES
MAJOR SERVICE CHANGE
DISPARATE IMPACT
DISPROPORTIONATE BURDEN**

DRAFT

TITLE VI POLICIES
SAN JOAQUIN REGIONAL TRANSIT DISTRICT

I. Background

Title VI (codified at 42 U.S.C. § 2000 et seq.) was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities.

In order to comply with the Federal Transit Administration's (FTA) Title VI Circular 4702.1B requirements, the San Joaquin Regional Transit District (RTD) is required to create and adopt Major Service Change, Disparate Impact, and Disproportionate Burden Policies. These policies are used during the planning process to evaluate the impact of major service and fare changes on minority and low income passengers.

In the development of these policies, RTD was also required to seek input from the community, including low-income, minority, and limited English proficient populations, which are traditionally under-represented in the transit decision-making process.

II. Major Service Change Policy

FTA Circular 4702.1B requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service changes.

All changes in service meeting the definition of Major Service Change are subject to a Title VI Equity Analysis prior to Board approval of the service change. A Title VI Equity Analysis will be completed for all Major Service Changes and will be presented to the Board for its consideration and included in the subsequent RTD Title VI Program with a record of action taken by the Board.

A **Major Service Change** is defined as:

- A. For routes with more than 10 roundtrips daily on the affected service day(s): A change to 25% or more of a line's route miles on the affected service day(s). This includes service increases, decreases, and routing changes where route miles are neither increased nor reduced (i.e., re-routes);
- B. For routes with more than 10 roundtrips daily on the affected service day(s): An increase or decrease of 25% or more to a line's span (hours) of service on a daily basis for the day of the week for which a change is made;
- C. For routes with 10 or fewer roundtrips daily on the affected service day(s): Elimination of service on any given day;
- D. A new transit line is established.

The following types of modifications are exempt from the definition of Major Service Change:

- 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.
- Changes to RTD-operated transit services that are replaced by a different trip, mode or operator providing a service with the same or better headways, fare, transfer options, span of service, and stops served.

Service changes not meeting the thresholds of a Major Service Change are also analyzed and alternatives considered are documented; however, a Service Equity Analysis is not performed.

III. Equity Analysis

FTA Circular 4702.1B requires transportation agencies to develop policies to assist in the evaluation of impacts to minority and low-income riders when considering service and fare changes (including fare increases, fare decreases, and introduction or elimination of fare media or types).

When evaluating service and fare changes for Disparate Impact, RTD analyzes the effects on minority riders or populations as compared to non-minority riders or populations.¹ When evaluating service and fare changes for Disproportionate Burden, RTD analyzes the potential effects on low-income riders or populations.

A. Disparate Impact Policy

In the course of performing a Title VI Equity Analysis for possible Disparate Impact, RTD will analyze how the proposed Major Service Change or fare change action could impact minority populations, as compared to non-minority populations. "Minority" is defined as all persons who identify as being part of racial/ethnic groups besides white, non-Hispanic.

In the event the proposed action has an adverse impact that affects protected populations more than other populations at a level that exceeds the benchmarks established in the adopted Disparate Impact Policy, or that restricts the benefits of the service change to protected populations, the finding would be considered as a potential Disparate Impact. Given a potential Disparate Impact, RTD will evaluate whether there is an alternative that would serve the same objectives and with a more equitable impact. Otherwise, RTD will take measures to minimize or mitigate the adverse impact of the proposed action.

¹ Staff may decide whether to use ridership or census data based on data availability and reliability.

The Disparate Impact Policy defines measures for determination of potential Disparate Impact on minority populations resulting from Major Service Changes or any change in fares. The policy is applied to both adverse effects and benefits of Major Service Changes. Adverse effects of service changes are defined as:

- A. A decrease in the level of transit service (span in days and/or hours, and/or frequency); and/or
- B. A decrease in the number of service miles.

The determination of Disparate Impact associated with service changes uses a population-based method that applies to both individual-line changes and system-level changes affecting more than one line, and to both service reductions and service improvements. For purposes of this analysis, the impacted population is defined as the population residing within the service areas of routes affected by a Major Service Change. When more than one route is affected, the impacted population includes the combined population within the service areas of all affected routes. The percentage of minority population within the impacted population is compared to the percentage of minority population of RTD as a whole.

- A. In the event of potential adverse effects resulting from service reductions:
 - i. A Major Service Change will be deemed to have a potential Disparate Impact on minority populations if the difference between the percentage of the minority population impacted by the service reduction and the percentage of the minority population of RTD as a whole is 15 percentage points or more (e.g., 45 percent compared to 30 percent).
 - ii. When a Major Service Change affects more than one route, the impacted minority population will be evaluated cumulatively across all affected routes, and the cumulative percentage of minority population impacted will be compared to the percentage of minority population of RTD as a whole using the same threshold.
- B. In the event of service improvements:
 - i. A Major Service Change will be deemed to have a potential Disparate Impact on minority populations if the difference between the percentage of the minority population impacted by the service improvement and the percentage of the minority population of RTD as a whole is 15 percentage points or more, where the percentage of minority population impacted is lower than the systemwide percentage (e.g., 15 percent compared to 30 percent).
 - ii. When a Major Service Change affects more than one route, the impacted minority population will be evaluated cumulatively across all affected routes, and the cumulative percentage of minority population impacted will be compared to the percentage of minority population of RTD as a whole using the same threshold.

- C. Additional considerations to complement the quantitative Disparate Impact analysis above may include evaluating impacts to accessing employment, education, food, or healthcare for minority populations.

Upon determination of Disparate Impact, RTD will either:

1. Alter the service proposal to avoid, minimize, or mitigate potential Disparate Impacts; or
2. Provide a substantial legitimate justification for keeping the proposal as-is, and show that there are no alternatives that would have a less Disparate Impact on minority riders but would still accomplish the project or program goals.

B. Disproportionate Burden Policy

In the course of performing a Title VI Equity Analysis for possible Disproportionate Burden, RTD will evaluate the potential effects on low-income riders or populations. Low income is defined as households with incomes at or below 200 percent of the U.S. Department of Health and Human Services Poverty Guidelines, as updated annually.

The analysis for determining potential Disproportionate Burden is identical to the analysis used to determine potential Disparate Impact but compares low-income and higher income populations rather than minority and non-minority populations.

IV. Public Notification Process

Public outreach regarding Major Service Changes will be handled in accordance with the RTD Public Participation Plan.