

Title VI Fare Equity Analysis for proposal to provide Free Transfer for All-Nighter Service

Introduction

Title VI of the Civil Rights Act of 1964, Section 601 states: “No persons in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” To meet this mandate, Board Policy 518, “Title VI and Environmental Justice Service Review and Compliance Report Policy,” directs staff to assess the effects of any fare change proposals to determine if they would have disproportionately high and adverse effects on Title VI-protected populations; the Board must receive the findings of the analysis before making a decision about the fare change.

On August 5, 2020, the Board will consider a proposal to provide a free transfer for riders of all All-Nighter bus service between the hours of midnight and 6:00 AM. Offering a decreased fare such as a free transfer beyond six months triggers the Board Policy equity analysis requirement. According to the Board Policy the equity analysis must describe the proposed change and analyze the effect that any such change may have on people of color and low-income communities.

This Title VI Fare Equity Analysis finds that neither people of color nor low-income populations would bear any discriminatory impacts from the proposed fare change of offering a free transfer to all All-Nighter riders.

Description of the proposed change

SR 20-285 proposes that the District offer a free transfer for riders of all All-Nighter bus service between the hours of midnight and 6:00 AM. This would be a change from the District’s current fare policy, wherein a rider pays a fare on each bus they take to complete their trip. Providing a free transfer would mean that anyone riding the BRT (between midnight and 6:00 AM only) or a line 800-series route would pay only once for their full trip regardless of how many buses the trip required.

Methodology, Analysis, and Findings

The Title VI equity analysis first compared existing fares to proposed fares. Providing a free transfer, as contained in the proposal, would represent a fare decrease for any All-Nighter rider that currently transfers and no fare change for All-Nighter riders who do not transfer.

The analysis next identified the adverse effects, if any, associated with the fare change proposal. In this case, the proposal to extend a free transfer to All-Nighter riders carries no adverse effects. Any rider who wishes to use the free transfer will be able to do so, regardless of form of payment, riding pattern, or membership in a protected or non-protected class. Riders who do not need to use the free transfer are also not affected – their fare is not increased or changed in any way.

If adverse effects are identified, the analysis must quantify whether people in the protected class would experience more of those adverse effects than people not in the protected class. Typically, staff use data from the District’s onboard survey to carry out this quantitative analysis by investigating the demographics, ridership

patterns, and preferred fare payment method of riders affected by the change. Unfortunately, late-night routes were not included in the onboard survey, so such a data-driven analysis is not possible. Because the proposed benefit would be extended to all riders, however, the relative percentages of protected and non-protected riders would be the same under the existing fare structure and under the proposed fare structure. Therefore, such an analysis would return a finding of no disparate impact on people of color and a finding of no disproportionate burden finding on low-income populations.

Separately, onboard surveys over the years have found that daytime riders who must transfer to complete their trips are more likely to be members of populations protected by Title VI – people of color and low-income people. Staff think it is reasonable to believe that late-night riders have similar demographics to daytime riders, and so Title VI-protected populations are more likely to benefit from the proposal.

There is one concern associated with the proposal: that by offering a free transfer to late-night riders only, the fare change could represent discriminatory impacts on daytime riders who transfer. That is, someone who must transfer in order to ride between downtown Oakland and Fremont during the day would be required to pay two fares, while the person who makes that same trip between midnight and 6:00 AM would pay only one. Recent research about late-night workers show that while they play an essential role in society, they generally make lower wages than daytime workers. That means that late-night workers – including riders of All-Nighter service – are disproportionately more likely to bear the burden of higher transportation costs than daytime workers. Late night transit riders are also more likely to be transit dependent, so needing to ride transit even if they must transfer in order to complete their trips. Because providing a free transfer would translate into lower fares in general for All-Nighter riders compared to daytime riders, staff believe the proposal aligns with the environmental justice principles incorporated in the District’s mission.

Alternatives

Along with the proposal to provide a free transfer to all All-Nighter riders, staff analyzed several alternatives for compliance with Title VI requirements.

- Maintain existing transfer policy. In this alternative, riders transferring between line-800 series routes and/or the BRT between the hours of midnight and 6:00 AM would pay a fare on each bus they boarded. This alternative aligns with current fare policy, so no Title VI fare equity analysis would be required.
- Provide a free transfer between Line 801 and the BRT only. Because this alternative would be offered to a subset of riders, staff would need to conduct a traditional data-driven equity analysis in order to assess whether such a proposal would be equitable. It would require staff to collect demographic data about late-night riders of the affected routes, and also about late-night riders systemwide, for routes which have not been included in onboard surveys. Lacking that data, and based on an analysis of daytime riders, staff believe late-night riders of some routes are as likely, or more likely, than on the two affected routes to have majority populations protected by Title VI. Staff therefore believe this alternative could return a finding of discriminatory impact.
- Reintroduce transfers systemwide. The District previously had a transfer fare instrument; it was deleted in 2013 concurrent with introduction of a Day Pass (Staff report 13-240d). At that time, the analysis found that people who needed to transfer to complete their travel were more likely to be populations protected by Title VI, so staff believe this alternative would not carry any Title VI concern; however, a full data analysis accompanied by an extended/renewed onboard survey would need to be conducted if this alternative is chosen.

- Modify the service provided in the BRT/Line 801 corridor to avoid the need for riders to transfer at San Leandro BART. This alternative would extend BRT service to Fremont BART or curtail BRT service during All-Nighter hours. Because neither of these alternatives would be a change to current fare policy, no Title VI fare equity analysis would be required; it is possible, however that either proposal could trigger the requirement to conduct a Title VI service equity analysis.

Conclusion

The analysis contained in this Title VI Fare Equity Analysis concludes that offering a free transfer to all All-Nighter riders between the hours of midnight and 6:00 AM would not result in a disparate impact on people of color and also would not result in a disproportionate burden on low-income riders, and so does not conflict with Title VI of the Civil Rights Act, FTA regulations, or Board Policy.