

## **Title VI Analysis of 2020 Suspension of Fare Collection, March 23-October 18, 2020**

### Background

Title VI of the Civil Rights Act of 1964 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.” FTA regulations direct recipients to conduct an analysis of any proposed fare change and present findings to the governing body of transit agencies which receive federal funds, such as AC Transit. This requirement ensures that possible equity impacts are considered before implementing a fare change.

To meet this mandate, AC Transit Board Policy 518, “Title VI and Environmental Justice Service Review and Compliance Report Policy,” directs staff to assess the effects of any fare change proposal to determine whether the proposed change would have a disparate impact on the basis of race, color, or national origin, or if low-income populations would bear a disproportionate burden of the proposed change. Certain limited fare changes are exempt from the fare equity analysis requirement, including temporary fare reductions that last six months or less.

### March 2020 boarding and fare payment actions

In response to health and safety concerns related to the Covid-19 pandemic, the District began requiring riders to board using the back door(s) of the bus on March 23, 2020. (Riders using mobility devices or needing any assistance were exempt from this requirement.) Because fareboxes and Clipper card readers are only situated at the front door of AC Transit buses, the District suspended fare collection along with the rear-door boarding mandate.

It is important to note that suspending fare collection was not intended to be a fare change, per se – it was simply a necessary corollary to the rear-door boarding health and safety action. The free fare period also was never anticipated to last longer than six months; it was intended to be a temporary response to the Covid-19 emergency. Staff reports over the Spring and Summer of 2020 referred to rapid plans and activities to install barriers which would make front-door boarding and fare payment safe, with a planned implementation date of August 9th to coincide with the upcoming quarterly service change. Finally, immediately upon meeting the health and safety requirements to permit front-door boarding, fare payment resumed, reverting to the fare policy codified in Board Policy 333 without change.

Normally a fare equity analysis is conducted well in advance of a fare change, and received by the Board before any temporary fare change becomes permanent. The free fare period ran through October 18, 2020, four weeks longer than six months. Accordingly, the free fare triggered the requirement to conduct a fare equity analysis. Unfortunately, because staff believed the District would return to normal fare

collection well before the six-month deadline, no fare equity analysis was conducted during that time. This report is intended to correct that oversight.

### Analysis

In a fare equity analysis, broadly, staff compare impacts of a fare change on people in categories protected by Title VI to the impact of the fare change on people who are not in protected categories, using data about riders' demographics and ridership patterns. The analysis attempts to understand whether a fare change would carry any adverse effects, and also takes into consideration public input received about the fare change proposal.

AC Transit has a range of fares, fare types, and ways to pay; the suspension of fare collection in March 2020 reduced all fares to zero.

The suspension of fare collection was experienced by all riders, including those who pay with cash and those who pay using electronic means. It was experienced by riders who pay the full adult fare as well as riders who pay one of the discounted fare types, such as the Youth, Senior, or Disabled fare. It was experienced by riders who pay one ride at a time as well as those who purchase multi-day or multi-trip passes. And, most importantly for a consideration of equity, the fare change was experienced by riders in categories protected by Title VI regulations (race, color, national origin, and low-income) and in categories not protected by Title VI regulations.

Because suspension of fare collection meant that all fares dropped to zero, only benefits were associated with the fare change – the change carried no adverse effects.

These facts indicate that the suspension of fare collection did not carry any discriminatory effect on populations protected by Title VI.

It should be noted that customers who purchased a monthly pass, or 31-day pass or RTC sticker, experienced a slightly different impact of the fare change. A rider who purchased a pass or sticker earlier in March would find it unnecessary on March 23; that is, they paid a monthly/31-day price for a pass that was used for less than that time. Unfortunately, there was no way to anticipate how the pandemic would affect transit and fare collection, or to provide more than a few days' notice to the public about the suspension of fare collection, and so, to accommodate riders who made such purchases, the District authorized prorated refunds for riders who purchased passes on their Clipper cards, and refunds for April RTC stickers.

### Public engagement

In addition to data analysis, an important element of an equity analysis is the requirement to conduct public engagement about the fare change proposal. This is to ensure the Board hears the voices of people directly impacted by any proposals, including riders and members of the community, especially residents and riders who are members of Title VI-protected populations. While Board policy 110 "Public Hearing Process for the Board of Directors" only requires a Public Hearing in the case of proposed fare *increases*,

staff plan and carry out a public engagement campaign for *any* permanent fare change, using a variety of strategies and tactics.

In this case, because the action to suspend fare collection was taken quickly in response to a health emergency and was not intended to be permanent, and because no changes to fare policy were proposed following the resumption of fare collection, staff did not carry out public engagement directly associated with the free fare period. This equity analysis was conducted after the resumption of fare payment, and it would be insincere to solicit input now for a fare change that ended last October.

AC Transit did, however, roll out a comprehensive public education campaign about all elements of the District's Covid-19 response, including the suspension of fare payment during that period. The list below summarizes tactics enlisted to engage with the public:

- Designated COVID-19 Updates page and subpages on the AC Transit website organized by topics for easier consumption
- eNews, service alerts and 511.org notices
- At-stop signage, including electronic signs and printed materials, such as decals, fliers and flags
- Rider Survey
- Updated onboard Public Service Announcements
- Curated social media content and designated artwork to help riders navigate all operational changes
- Onboard signage including car cards, rail hangers, posters and decals
- Second wave of signage at over 250+ highest ridership stops
- All elements provided in three languages: English, Spanish, and Chinese

Although there was no specific request for public input regarding suspension of fare collection, these deliverables provided details about how riders and community members could provide comment, through the established customer comment and input channels as follows:

- Email to [Planning@actransit.org](mailto:Planning@actransit.org) or [rideact@actransit.org](mailto:rideact@actransit.org)
- Social media channels
- Customer Call Center
- AC Transit Customer Service Center, which re-opened before the August 9 service change implementation
- Free Language Assistance blurb, which tells customers how they can access information or communicate with AC Transit in 16 languages other than English, was included in most materials
- Board meetings, conducted virtually, where customers could, and did, call in to provide comment about fare policy.

Nineteen comments were received from customers referencing the suspension or reinstatement of fare payment. This is a small number, but not surprising, given that the fare change had the effect of making riding the bus free for seven months. To the extent comments addressed the suspension of fare payment, they raised concerns about reinstatement, or tended to suggest that fare should remain free either for the duration of the pandemic or for all future time.

Comments fell into the following categories:

- 6 felt there was not sufficient notification or information about reinstatement of fare payment
- 5 thought fares should remain free
- 4 had concerns that fare payment was re-instituted in the middle of a month, making it difficult or inefficient to use a monthly pass
- 2 thought enforcement after reinstatement of fare payment was uneven
- 2 had questions about fares or fare payment

### Findings and Determinations

Following the methods and process laid out above, the Title VI fare equity analysis found:

- The fare change – suspension of fare collection – reduced all fares to zero
- The fare change was extended to all riders
- The fare change carried a benefit – a no-cost transit ride; there were no adverse effects associated with the fare change
- No disparate impact of the fare change was experienced by people of color, and no disproportionate burden was experienced by low-income riders
- Public outreach associated with the fare change did not generate any comments opposing the suspension of fare collection.

**Therefore, the Title VI Fare Equity Analysis determines that no discriminatory effects were associated with the free fare offered by AC Transit between March 23 and October 18, 2020.**