PROPOSED MAJOR SERVICE & FARE/SERVICE EQUITY POLICY

Purpose of the Policy

The purpose of the Major Service Change and Fare/Service Equity Policy is to a) define thresholds for determining major service changes, and b) determine whether potential fare and major service changes will have a disparate impact based on race, color, or national origin; or disproportionate burden on low-income populations.

These thresholds and determinations are required by Federal law, as described in Federal Transit Administration (FTA) Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”, which became effective October 1, 2012. The Circular requires any FTA recipient that operated 50 or more fixed route vehicles in peak service and serving a population of 200,000 or greater to evaluate any fare change and any major service change at the planning and programming stages to determine whether those changes have a discriminatory impact. For changes to existing transit fares, the FTA requires VRE to prepare and submit fare equity analyses for all potential fare adjustments. VRE is required to have established guidelines or thresholds for what is considered a “major” service change. For “major” service changes, FTA requires VRE to prepare and submit an equity analysis, which includes an analysis of adverse effects.

Definitions (As provided in the FTA Circular 4702.1B)

Adverse Effect is defined as a geographical or time-based reduction in service which includes but is not limited to span of service changes, frequency changes, route segment elimination, rerouting, or route elimination.

Disparate Impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where VRE’s policy or practice lacks a substantial legitimate justification and where there exist one or more alternatives that would serve the same legitimate objective but with less disproportionate effect on the basis of race, color, or national origin.

Disparate Treatment refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of race, color, or national origin.

Disproportionate Burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.
Low-income Person means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.

Low-income Population refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy or activity.

Minority Persons include those persons who self-identify as being one or more of the following ethnic groups: American Indian and Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian and Other Pacific Islander, as defined in the FTA Title VI Circular.

Minority Populations means any readily identified group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

Service Area – the entire area in which VRE is authorized to provide public transportation service under appropriate local, state, and Federal law.

Service Level – Refers to the span of service (hours of operation), days of operation, trips and headways (service frequency) for a transit route or the regional transit service.

Service Span – The span of hours over which service is operated (e.g., 6 a.m. to 10 p.m.). The service span may vary by weekday, or Saturday, or Sunday.

Proposed Policies:

A. Major Service Change Policy

All major increases or decreases in transit service are subject to a Title VI Equity Analysis prior to Board approval of the service change. A Title VI Equity Analysis completed for a major service change must be presented to VRE’s Operations Board for its consideration and included in VRE’s Title VI Program with a record of the action taken by the Board.

A major service change is defined as any change in service meeting at least one of the following criteria:

1. An adjustment of service that equates to a reduction or addition of 25 percent (25%) or greater total revenue train miles per day.
2. A 25 percent (25%) or greater reduction or increase in the number of stops at a station per day.
Any change that is a temporary or interim change due to construction, maintenance projects, natural or catastrophic disasters, or seasonal and special events is exempted from the definition and is not considered a “major service change.”

**B. Disparate Impact Policy**

The purpose of this policy is to establish a threshold which identifies when adverse effects of a major service change or any fare change are borne disproportionately by minority populations.

VRE will consider a proposed major service change to be disparate if the minority population affected is 20 percent (20%) greater than the service area average for minority populations.

VRE will consider a proposed fare change to be disparate if the difference between the average fare increase (as a percent change) for minority riders is greater than 5% of the average fare increase (as a percent change) for non-minority riders.

If VRE finds a potential disparate impact, the agency will take steps to avoid, minimize or mitigate impacts, and then reanalyze the modified service plan to determine whether the impacts were avoided, minimized, or mitigated. If VRE chooses not to alter the proposed changes, the agency may implement the service or fare change if there is substantial legitimate justification for the change AND the agency can show that there are not alternatives that would have less of an impact on the minority population and would still accomplish the agency’s legitimate program goals.

**C. Disproportionate Burden Policy**

The purpose of this policy is to establish a threshold which identifies when adverse effects of a major service change or any fare change are borne disproportionately by low-income populations.

VRE will consider a proposed major service change to be disproportionate if the low-income population affected is 20 percent (20%) greater than the service area average for low-income populations.

VRE will consider a proposed fare change to be disproportionate if the difference between the average fare increase (as a percent change) for low-income riders is greater than 5% of the average fare increase (as a percent change) for non-low-income riders.

If VRE finds a potential disproportionate burden, the agency will take steps to avoid, minimize or mitigate impacts, and then reanalyze the modified service plan to determine whether the impacts were avoided, minimized, or mitigated. If VRE chooses not to alter the proposed changes, the agency may implement the service or fare change if there is substantial legitimate justification for the change AND the agency can show that there are
no practical alternatives that would have less of an impact on the low-income population and would still accomplish the agency’s legitimate program goals.