

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE UTAH TRANSIT
AUTHORITY APPROVING THE TITLE VI FARE EQUITY BRIEFING**

R2021-06-02

June 9, 2021

WHEREAS, the Utah Transit Authority (the “Authority”) is a large public transit district organized under the laws of the State of Utah and was created to transact and exercise all of the powers provided for in the Utah Limited Purpose Local Government Entities – Local Districts Act and the Utah Public Transit District Act; and

WHEREAS, the Board of Trustees of the Authority (the “Board”), in keeping with the Federal Transit Administration’s requirements for public transit agencies and the Civil Rights Act of 1964 has considered and reviewed the Fare Equity Briefing (“Title VI Equity Briefing”) prepared by Authority staff; and

WHEREAS, the Board desires to approve the Title VI Equity Briefing.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Authority:

1. That the Title VI Equity Briefing prepared by Authority staff, a copy of which is attached hereto as Exhibit A, is hereby approved by the Authority.
2. That the Board hereby ratifies any and all actions taken by the Authority’s Executive Director and staff in furtherance of and effectuating the intent of this Resolution.
3. That a copy of this Resolution shall be submitted to the Federal Transit Administration.
4. That the corporate seal be attached hereto.

Approved and adopted this 9th day of June 2021.

Carlton Christensen, Chair
Board of Trustees

ATTEST:

Secretary of the Authority

(Corporate Seal)

Approved As To Form:

DocuSigned by:
David Wilkins
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Legal Counsel

Exhibit A
(Title VI Fare Equity Briefing)



Title VI Equity Briefing – Low-Income Pilot

To: UTA Board of Trustees: Carlton Christensen, Beth Holbrook, Jeff Acerson

From: Andrew Gray

RE: Title VI Equity Briefing - Low-Income Pilot

Introduction

In consultation with and the direction of the Federal Transit Administration's Civil Rights Regional Compliance Officer, the Utah Transit Authority (UTA) Office of Civil Rights has prepared an equity briefing. This briefing is designed to document the review of proposed fare changes that do not rise to the level of a system-wide impact like a change to the base fare, but still rise to a level that could cause Title VI equity issues upon their implementation. In consideration of the potential impact, UTA shall document the efforts made to ensure that Title VI considerations were taken into account and that there are no foreseeable negative impacts on minority and/or low-income populations. The equity briefing is not documented to the extent of other major changes due to the limited nature of the proposed change.

Background

UTA's Office of Civil Rights has reviewed a proposal to make permanent a pilot program that offers a free fare to a large number of low-income individuals by partnering with human services providers ("service providers") within the service area. Prior to this pilot, UTA had established partnerships with providers of homeless services within the service area to provide a 50% discount on pass sales. These passes were sold directly to homeless service providers who were then required to provide these passes to participants in their programs that were experiencing homelessness free of charge.

In 2020, UTA expanded the availability of discounted passes to include all non-profit and governmental entities that serve low-income individuals within the service area and increased the discount to 75%. This new structure also broadened the availability of discounted passes to any individual participating in a service provider's program that is at or below 150% of the Federal poverty level. This is the level used to define the program's low-income designation. These passes are sold directly to service providers who are required to provide these passes to participants in their program free of charge. The pilot program started with a select few service providers and subsequently expanded to more than seventy service providers and governmental agencies whose mission aligns with UTA's goal to assist low-income households within the service area.

In order to assess the impacts of this pilot program before it is implemented as a permanent program, UTA compiled the relevant demographics for the proposed fare changes pursuant to the requirements set forth in FTA Circular 4702.1B.

Title VI Policy

UTA's Title VI Policy 1.1.28 outlines the method of measuring disparate impacts on minority populations and disproportionate burdens on low-income populations. The threshold for determining disparate impact or disproportionate burden is a five percent (5%) *negative impact* on protected populations. This means that if the burden of the proposed change on minority or low-income populations is more than "5% worse" than it is for the non-protected populations, then the change will be considered a finding of either a disparate impact or disproportionate burden. Disparate impact is a finding when examining impacts borne by minority



populations while disproportionate burden is a finding regarding low-income populations. A negative impact of 5% or greater is determined by comparing the impacted population to the system or surveyed average. The impacted population is defined as the people that have access to the fare program that is being changed. The impacted population is compared to the entire surveyed population to determine the equity of the proposal. If either a disproportionate burden or disparate impact is found, UTA must take steps to avoid, minimize, or mitigate impacts where practicable as well as demonstrate compliance with the prescribed steps outlined by the FTA. The demographics of the entire weighted survey is shown in the table below.

Minority:	
Population:	145,069
Minority Population:	39,384
Percent Minority:	27.1%

Low-Income:	
Population:	124,048
Low-Income Population:	50,035
Percent Low-income:	40.3%

Finding a Disproportionate Burden:

If at the conclusion of the analysis, UTA finds that low-income populations will bear a disproportionate burden of the proposed major service change, UTA will take steps to avoid, minimize, or mitigate impacts where practicable. The provider should also describe alternatives available to low-income passengers affected by the service changes

Finding a Disparate Impact:

1. At the conclusion of UTA's Analysis, if UTA finds a disparate impact on the basis of race, color, or national origin, UTA shall seek to modify the proposed changes in a way that will mitigate the adverse effects that are disproportionately borne by minorities. Modifications made to the proposed changes must be reanalyzed in order to determine whether the modifications actually removed the potential disparate impacts.
2. If UTA chooses not to alter the proposed services changes despite the potential disparate impact on minority populations, or if UTA finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service or fare change, UTA may implement the change only if:
 - a. UTA has substantial legitimate justification for the proposed change; and
 - b. UTA can show that there are no alternatives that would have a less disparate impact on the minority riders but would still accomplish the transit provider's legitimate program goals. In order to show this, UTA must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative

Datasets Used

UTA has utilized rider surveys conducted in 2018 and 2019 to determine the demographics of the people impacted by the proposed changes. The demographics data is determined based on the responses to survey questions regarding fare media usage, race, income level, and household size. UTA utilizes the responses to questions such as race, ethnicity, and income levels in order to review and determine potential impact of the proposed changes to ensure that the changes don't disproportionately negatively impact minorities and/or low-income individuals. As a note, any differences in the totals between minority and low-income is due to the survey taker's ability to decide whether or not to answer specific questions while answering others.



Breakdown of Impacted Population

When evaluating fare changes, UTA will typically review the demographics of the riders that use the fare type that is being changed. In this instance, however, data is not available for the population directly accessing this service. UTA does have ridership data that can be useful in evaluating the potential demographics of those utilizing human services to obtain free passes. The most recent onboard survey asked how the respondent obtained their pass and included “Human Service Agency” as one of the available responses. Below is a table of the weighted respondents’ demographics. “Overall percentage” is the percent of respondents that were minority or low income in the entirety of the survey. “Human Services Percentage” is the percent respondents that were minority or low income that received passes from a human service agency.

Riders utilizing Human Service Agencies:

Minority:	
Overall Percentage:	27.1%
Human Services Percentage:	35.6%
Difference:	8.5%

Low-Income:	
Overall Percentage:	40.3%
Human Services Percentage:	38.9%
Difference:	-1.4%

In addition to the data of those utilizing human service agencies to obtain free passes, UTA also had overall data on the low-income data of minority and non-minority riders from the most recent onboard survey. Of all respondents indicating that they were low income, 31.3% of them identified as a minority, which is 4.2% greater than the overall minority percentage. Additionally, when the percentage of minorities and non-minorities that are low-income is considered, there is a sizeable disparity between the two. While 37.5% of non-minority respondents indicated that they were low-income, minority respondents indicated that 48.6% of them were below 150% the federal poverty rate.

Findings

Based on the data collected on a system-wide level, UTA does not find any disproportionate burdens borne by low-income populations or any disparate impacts on minority populations. The program requirements and contract signed with service providers specifically stipulates that recipients of the passes must be at or below 150% the federal poverty level. Due to this, UTA anticipates that 100% of participants will be low-income.

The rider survey data presented regarding the recipients of free passes obtained from human services show that minorities accessed these programs at a greater rate than the general ridership’s demographics would have indicated. Additionally, when the demographics of low-income riders are considered, minority populations have a much higher percentage (11.1%) of low-income than their non-minority counterparts.

Conclusion

The proposal to adopt the pilot program to make discounted fare products available to service providers and governmental agencies does not appear to pose any potential for a Title VI finding due to the overwhelming benefit that it will have to low-income populations. Not only is there not a potential for any disparity, but data indicates that minority populations are overrepresented in the low-income populace and among the people utilizing human services. This greater rate of minorities in the impacted group likely indicates a net benefit for minority populations.