

Service and Fare Equity Analysis Policy

Pursuant to Federal Transit Administration (“FTA”) Circular 4702.1B, FTA Circular 4703.1, and Title VI of the Civil Rights Act of 1964, and their related regulations, the following is the policy of the Connecticut Department of Transportation (CTDOT) for service and fare equity analyses and determination of disparate impact and disproportionate burden.

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

Disproportionate burden refers to a facially neutral policy or practice that disproportionately affects low-income population’s more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate adverse effects where practicable.

Section I: Service Equity Analysis

Major Service Change Policy:

All changes in service meeting the definition “Major Service Change” are subject to a Title VI Service Equity Analysis and a public hearing prior to presentation to the Commissioner of Transportation for approval and implementation actions. The following are considered “major service changes” that would require a public hearing and a service equity analysis prior to approval by CTDOT:

1. A proposal to abandon all service on an entire bus route or rail line, or elimination of a route or a branch that reduces the span of service by more than five percent (5%);
2. a proposal to eliminate service on a portion of a bus route or rail line that represents more than twenty percent (20%) of the route miles of the particular route or line. (No major service change will be considered if alternative transit service is available on existing duplicative service provided by another transit provider or by transfer to another route, and if the elimination does not trigger any other threshold for a major service change);
3. a proposal to substantially reduce service on a bus route or rail line, specifically where reduction of service increases the headway of the peak period service by more than fifty percent (50%) or more than doubles the off-peak headway.
4. The addition of, or reduction in, more than ten percent (10%) of the rail or bus system’s overall vehicle revenue hours through one or more route changes

A Service Equity Analysis will be conducted whenever CTDOT implements a major service change to the rail or bus system as defined in this policy when it would remain in effect in excess of twelve (12) months. Further, when a service change is proposed, there shall be a twelve-month look-back to

ascertain if the aggregate of any changes in the prior twelve months would have triggered one of these major service change criteria and therefore an equity analysis.

The following service changes are exempted:

1. Standard seasonal variations in service: a Seasonal route or routing variation is usually a modification to service to provide “added” access that is not broadly needed year round, or the discontinuation of same. Any temporary service addition, change, or discontinuation of a route with the intention that it will be in operation for less than twelve months¹;
2. Changes on routes serving sporting events, special events, or service contracted through other cities or agencies;
3. Any service change that does not meet the definition of a major service change such as minor route alignments, frequency, span, or time point adjustments; route or bus stop changes due to temporary road detours caused by construction, maintenance, closures, emergencies, labor disruptions or strikes, fuel shortages, or safety concerns; etc.

Section II: Fare Equity Analysis

Fare Changes:

A fare equity analysis will be conducted whenever CTDOT implements a fare change, regardless of the amount of increase or decrease, except for those fare changes mandated by Federal, state or local law. A fare change is defined as an increase or decrease in fares: (a) on the entire system, (b) on certain transit modes, or (c) by fare payment type or fare media. The exceptions are as follows:

1. “Spare the air days” or other instances when a local municipality, the state or CTDOT has declared that all passengers ride free;
2. Temporary fare reductions that are mitigating measures for other actions (i.e. construction activities that close a segment of the rail system); or
3. Promotional fare reductions that last less than six (6) months.

The fare equity analysis will evaluate the effects of the proposed fare changes on minority populations and low-income populations. For proposed changes that would increase or decrease the fares on the entire system, or on certain modes, or by fare payment type or fare media, CTDOT will analyze any available information generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type or payment media that would be subject to the change.

Section III: Disparate Impact Policy

¹ While all changes from regular service to seasonal service and the reverse are exempt, should there be changes within the seasonal service from one year to the next, CTDOT will conduct a SAFE analysis should the change exceed 50%, regardless of increase or decrease in service.

The purpose of this policy is to establish a threshold which identifies when adverse effects of a major service or fare change are borne disproportionately by minority populations. For the purpose of this policy, a minority population is defined as any readily identifiable group of minority persons who live in geographical proximity.

Service Changes:

A major service change to the rail or bus system will be deemed to have a disparate impact on minority populations if the percentage of riders or vehicle revenue hours on minority-classified routes affected by the major service change is at least fifteen percentage points (15%) higher than the percentage of riders or vehicle revenue hours on non-minority-classified routes affected by the major service change.

The quantitative methodology used to determine when an impact meets or exceeds the disparate impact thresholds set in this policy is as follows:

To determine the impacts of major service changes on specific routes, the ratio of minority population and non-minority population within the impacted tract areas will be compared to the ratio of minority and non-minority population within the service area as a whole. (Example: if within the service area as a whole, there is a 50-50 split between minority and non-minority populations, and within the impacted tract areas for service reduction there is an 80-20 split between minority and non-minority populations affected, this would be a disparate impact. But if there is a 55-45 split within the impacted tract areas, no disparate impact will be determined to exist). Comparisons of impacts between minority and non-minority populations will be made for all changes for each day of service — weekday, Saturday, and Sunday.

Fare Changes:

For fare changes, a fare change will be deemed to have a disparate impact on minority populations if its implementation results in either:

1. When one fare change is proposed, the percentage of impacts of the proposed fare change borne by minority riders as a result of the proposed fare change is at least ten percentage points (10%) higher than the percentage of impacts of that proposed fare change on the overall rider population; or
2. When more than one fare change is proposed:
 - a. For each fare change in the package: the percentage of impacts of each individual proposed fare change borne by minority riders as a result of the proposed fare change is at least ten percentage points (10%) higher than the percentage of impacts of that proposed fare change on the overall rider population; and
 - b. For the total package of fare changes: the aggregate percentage of impacts for the proposed fare changes borne by minority riders as a result of the proposed fare changes is at least five percentage points (5%) higher than the aggregate percentage of impacts on the overall rider population.

The quantitative methodology used to determine when a fare change meets or exceeds the disparate impact thresholds set in this policy is as follows:

To determine the impact of a fare change, the ratio of minority population and non-minority population within the impacted tract areas will be compared to the ratio of minority and non-minority population within the service area as a whole. (Example: if within the service area as a whole, there is a 50-50 split between minority and non-minority populations, and within the impacted tract areas for a fare increase there is an 80-20 split between minority and non-minority populations affected by the increase, this would be a disparate impact. But if there is a 55-45 split within the impacted tract areas, no disparate impact will be determined to exist). Differences in the use of fare options between minority populations and other populations include all such differences that are documented as statistically significant at the 95 percent confidence level.

FTA Circular 4702.1B states that a recipient can implement a fare increase that would have a disproportionate or adverse effect provided that it demonstrates the action meets a substantial need that is in the public interest and that alternatives would have more severe adverse effects than the preferred alternative.

Section IV: Disproportionate Burden Policy

A major service change to the rail or bus system will be deemed to have a disproportionate burden on low-income populations if the percentage of riders or vehicle revenue hours on below-poverty-level classified routes affected by the major service change is at least fifteen percentage points (15%) higher than the percentage of riders or vehicle revenue hours on above-poverty-level classified routes affected by the major service change.

The quantitative methodology used to determine when an impact meets or exceeds the disproportionate burden thresholds set in this policy is as follows:

To determine the impacts of major service changes on specific routes, the ratio of low-income and non-low income population within the impacted tract areas will be compared to the ratio of low-income and non-low-income population within the service area as a whole. (Example: if within the service area as a whole, there is a 50-50 split between low-income and non-low-income populations, and within the impacted tract areas for service reduction there is an 80-20 split between low-income and non-low-income populations affected, this would be a disproportionate burden. But if there is a 55-45 split within the impacted tract areas, no disproportionate burden will be determined to exist). Comparisons of impacts between low-income and non-low-income populations will be made for all changes for each day of service — weekday, Saturday, and Sunday.

A fare change will be deemed to have a disproportionate burden on low-income populations if its implementation results in either:

1. When one (1) fare change is proposed, the percentage of impacts of the proposed fare change borne by low-income riders as a result of the proposed fare change is at least ten percentage points

(10%) higher than the percentage of impacts of that proposed fare change on the overall rider population; or

2. When more than one (1) fare change is proposed:

a. For each fare change in the package: the percentage of impacts of a single proposed fare change borne by low-income riders as a result of the proposed fare change is at least ten percentage points (10%) higher than the percentage of impacts of that proposed fare change on the overall rider population; and

b. For the total package of fare changes: the aggregate percentage of impacts for the proposed fare changes borne by low-income riders as a result of the proposed fare changes is at least five percent (5%) greater than the aggregate percentage of impacts on the overall rider population.

The quantitative methodology used to determine when an impact meets or exceeds the disproportionate burden thresholds set in this policy is as follows:

To determine the impacts of fare changes, the ratio of low-income and non-low income population within the impacted tract areas will be compared to the ratio of low-income and non-low-income population within the service area as a whole. (Example: if within the service area as a whole, there is a 50-50 split between low-income and non-low-income populations, and within the impacted tract areas for a fare increase there is an 80-20 split between low-income and non-low-income populations affected, this would be a disproportionate burden. But if there is a 55-45 split within the impacted tract areas, no disproportionate burden will be determined to exist). Differences in the use of fare options between minority populations and other populations include all such differences that are documented as statistically significant at the 95 percent confidence level.

Section V: When a Major Service or Fare Change is deemed to have a Disparate Impact and/or Disproportionate Burden

Avoid, Minimize, or Mitigate Impact and/or Burden:

If a proposed major service change or fare change is deemed to have a disparate impact and/or disproportionate burden, CTDOT shall consider modifying the proposed changes in order to avoid, minimize or mitigate the disparate impact(s) or disproportionate burden(s) of the proposed change. Any modifications to the proposed change must be reanalyzed according to the policies in Sections I and II to determine whether the proposed change removed the disparate impacts and/or disproportionate burdens of the change.

No Alterations or Unable to Remove Impact and/or Burden:

If CTDOT chooses not to alter the proposed major service or fare change, or if modifications to the proposed major service or fare change do not remove the disparate impact(s) or disproportionate burden(s), the following steps must be taken:

1. If CTDOT chooses not to alter the proposed major service or fare change, or if modifications to the proposed major service or fare change do not remove the disparate impact, CTDOT may implement the major service or fare change only if:

a. CTDOT has determined there is a substantial legitimate justification for the proposed service or fare change, and

b. CTDOT can show that there are no alternatives that would have a smaller disparate impact on minority riders that would still accomplish the state's legitimate program goals.

2. If CTDOT chooses not to alter the proposed major service change or fare change, or if modifications to the proposed major service change or fare change do not remove the disproportionate burden on low-income riders:

a. CTDOT shall take steps to avoid, minimize, or mitigate those impacts where practicable, and

b. CTDOT should describe alternative service and/or fares available to low income customers.

Section VI: Adverse Effects

As per the guidance, the CTDOT will analyze adverse effects related to major service changes, and pay attention to the fact that the elimination of a route will likely have a greater adverse effect than a reduced frequency (headway change) in service.

The CTDOT will analyze the difference between the existing and proposed service, and consider the degree of the adverse effects when planning service changes.