
Major Service & Fare Change Policy, Disparate Impact, and Disproportionate Burden Policy

City of Tucson Policy and Procedure for Major Service and Fare Changes on Public Transportation

I. Purpose of the Policy:

The Federal Transit Administration (FTA) Circular 4702.1 B, "*Title VI Requirements and Guidelines for Federal Transit Administration Recipients*" effective October 1, 2012) requires that all FTA recipients who operate 50 or more fixed route vehicles in peak service and serve a population of 200,000 or greater, evaluate any fare change or any major service change, during the planning and programming stages.

When planning fare changes or major services changes, the City of Tucson shall consider if any adverse effect would occur as a result of the fare change or major service change. The City of Tucson shall consider the degree of adverse effects (if any), analyze those effects, and discuss any necessary minimization and/or mitigation that need to be considered as a result of the proposed fare change or major service change.

The Major Service and Fare Change Policy defines thresholds for determining whether potential major service or fare changes will have an adverse effect based on possible:

Disparate impact(s) (as determined by an analysis of race, color, or national origin within the service area); or

Disproportionate burden(s) (as determined by an analysis of low-income populations within the service area).

II. Policy Statement:

It is the policy of the City of Tucson to solicit and consider public comment from private transportation providers, private citizens, and appropriate boards, committees, and commissions before implementing fare changes and/or major service changes pursuant to the City of Tucson's public transportation system. To this end, the Mayor and Council have adopted the following citizen participation related public hearing policies and procedures.

III. Requirements:

a) Fare Changes:

A public hearing must be held if there is any fare change to any of the public transportation modes (Sun Tran, Sun Van, or Sun Link). For changes to existing transit fares, the FTA requires all City of Tucson transit providers (Sun Tran, Sun Van, and Sun Link) to conduct a Fare Equity Analysis for all proposed fare changes.

b) Major Service Changes:

A public hearing must be held if there is any major service change to any of the public transportation modes (Sun Tran, Sun Van, or Sun Link).

For all major service changes, the FTA requires all City of Tucson transit providers (e.g., Sun Tran, Sun Van, and Sun Link) to develop guidelines and thresholds for what it considers a “major” service change. For major service changes, the FTA requires the City of Tucson to conduct a Service Equity Analysis, which includes an analysis of adverse effects relating to possible disparate impacts and disproportionate burden. It is the City of Tucson’s policy to conduct a Service Equity Analysis for any proposed major service changes.

The following is considered a major service change (unless otherwise noted under “Exemptions”) and will be evaluated in accordance with the regulatory requirements set forth in FTA Circular 4702.1B:

An equity analysis is required for any major service change. A major service change is defined by the criteria below: major service change (thresholds) is defined as any change in service from the previous fiscal year that would add or eliminate more than:

1. When the route revenue miles on any individual route or combination of routes, increases or decreases by 25% or more when compared to the previous fiscal year.
2. When the route revenue hours on any individual route or combination of routes increases or decreases by 25% or more when compared to the previous fiscal year.

Exemptions:

The major service change thresholds exclude any changes to service that are caused by the following:

- Initiation/Discontinuance of Temporary or Demonstration Services - The initiation or discontinuance of a temporary transit service or demonstration service that will be or has been in effect for less than one year.
- Initiation/Discontinuance of any Promotional Fares that will be or have been in effect for a maximum of six months.
- Natural or Catastrophic Disasters - Forces of nature such as earthquakes, wildfires, or other natural disasters or human-caused catastrophic disasters that may force the suspension of transit service for public safety or technical events.
- Temporary Route Detours – A short-term change to a route caused by road construction, routine road maintenance, road closures, emergency road conditions, fiscal crisis, civil demonstrations, or any uncontrollable circumstance.
- When a segment of one route is moved to another route but the route miles or hours do not change by 25%.

c) Public Notice Requirements:

Prior to the implementation of any fare change or major service change that falls within the levels established above, notices of public hearing will be published at least fourteen (14) days prior to the hearing and will comply with the City of Tucson guidelines for notice of Mayor and Council meetings. The notices will contain the description of the contemplated fare change or major service change, as appropriate, and the time and place of the hearing. Any interested citizen may address the governing body related to the proposed fare change or major service change.

d) Applicability to Third-Party Contract Recipients:

Any agency, firm, or governmental jurisdiction, which operates public transit service within the Tucson urbanized area utilizing FTA funds provided through the City of Tucson, shall follow the above process to solicit and consider public comment prior to any fare change or major service change.

IV. Definitions:

Adverse Effects - The City of Tucson shall define and analyze adverse effects related to major changes in transit service. Adverse effects are measured by the change between the existing and proposed service levels that would be deemed significant. Changes in service that have an adverse effect and that may result in a disparate impact include reductions in service (elimination of route, short lining a route, rerouting an existing route, increase in headways). Elimination of a route will generally have a greater adverse impact than a change in headways. Additions to service may also result in disparate impacts, especially if they come at the expense of reductions in service on other routes.

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 City of Tucson’s policy or practice lacks a substantial legitimate justification and where 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 neutral policy or practice that disproportionately affects low-income populations’ more than non-low-income populations. A finding of disproportionate burden requires the City of Tucson 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.

Major Service Change – Is any service change from the previous fiscal year that would increase or decrease more than twenty-five percent (25%) of the revenue route miles or revenue route hours on any individual route or combination of routes.

Minority Population – Means any readily identifiable 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.

Predominantly Minority Area - Means a geographic area, such as a neighborhood, Census tract, block or block group, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient’s service area.

V. Policies:

a) Fare Change Policy

For changes to existing transit fares, the FTA requires all City of Tucson (Sun Tran, Sun Van, and Sun Link) transit providers to conduct a fare equity analysis for all potential transit fare adjustments. It is the City of Tucson’s policy to conduct a Fare Equity Analysis for all proposed fare changes.

b) Major Service Change Policy

For all major service changes, the FTA requires all City of Tucson transit providers (Sun Tran, Sun Van, and Sun Link) to develop guidelines and thresholds for what it considers a “major” service change to be. For major service changes, the FTA requires the City of Tucson to conduct a Service Equity Analysis, which includes an analysis of adverse effects relating to possible disparate impacts and disproportionate burden. It is the City of Tucson’s policy to conduct a Service Equity Analysis for any proposed major service changes.

b) Disparate Impact Policy

The purpose of the Disparate Impact Policy is to establish a threshold, which identifies when adverse effects of any fare change or major service change that is borne disproportionately by minority populations.

For the purpose of this policy, minority population means any readily identifiable group of minority persons who live in geographic proximity and in residential land use areas within Census tracts where the percentage of minority persons is higher than the Sun Tran service area average.

A disparate impact occurs if a proposed fare or major service change requires a minority population to bear adverse effects by twenty percent (20%) or more than the adverse effects borne by the non-minority population.

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

d) Disproportionate Burden Policy

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

A disproportionate burden occurs if a proposed fare or major service change requires a low income population to bear adverse effects by twenty percent (20%) or more than the adverse effects borne by the non- low income population.

If the City of Tucson finds a potential disproportionate burden, the transit agency will take steps to avoid, minimize or mitigate impacts then reanalyze the modified service plan to determine whether the impacts were avoided, minimized or mitigated. If the City of Tucson 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.