



METROPOLITAN TRANSPORTATION COMMISSION

Response to the Federal Transit Administration Circular 4702.1B Regarding

Title VI of the Civil Rights Act of 1964

MTC 2017 Compliance Report

October 2017





METROPOLITAN
TRANSPORTATION
COMMISSION

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**METROPOLITAN TRANSPORTATION COMMISSION
TITLE VI TRIENNIAL PROGRAM
IN RESPONSE TO
FEDERAL TRANSIT ADMINISTRATION CIRCULAR 4702.1B**

October 2017

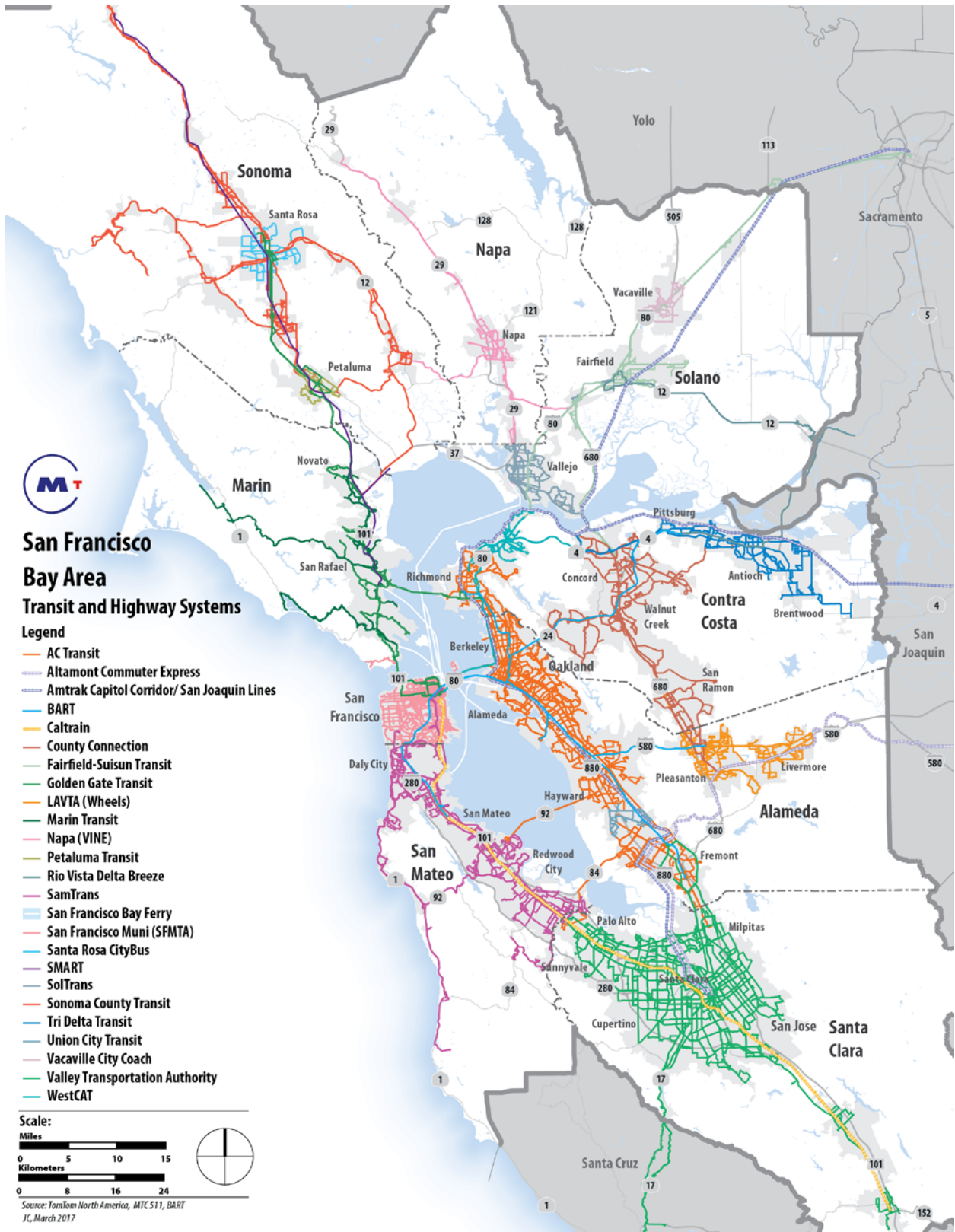
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I. INTRODUCTION

This Title VI Triennial Program provides information and analyses bearing upon the Metropolitan Transportation Commission's (MTC) compliance with Title VI of the Civil Rights Act of 1964 regarding nondiscriminatory delivery of services and benefits under federally-funded programs or activities. This document has been prepared in response to Federal Transit Administration (FTA) Circular 4702.1B, dated October 1, 2012 (the Circular).

MTC last submitted a Title VI Triennial Program to FTA on August 28, 2014. This Title VI Triennial Program includes some information reported in the 2014 Title VI Report.

The Program begins with a profile of MTC as well as a description of the region, then responds to the general and program-specific reporting requirements of the Circular. Several appendices provide additional information.

II. METROPOLITAN TRANSPORTATION COMMISSION AND ITS REGION

A. Description/Profile of the Metropolitan Transportation Commission

Created by the state Legislature in 1970 (California Government Code § 66500 *et seq.*), MTC is the transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area. Over the years, the agency's scope has grown, and its Commissioners now govern three agencies: MTC, the Bay Area Toll Authority (BATA) (California Streets and Highways Code § 30950 *et seq.*), and the Metropolitan Transportation Commission Service Authority for Freeways and Expressways (SAFE) (California Streets and Highways Code § 2551 *et seq.*). In addition, MTC and BATA have combined to form two additional entities, the Bay Area Infrastructure Financing Authority (BAIFA) and the Bay Area Headquarters Authority (BAHA), which are joint powers authorities established pursuant to Chapter 5 of Division 7 of Title 1 of the California Government Code (§§ 6500-6599.3).

MTC's work is guided by a 21-member policy board, with 18 of the commissioners designated as voting members. Commissioners generally serve concurrent four-year terms, with a new chair elected every two years. The current term expires in February 2019.

Sixteen of the voting MTC commissioners are appointed by local elected officials in each of the nine counties, as follows:

- The two most populous counties, Alameda and Santa Clara, each have three representatives on MTC: the county board of supervisors selects one member; the mayors of the cities within the county collectively appoint another; and the mayors of the biggest cities in these two counties — Oakland in Alameda County and San Jose in Santa Clara County — each appoint a representative;
- The City and County of San Francisco is represented by two members, one appointed by the board of supervisors and the other by the mayor, and San Mateo and Contra Costa counties also have two members, one appointed by the boards of supervisors and one by the mayors within each county; and
- The four least-populous counties of Marin, Napa, Sonoma, and Solano each have one member, appointed by the boards of supervisors.

In addition, two voting members represent regional agencies: the Association of Bay Area Governments (ABAG), which serves as the region's Council of Governments and land use planning agency, and the Bay Conservation and Development Commission (BCDC), which works to protect San Francisco Bay and encourage responsible and productive uses of the Bay. State legislation specifies that the BCDC representative must be a resident of San Francisco, effectively giving San Francisco a third voice on the MTC. Finally, three nonvoting members represent federal and state transportation agencies and the federal housing department.

In May 2016, MTC moved into its new headquarters, co-locating with partner regional agencies, including ABAG and the Bay Area Air Quality Management District (BAAQMD) in order to foster increased regional collaboration.

On May 24, 2017, MTC and ABAG voted to enter into a contract for services governing the terms related to a previously-approved consolidation of their staffs to improve coordination of regional transportation and land use planning and to better serve the residents of the nine-county Bay Area.¹ MTC and ABAG are jointly responsible for adopting the Bay Area's Sustainable

¹ See MTC Resolution 4245, adopted May 25, 2016, and ABAG Resolution 07-16, adopted May 19, 2016.

Communities Strategy – a state-mandated regional transportation and land use plan for accommodating population and job growth while reducing growth in greenhouse gas emissions. The staff consolidation of MTC and ABAG is intended to create a more unified vision for the Bay Area, increase collaboration, and use taxpayer dollars more efficiently. Post consolidation MTC has approximately 290 staff headquartered at the Bay Area Metro Center in San Francisco, California.

1. Planning for the Next Generation

MTC functions as both the regional transportation planning agency — a state designation — and, for federal purposes, as the region’s metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan (RTP), a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle and pedestrian facilities. MTC also screens requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the RTP. A focused update of the most recently adopted RTP, known as Plan Bay Area 2040, is currently underway and is slated to be adopted in July 2017. Plan Bay Area 2040 is the first update to Plan Bay Area (adopted by MTC in 2013), the region’s first long-range integrated transportation and land use/housing strategy required under California law (Senate Bill 375) with the goal of accommodating future population growth and reducing greenhouse gas emissions. The vast majority of funds prioritized in Plan Bay Area 2040 are dedicated (by mode) to public transit and (by function) to operation and maintenance of existing facilities (see Figure 1 below).

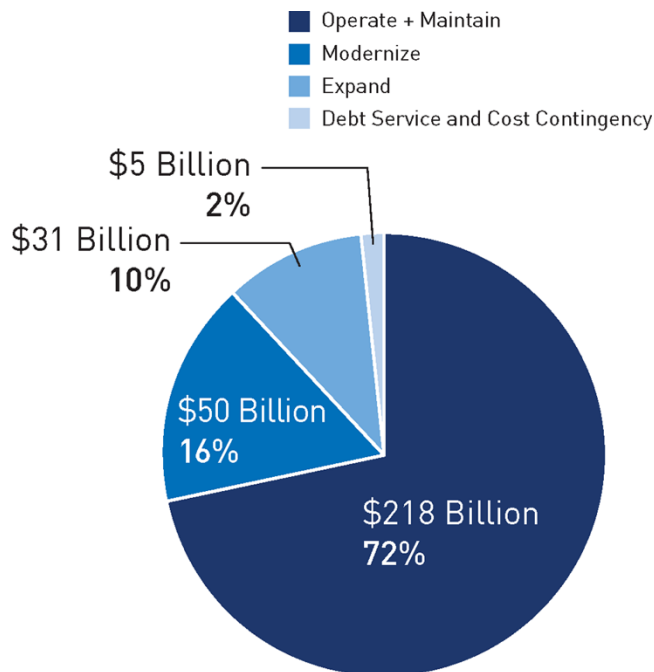


Figure 1. Plan Bay Area 2040 Funding Distribution

In its role as MPO, MTC also prepares and adopts the federally-required Transportation Improvement Program (TIP) at least once every four years. The TIP is a comprehensive listing of all Bay Area surface transportation projects that are to receive federal funding or are subject to a federally required action, or are considered regionally significant for air quality conformity purposes. The TIP covers a four-year period and must be financially constrained by year, meaning that the amount of funding committed to the projects (also referred to as “programmed”) must not exceed the amount of funding estimated to be available. The 2017 TIP was adopted by MTC on September 28, 2016, and received final federal approval from FTA and the Federal Highway Administration (FHWA) on December 16, 2016. The 2017 TIP, as adopted, included approximately 700 transportation projects with approximately \$6.3 billion of federal, state, regional, and local funds “programmed” in four fiscal years: FY 2016-17, FY 2017-18, FY 2018-19, and FY 2019-20.

MTC has played a major role in building regional consensus on where and when to expand the Bay Area transit network. A historic agreement forged by MTC with local officials as well as state and federal legislators in the late 1980s set forth a \$4.1 billion program to extend a total of six rail lines in the Bay Area, adding 40 miles to the region’s rail transit network and connecting the San Francisco Bay Area Rapid Transit District (BART) to San Francisco International Airport. In 2001, MTC laid out the next phase of major regional public transit investments in Resolution 3434. Plan Bay Area 2040 continues the commitment made in the original Plan Bay

Area to prioritize high-performing transit expansion projects, including the second phase of BART to Silicon Valley, electrification of the Caltrain corridor, the downtown extension of Caltrain to the nearly-complete Transbay Transit Center, and construction of new bus rapid transit lines throughout the region.

2. Financing and Monitoring Roles Expand

Over the years, state and federal laws have given MTC an increasingly important role in financing Bay Area transportation improvements. At the federal level, the 1991 Intermodal Surface Transportation Efficiency Act and its successors, the Transportation Equity Act for the 21st Century, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, the Moving Ahead for Progress in the 21st Century Act (MAP-21), and the Fixing America's Surface Transportation (FAST) Act empowered MPOs like MTC to determine the mix of transportation projects best suited to meet their regions' needs.

Using the region's flexible federal highway dollars, which provide approximately \$160 million per year, MTC has established several innovative grant programs. MTC's One Bay Area Grant (OBAG) County Program comprises the largest share of MTC's federal program at \$386 million from FY 2018-2022. It provides funding directly to the nine Bay Area counties by a formula that takes into account both current population and future housing growth, for investment in a variety of transportation projects selected locally, with an emphasis on investments in priority development areas (PDAs), areas that are intended to accommodate the bulk of future housing growth. The second largest area of focus for the region's federal highway funds is supplementing MTC's transit programs, the Transit Capital Priorities and Transit Performance Initiative programs, which are slated to receive a combined \$189 million from FY 2018-2022. These priority transit programs help maintain and replace the region's aging transit fleet and improve speed and reliability of key transit routes. Federal highway funds also support a variety of efforts throughout the region to maximize utility and person-throughput on existing facilities using targeted capacity improvements, creative operational strategies, and technological solutions. These efforts include MTC's electronic transit fare card, Clipper[®], and 511[®], MTC's traveler information web site and phone number which harness technology to make traveling around the Bay Area easier. MTC also programs the region's federal funds to support a number of smaller programs including the Climate Initiatives Program, focused on reducing greenhouse gas emissions, the Priority Conservation Area (PCA) program, and PDA and Community-Based Transportation planning programs.

In addition to programming certain federal funds, MTC administers state moneys, including those provided by the Transportation Development Act (TDA). Legislation passed in 1997 gives MTC and other regional transportation planning agencies increased decision-making authority over the selection of state highway projects and allocation of transit expansion funds for the State Transportation Improvement Program. In addition, MTC administers the State Transit Assistance (STA) program. A portion of STA funds is distributed directly to operators, while a portion is under MTC's discretion. Combined with some federal FTA Section 5307 Urbanized Area Formula funds, MTC has historically used STA funds for a Lifeline Transportation Program aimed at addressing the mobility needs of residents in low-income communities throughout the region. From time to time, MTC has augmented the Lifeline Transportation Program with other fund sources, such as state bond funds from Proposition 1B and federal Surface Transportation Program (STP)/ Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds and funds from the discontinued Job Access Reverse Commute (JARC) Programs. Since its inception in 2006, the Lifeline Transportation Program has funded approximately \$230 million worth of improvements that range from bus stop and station enhancements to new buses to community shuttles and voucher programs. MTC is currently planning for the fifth cycle of the Lifeline Program.

In April 2017 Senate Bill 1 (SB 1) – the Road Repair and Accountability Act of 2017 – was passed by a two-thirds majority in the California Legislature and signed into law by Governor Jerry Brown. As the largest transportation investment in California history, SB 1 is expected to raise \$52.4 billion for transportation investments statewide over the next decade.

By 2018-19, MTC estimates SB 1 will generate more than \$365 million per year for transportation in the nine-county Bay Area. Most of that funding will be directed to tackling the enormous backlog of maintenance and repairs for MTC's local streets, roads and public transit systems. Funding will also be available for mobility improvements and expanding bicycle and pedestrian access. The Bay Area is also well-positioned to benefit from the new statewide competitive grant programs to reduce congestion and improve freight movement along trade corridors.

Revenues to pay for SB 1 programs will come from new transportation-related fees and adjustments to state taxes on diesel fuel and gasoline. SB 1 will effectively take the state gas tax back where it used to be 20 years ago. In 1994, the base excise tax on gasoline was 18 cents per gallon, or around \$3 dollars per tank of gas, as a result of the voter-approved gas tax increase in Proposition 111. That rate has been fixed for more than two decades, even though \$3 buys

significantly less maintenance and construction than it did in the 1990's. SB 1 sets the excise tax on gasoline at 30 cents per gallon – equivalent to what 18 cents in 1994 would be worth today.

The second part of the state gas tax is a price-based excise tax, which SB 1 sets at 17.3 cents per gallon beginning in 2019 – precisely where it was set when the gas tax swap was enacted in 2011. SB 1 eliminates the yearly adjustment based on the price of fuel, which has resulted in wild swings from a high of 21.5 cents per gallon in 2013-14 to a low of 9.8 cents per gallon today.

3. Asset Management and State of Good Repair

Through 2040, MTC estimates that the cost to rehabilitate and maintain the region's streets, roads and transit capital assets will approach \$100 billion. Even with the bulk of the region's funding dedicated to maintaining and operating the existing system, a sizeable capital shortfall of roughly \$30 billion remains to achieve an optimal state of repair. MTC has dedicated significant resources and efforts, in concert with its partner agencies, to identify the capital asset needs and to prioritize the investments that will be most cost-effective in maintaining the capital infrastructure.

For streets and roads, MTC has developed and maintains a pavement asset management program that is used by nearly all of the Bay Area jurisdictions. The MTC Pavement Management Program, StreetSaver[®], is a computer-assisted decision-making tool designed to help cities and counties prevent pavement problems through judicious maintenance, and to diagnose and repair existing problems in a timely, cost-effective manner. MTC also dedicates a significant portion of its federal dollars to pavement rehabilitation projects.

For transit, MTC has developed and maintains a regional transit capital inventory that details the transit capital assets for the region's twenty-plus transit operators. The transit capital inventory work has been developed closely with the transit operators and is currently used to calculate current and future replacement and rehabilitation needs and costs. Future enhancements will add asset condition information to allow better prioritization of asset replacement and rehabilitation projects in a constrained funding environment. Additionally, MTC is coordinating and working closely with transit operators to be in compliance with the Transit Asset Management (TAM) Rule published by FTA to establish a TAM system in accordance with MAP-21. MTC has been engaged in asset management activities at the regional level for many years and views the TAM

Rule as an opportunity to refine and expand TAM efforts in the region. MTC has also been active in FTA roundtables on State of Good Repair and state-level work on transit asset management and capital planning. MTC is eager to continue partnering to advance the region's data and analytical framework for asset management. Through longstanding policy, MTC dedicates nearly all of its FTA formula funds to rehabilitation and replacement capital projects.

4. Taming Traffic and Smoothing Regional Travel

SAFE, a partnership of MTC, the California Highway Patrol (CHP), and the California Department of Transportation (Caltrans), oversees the maintenance and operation of call boxes along Bay Area freeways. SAFE also teams up with these two state agencies to administer the Freeway Service Patrol (FSP), a roving tow truck service designed to quickly clear incidents from the region's most congested roadways. Both call box maintenance and FSP have received FHWA funding.

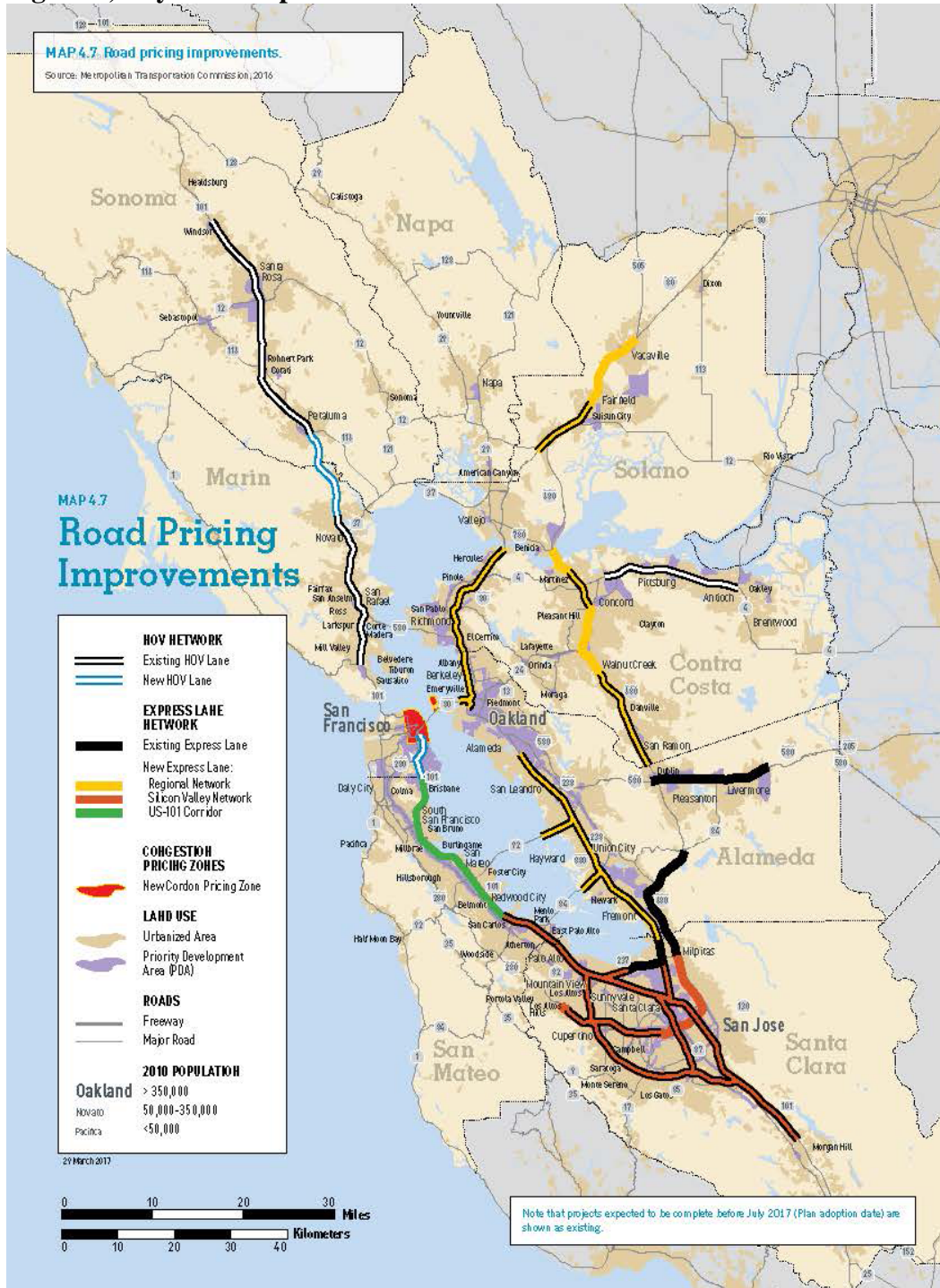
MTC sponsors a number of transportation technology programs to address the region's transportation challenges. The 511 program disseminates regional traveler information via the phone (511), web and mobile devices (511.org), and other channels, including electronic real-time transit displays, Caltrans' changeable message signs, digital voice assistants, and social media. The 511 program provides real-time traffic, parking, and transit information services, as well as a multi-modal trip planner that compares driving, transit, biking, and walking trips. 511 also provides its own online ride matching tool and supports the use of private-sector carpool app partners for ridematching, along with data feeds and Application Programming Interfaces for use by the developer community to create other tools and services.

MTC also oversees the implementation and operations of Clipper® — a regional fare payment system that can currently be used to pay fares electronically on 21 of the Bay Area's transit systems. The Clipper® program processes over 20,000,000 transactions per month, achieving MTC's goal to have Clipper® become the primary transit fare payment system in the Bay Area. A separate discussion of the Title VI implications of Clipper to MTC appears in Section VI of this Program.

In October 2011, the California Transportation Commission deemed 270 miles of Bay Area Express Lanes, shown in Figure 2 below, eligible for development and operation by MTC. MTC's express lanes will be located in Alameda, Contra Costa and Solano counties and will

work in coordination with express lanes operated by partner agencies on SR-237 in Santa Clara County and on I-580 and I-680 in Alameda County. Express lanes are specially-designated highway lanes that are free for carpools, vanpools, buses and other eligible vehicles, just like existing High Occupancy Vehicle lanes. To ensure the greatest use of the space in these lanes while keeping them flowing better than neighboring general purpose lanes, express lanes also are managed to allow solo drivers to pay tolls to use the lanes. MTC delegated its express lanes responsibilities to BAIFA in April 2013. In this role, BAIFA makes policy and operational decisions including setting toll rates. MTC will open the I-680 Contra Costa Express Lanes in summer 2017. MTC is completing design and plans to award a civil construction contract for the I-880 express lanes in Alameda County in 2017, followed closely by an extension of the I-680 Contra Costa Express Lanes in partnership with the Contra Costa Transportation Authority. Lastly, MTC and the Solano Transportation Authority are working on design of the I-80 express lanes in Solano County. All work on the MTC express lanes has been locally-funded.

Figure 2, Bay Area Express Lanes



B. Description of the San Francisco Bay Area

The region MTC serves is unique in that there are eight primary public transit systems as well as numerous other local transit operators, which together carry nearly 500 million passengers per year. The region's varied geography has given rise to a diverse range of public transit modes: antique cable cars and historic streetcars; high-speed ferries; diesel commuter rail and electric-powered rapid transit rail; diesel and natural gas buses; and electric trolley buses. The combined annual operating budget of the transit agencies is \$2.3 billion, placing the Bay Area among the top transit centers in the nation. In addition, there are numerous specialized services for elderly and disabled travelers (referred to as paratransit service), nearly 20,000 miles of local streets and roads, 1,400 miles of highway, six public ports and three major commercial airports.

The Bay Area embraces the nine counties that touch San Francisco Bay (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma) and includes 101 municipalities. Nearly 7.4 million people reside within its approximately 7,000 square miles. The region's population is diverse, with no single ethnic group holding a majority of the population, and the total combined minority ethnic groups representing 59 percent of the Bay Area's population.²

C. MTC Policy Advisory Council

MTC values citizen advisors to support an ongoing dialogue with individuals representing a range of interests and viewpoints, and MTC has a long history of utilizing citizen advisory committees as continual mechanisms to ensure public participation in its planning process.

Created in April 2010 by MTC Resolution No. 3931, MTC's Policy Advisory Council advises MTC on a range of dynamic topics including regional planning efforts linking transportation, housing and land use plans to reduce greenhouse gas emissions; the special mobility issues affecting elderly and disabled individuals; equitable transportation services, programs and benefits in relation to low-income individuals and communities of color; public transit service productivity improvements; cost-effectiveness measures for the region's transportation system; and strategies to secure new revenues for transportation in the Bay Area, among other issues.

² US Census American Community Survey, 2010-2014 5-year average

Based on its governing resolution, a minimum of one-third of the 27-member Council represents the perspective of low-income communities and communities of color, one-third represents the elderly and disabled, and one-third represents the environmental and business communities. The Council serves a four-year term, and vacancies are filled as needed. General recruitment, as well as vacancy recruitment, is broad, allowing enough time for interested citizens in the region to apply. The four-year term of the Council coincides with the four-year planning cycle of the update of the regional transportation plan (Plan Bay Area) in order to maximize education and input from the advisors. See Appendix A, for a list of the advisors serving on the Council for the term of September 2013 through July 2017. The next full recruitment of the Policy Advisory Council is scheduled for spring/summer of 2017, and the new group of advisors will be seated in the fall of 2017. Vacancies will be filled with individuals representing the constituency of the individual being replaced.

Typically during recruitment, the announcement and the online application are posted to MTC's web site, and a press release is sent out with follow-up conversations with several local newspapers and reporters. In addition, display ads are placed in community and minority-focused publications such as: Bay Area Reporter, Crónicas, East County Times (in print and online), El Tecolote, Korea Daily, La Voz, Santa Rosa Press Democrat (in print and online), Sing Tao, and Visión Hispana. An announcement is also included in MTC's e-newsletter that has a distribution list of over 30,000, and a postcard is mailed to those on MTC's mailing list who do not have an email address on file.

D. Financial Assistance from the Federal Transit Administration

As the MPO, MTC has a varying level of administrative oversight and programming responsibilities for FTA funds that flow to the Bay Area. For the majority of funds, MTC serves as the designated recipient of the FTA funds and selects projects in cooperation with the region's transit operators that are consistent with the planning priorities set forth in the RTP. Table 1 summarizes oversight responsibilities. The table does not include FTA earmark/discretionary funds. The funding amounts are shown for FY 2013-14, which represents the first full fiscal year of the reporting period; however, MTC's website includes the FTA program of projects for other years covered by this Program (FY 2013-14 through FY 2016-17): <http://mtc.ca.gov/our-work/fund-invest/investment-strategies-commitments/fix-it-first/transit-capital-priorities/fta>

Table 1. MTC Oversight Responsibilities				
Funding Source	Grant Recipient (i.e. Direct Recipient)	MTC Subrecipients FY2013-14	FY2013-14 Amount (\$ in millions)	Percentage of FTA Funds
MTC is Designated Recipient				
Urbanized Area Formula (5307)	Transit Operators	None	\$209	48%
State of Good Repair Formula (5337)	Transit Operators	None	\$170	39%
Bus & Bus Facilities Formula (5339)	MTC ¹	Transit Operators	\$13	3%
Surface Transportation Program/Congestion Mitigation and Air Quality ²	Transit Operators	None	\$35	8%
State is Designated Recipient				
Elderly and Disabled Specialized Transit Program (5310)	Caltrans	None	\$4.5	1%
Metropolitan Planning (5303)	Caltrans	Transit Operators ³	\$3.0	1%
Non-Urbanized Area Formula (5311)	Caltrans	None	\$1.9	0%
Total			\$437	

Notes:

- (1) With passage of the FAST Act, transit operators are the direct recipients for 5339 Bus and Bus Facilities funds as of FY2015-16.
- (2) The amount for STP/CMAQ represents funds obligated in grants or transferred from FHWA to FTA in that year.
- (3) MTC is a subrecipient to Caltrans for these funds. Of the amount MTC receives, MTC dedicated approximately \$300,000 to fund transit operators' Short Range Transit Plans (SRTPs).

1. Designated Recipient: Supplemental Agreements with Grant Recipients and Direct Grants to Transit Operators

As shown in Table 1, MTC's role is limited to program and project selection for roughly 99% of the funding, including: FTA Urbanized Area Formula (Section 5307); State of Good Repair Formula (Section 5337); Bus & Bus Facilities Formula (Section 5339); and Flex funds (Surface Transportation Program (STP) / Congestion Mitigation and Air Quality Improvement (CMAQ)).

MTC is generally the designated recipient for these funds in large urbanized areas in the Bay Area (Antioch, Concord, San Francisco-Oakland, San Jose and Santa Rosa). Starting in FY 2012-13, Caltrans became the designated recipient for Section 5307 and 5339 funds apportioned to small urbanized areas (Fairfield, Gilroy-Morgan Hill, Livermore, Napa, Petaluma, Vacaville and Vallejo). However, MTC and Caltrans staff, working with FTA Region IX, reached an agreement for MTC to continue to develop the program of projects for Section 5307 and 5339 small urbanized area funds, and to execute supplemental agreements to FTA grants on behalf of Caltrans.

MTC generally relies on MTC Resolution No. 4242 (and its predecessor and successor resolutions), the San Francisco Bay Area Transit Capital Priorities Process and Criteria, to select projects that replace and rehabilitate the region's transit capital assets. MTC programs the funds, and amends the projects and funding into the TIP. Once a grant is approved for these funds, the responsibility for administration and oversight is transferred to FTA either via a direct grant relationship or through the execution of a supplemental agreement. According to the FTA supplemental agreement entered into by MTC, FTA and each grant recipient for Section 5307, and STP/CMAQ funds that are transferred to FTA, MTC as designated recipient is relieved of the responsibility of ensuring compliance with FTA grant requirements, which are fully assumed by the grant recipient. A list of all transit operators that receive FTA grants as direct recipients within MTC's geographical area and the various categories of FTA grants received by each is provided in Appendix B.

2. Designated Recipient: Job Access Reverse Commute and New Freedom Large Urbanized Area Programs

MTC previously served as the direct recipient for non-FTA grantee transit operators, public entities, and non-profits that are competitively selected for the Job Access Reverse Commute (JARC) and New Freedom programs. In MAP-21, the JARC and New Freedom programs were eliminated as stand-alone programs, and JARC functions and funding were combined with the Urbanized Area Formula (Section 5307) and the Non-Urbanized Area Formula (Section 5311) programs starting in FY 2012-13. MTC has historically used JARC funds apportioned to large urbanized areas to support the Lifeline Transportation Program and plans to continue to set aside Section 5307 funds apportioned by the JARC formula (approximately 3% of the Section 5307 appropriations) for the Lifeline Transportation Program. The New Freedom program was merged with the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program, for which Caltrans is the designated recipient and the direct recipient. See Section D.3 below for details about Caltrans-administered FTA programs.

MTC continues to administer and monitor funds allocated under the previous JARC (FTA Section 5316) and New Freedom (FTA Section 5317) programs for Title VI compliance.

3. Other Funds (Section 5303, Section 5311, Section 5310, Federal Earmarks)

For federal earmark and other FTA discretionary funds such as New Starts, Small Starts, and Section 5309 Bus and Bus Facilities, MTC's role is to ensure consistency with the RTP and, after

completing that consistency review, to amend the funds into the TIP. Once that role is satisfied, the transit operators work directly with FTA as direct recipients. For three FTA programs, Caltrans serves as the direct recipient of the funds. For the Enhanced Mobility of Seniors and Individuals with Disabilities program (FTA Section 5310) and the Rural Area program (FTA Section 5311), MTC assists with project selection under a cooperative relationship with Caltrans. MTC is not a grant recipient or subrecipient for 5311 funds, and is a subrecipient to Caltrans of 5310 funds for planning activities only; MTC does not pass through 5310 funds to other recipients. MTC is a subrecipient to Caltrans for Metropolitan Planning funding (Section 5303) and passes through some of these funds to transit operators annually for Short Range Transit Plan development.

III. GENERAL REPORTING REQUIREMENTS

This Section III addresses MTC's compliance with the general requirements for MPOs set forth in Chapters III and IV of the Circular.

A. Monitoring Subrecipients

Chapter III, Section 12 of the Circular requires primary recipients to monitor their subrecipients for compliance with the US DOT Title VI regulations. MTC was the primary recipient for the terminated JARC and New Freedom funding programs, and continues to monitor subrecipients with continuing JARC and New Freedom activities.

B. Title VI Complaint Procedures and Complaint Form

As required by Chapter III, Section 6 of the Circular, MTC has in place a Title VI complaint procedure, which outlines a process for local disposition of Title VI complaints and which is consistent with the guidelines found in the Circular. MTC's complaint procedures include five steps: 1) Submission of Complaint; 2) Referral to Review Officer; 3) Request for Reconsideration; 4) Appeal; and 5) Submission of Complaint to the Federal Transit Administration.

A detailed description of MTC's complaint procedures and MTC's complaint form are attached as Appendix C, and posted on the MTC website at: <http://mtc.ca.gov/about-mtc/access-everyone/civil-rights-act-file-complaint>.

The complaint form is posted in English, Spanish and Chinese. In addition the English version of the complaint form includes translation of the following statement: “If information is needed in another language, contact (415) 778-6757 or (415) 778-6769 for TDD/TTY,” in all language(s) spoken by LEP populations that meet the Safe Harbor Threshold in MTC’s service area/region.

C. Record of Investigations, Complaints and Lawsuits

1. Lawsuits

- a. Superior Court of the State of California, County of Alameda, Case No. RG 14715534
Urban Habitat Program v. Metropolitan Transportation Commission

The subject petition, filed February 27, 2014, as amended, contended that there was a controversy between the petitioner and MTC over the statutory construction of California Government Code section 66531 (relating to MTC’s preparation of guidelines for county-level congestion management agencies (CMAs) to follow in their adoption of county transportation plans) and MTC’s duties under that section. The court dismissed the action with prejudice on September 29, 2014. Although this petition did not allege discrimination on the basis of race, color or national origin, it is included here because it related to MTC’s role in the planning process and the scope and coverage of MTC’s guidance to the CMAs.

2. Record of Investigations and Complaints

A listing of all Title VI investigations, complaints received, and correspondence submitted in response to the complaints for the period of May 31, 2014 through June 1, 2017 is attached to this Program as Appendix D.

D. Meaningful Access to Limited English Proficient (LEP) Persons

Executive Order 13166 requires federal agencies to implement measures to ensure that people who speak limited English have meaningful access to federally-conducted and federally-funded programs and activities, consistent with Title VI. Both the U.S. Department of Transportation (US DOT) and FTA have implemented guidance or directives in furtherance of Executive Order 13166. In compliance with these directives, MTC is committed to taking reasonable steps to

ensure that all persons have meaningful access to its programs, services, and information, at no additional cost to individuals making the requests. In May 2013, the MTC adopted a revised *Plan for Special Language Services to Limited English Proficient (LEP) Populations*. It documents the various services and procedures that MTC has in place to assist persons with limited proficiency in the English language.

MTC staff conducted a Four-Factor Analysis or LEP needs assessment based on the US DOT LEP guidance, to determine what reasonable steps should be taken to ensure meaningful access by LEP persons. The Four-Factor Analysis report is provided as Appendix E.

See Appendix F, for a copy of the *Final Revised Plan for Special Language Services to Limited English Proficient (LEP) Populations*.

MTC performs periodic checks of translated materials to ensure they are interpreted correctly and requires translators and interpreters to meet MTC's competency standards. MTC also monitors requests for language assistance and will update its *Final Revised Plan for Special Language Services to Limited English Proficient (LEP) Populations*, as needed, to ensure meaningful access to its programs and services by LEP persons.

MTC requires staff and all new hires to complete on-line Title VI training, including information on how to provide language assistance to an LEP caller or visitor. MTC staff who routinely field telephone calls from the public developed protocols for assisting non-English speakers (including MTC's Spanish and Chinese language lines as well as how to refer people to MTC's on-call translations vendor for assistance.)

E. Beneficiary Notifications

Consistent with Chapter III, Section 5, of the Circular, MTC informs members of the public of their rights under Title VI in a number of ways, including notification on MTC's website and in the MTC-ABAG Library, which is open to the public. The Beneficiary Notifications are posted at the MTC offices in English, Spanish and Chinese, and on the MTC website in English with instructions in Spanish and Chinese on how to obtain translation of the notification into each of those languages. MTC incorporates notice of the availability of language assistance into its existing outreach materials. This includes routine use of language on printed or electronic announcements for public meetings and public workshops on key planning efforts that alert interested individuals on how to request translation services. A similar notice is posted at the

reception desk, and at MTC meetings and workshops. For special projects, such as the region's long-range transportation plan, MTC works with community-based organizations and other stakeholders to inform LEP individuals of available services, including the availability of language assistance services. MTC also uses notices in local newspapers in languages other than English as well as providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.

See Appendix G, *Beneficiary Notifications*, for a sampling of MTC's written notices and website information.

F. Inclusive Public Participation

Consistent with Chapter III, Section 5 of the Circular, MTC seeks out and considers the viewpoints of minority, low-income and LEP populations in the course of conducting public outreach and involvement activities. This section describes methods used by MTC to inform minority communities of planning efforts, and how minority persons are afforded an opportunity to participate in decision-making processes.

1. Public Participation Plan

MTC's most recent federal Public Participation Plan (PPP) was adopted in February 2015, in advance of updating its long-range transportation plan. The PPP lays out the steps MTC takes to involve residents in decisions affecting Bay Area transportation and land use policies and investments. It is periodically reviewed and updated based on MTC's experiences and the changing circumstances of the Commission and the transportation community it serves.

In advance of the PPP's most recent update, MTC held an evening public meeting in October of 2014 to hear comments and suggestions for improving public engagement. ABAG staff held discussions at their Executive Committee and Regional Planning Committee, as well as at county delegate meetings. Likewise, staff sought ideas from MTC's Policy Advisory Council, the Regional Advisory Working Group, and congestion management agency planning directors. Staff also launched an online survey and comment forum, and surveyed the public at numerous community events around the region.

MTC released a Draft PPP for public comment on November 7, 2014.

In response to prior input, the Draft PPP spotlighted the process and significance of various milestones in development of Plan Bay Area 2040, the roles of various agencies, and opportunities for public comment.

Key Messages Heard

We received nearly 100 comments, including several from MTC's Policy Advisory Council and the Regional Advisory Working Group. A memo, including a summary of comments and responses as well as the adopted Public Participation Plan, can be found at this link:

<https://mtc.legistar.com/View.ashx?M=F&ID=4093706&GUID=873CCF04-86CE-4919-B046-1B1107A52214>

Comments fell into the following themes:

Be Specific — A number of comments asked for more detail in the PPP, including showing more explicitly how public comments are factored into the decision-making process. The final PPP includes strategies directing staff to summarize comments to highlight areas of consensus and areas of disagreement so that Commissioners and the public have a clear understanding of the depth and breadth of opinion on a given issue. The final PPP also calls for meeting minutes that reflect public comments and for staff documentation of how comments are considered in MTC's decisions, as well as information about how public meetings and participation are helping to shape or have contributed to MTC's key decisions and actions. The final PPP also calls for explaining the rationale when outcomes don't correspond to the views expressed.

Localize the Plan Bay Area Message — One theme expressed the need to communicate the plan and related issues via a local framework to explain why Plan Bay Area matters in a given community and/or county.

Involve Under-Served Communities — Many commenters noted the importance of taking the time to work with low income communities and communities of color over the long term to build capacity and allow for more effective participation. The final PPP calls for continued partnerships with community-based organizations to involve residents in communities that might not otherwise participate. Likewise, based on several comments, the final PPP includes revised language to form a Regional Equity Working Group similar to a panel used during the previous Plan Bay Area process.

More Access to Meetings — A number of commenters asked for better access to meetings, whether in person or via live and interactive web streaming. Several suggested holding meetings at locations that are convenient and accessible, including by public transit. While the final PPP does not go into great detail on meeting formats or locations, it does call for holding meetings at varied times and locations that are convenient to more residents. It also calls for use of interactive web features.

Evaluate and Improve — Another theme called for evaluation of the previous Plan Bay Area process and reviews of each phase of the upcoming Plan Bay Area public engagement process to identify what is likely to work and what needs to be improved. MTC and ABAG reviewed each phase of the last Plan Bay Area public process and completed a comprehensive evaluation after the Plan was approved. Those reviews helped shape the final PPP, and we anticipate continuing this practice moving forward.

Specific Plan Bay Area Topics — Many of the comments touched on specific issues to be addressed during the Plan Bay Area update that did not directly relate to public participation. When possible, we explained opportunities in the Plan Bay Area update to address these concerns.

The final PPP was adopted by the Commission as MTC Resolution No. 4174, on February 13, 2015. Revisions to the Draft provided requested clarification or expanded upon public participation opportunities, as described above.

The 2015 PPP includes five guiding principles:

- Public participation is a dynamic activity that requires teamwork and commitment at all levels of the MTC organization.
- One size does not fit all — input from diverse perspectives enhances the process.
- Effective public outreach and involvement requires relationship building — with Bay Area residents, local governments, advisory groups and special interest organizations.
- Engaging interested persons in regional transportation issues is challenging, yet possible, by making it relevant, removing barriers to participation, and saying it simply.
- An open and transparent public participation process empowers low-income communities and communities of color to participate in decision making that affects them.

The PPP is available in English, Spanish and Chinese on MTC's website at

<http://mtc.ca.gov/about-mtc/public-participation> and attached as Appendix H.

2. Public Participation in *Plan Bay Area 2040*, the San Francisco Bay Area’s Regional Transportation Plan and Sustainable Communities Strategy

An essential component of developing Plan Bay Area 2040 was reaching out to and engaging the public, stakeholders and partners in the alternative scenarios and associated policy choices. The multi-phased public participation process for Plan Bay Area 2040 spanned over three years and built on the values, needs and priorities that MTC heard from the public during development of the *2015 Public Participation Plan for the San Francisco Bay Area*.

For Plan Bay Area 2040, the proposed approach was to conduct a limited and focused update, building off the core framework established by the Plan adopted in 2013. One key difference between the 2013 Plan Bay Area and Plan Bay Area 2040 is that the latter does not require adoption of a Regional Housing Needs Allocation (RHNA), which was required in 2013, and which will be included again in the 2021 update.

Notable aspects of Plan Bay Area 2040 public engagement activities include:

A robust advisory committee structure, with active consultation of MTC’s Policy Advisory Council — which includes representatives from low-income communities and communities of color throughout the region — the Regional Advisory Working Group and the Regional Equity Working Group.

Partnerships with Community-Based Organizations working in low-income communities and communities of color to engage local residents via surveys and focus groups. MTC contracted with nonprofit groups selected through a competitive procurement to consult with underserved communities on range of transportation and housing issues.

Open Houses, Focus Groups and Online Comment Opportunities, including an interactive, multilingual game called “Build A Better Bay Area” that highlighted trade-offs associated with the Plan Bay Area 2040 planning scenarios. Open Houses in all nine Bay Area counties were held at major plan development milestones.

For a complete list of Plan Bay Area 2040 public engagement activities, please refer to the *Plan Bay Area 2040 Public Engagement Report*, available at this link:

http://2040.planbayarea.org/sites/default/files/2017-03/Public_Engagement_DPBA2040_Supplemental%20Report_3-2017_0.pdf

3. Public Participation in the TIP

MTC's PPP also guides public outreach for and participation in review of the TIP. Generally, once the draft TIP has been developed, it is then released for a 30-day public review and comment period. As part of the public review process, the draft document is made available at the MTC offices and is sent to major libraries throughout the Bay Area upon request. Notices are also sent to an extensive list of interested parties including transportation agencies, other state, federal and tribal agencies and other transportation interests with the objective to continue the consultation process for transportation planning and investments in the Bay Area. The draft TIP is submitted for intergovernmental review, via ABAG's Regional Clearinghouse, which notifies all local agencies in the Bay Area and receives their comments. The document is also made available on the MTC website. At least one public hearing is also conducted to solicit public comment, and notice of that hearing is published in regional newspapers, including newspapers directed at Spanish- and Chinese-language readerships. After the close of the public comment period, MTC's response to significant comments is compiled into an appendix of the TIP.

In 2010, MTC developed a short guide to the TIP, to facilitate public participation in the TIP adoption process. This booklet, "A Guide to the San Francisco Bay Area's Transportation Improvement Program," has been updated for the release of each TIP, was last updated in September 2016, and is available at the MTC offices, or online at

http://mtc.ca.gov/sites/default/files/Guide-to-the-2017-TIP_3-17_web2.pdf.

The Draft 2015 TIP and accompanying Transportation-Air Quality Conformity Analysis were released for public review and comment on June 26, 2014, with a public hearing held on July 9, 2014. The 2015 TIP and accompanying Transportation-Air Quality Conformity Analysis were adopted by the MTC on September 24, 2014, and approved by the FTA and the FHWA on December 15, 2014. More details about the public notices and hearing specific to the TIP are found in Appendix A-57 of the 2015 TIP, available online at

http://mtc.ca.gov/sites/default/files/A-57_Public_notices.pdf.

The Draft 2017 TIP and accompanying Transportation-Air Quality Conformity Analysis were released for public review and comment on June 24, 2016, with a public hearing held on July 13,

2016. The 2017 TIP and accompanying Transportation-Air Quality Conformity Analysis were adopted by the MTC on September 28, 2016, and approved by the FTA and the FHWA on December 16, 2016. More details about the public notices and hearing specific to the TIP are found in Appendix A-76 of the 2017 TIP, available online at

http://mtc.ca.gov/sites/default/files/A-76_public_notifications_for%20final_all.pdf.

To further assist in the public assessment of the TIP, and specifically to address the equity implications of the proposed TIP investments, MTC conducts an investment analysis with a focus on low-income and minority populations, seniors and persons with disabilities. The purpose of the analysis is to help the public understand whether low-income and minority populations, seniors and persons with disabilities are sharing equitably in the TIP's financial investments. The 2017 TIP Investment Analysis is included in full in Appendix I. A discussion of the equity analysis of the TIP with respect to minority residents is in Section V.B.1.b.

IV. PROGRAM-SPECIFIC REQUIREMENTS FOR DESIGNATED RECIPIENTS OF JOB ACCESS AND REVERSE COMMUTE AND NEW FREEDOM PROGRAMS

As noted in Sections II.D.2 and III.A above, MTC directly administers JARC and New Freedom grants, which were discontinued by MAP 21 in FY 2012-13. MTC continues to administer allocated JARC and New Freedom funds in accordance with FTA program guidance (FTA Circulars 9050.1 and 9045.1, respectively), which require MTC to administer JARC and New Freedom grants according to a Program Management Plan (PMP).

MTC's PMP specifically states, "MTC complies with all provisions prohibiting discrimination on the basis of race, color, or national origin on Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d et seq.); U.S. D.O.T. regulations, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation— Effectuation of Title VI of the Civil Rights Act' (49 C.F.R. Part 21), and the Circular. MTC specifically requires in all third party contracts and funding agreements that the subrecipient/contractor at any tier complies with all requirements of Title VI. Failure to do so is considered to be a breach of contract."

Please see Appendix J, for the entire PMP for FTA 5316 JARC and 5317 New Freedom Programs. The PMP can also be viewed at

<http://mtc.ca.gov/sites/default/files/Res%203986%20JARC%20and%20New%20Freedom%20Program%20Management%20Plan.pdf>

Program-specific activities are described below.

A. Lifeline Transportation Program

Prior to MAP-21, MTC’s policy was to direct JARC funds to support implementation of MTC’s Lifeline Transportation Program, which includes projects that address mobility and accessibility needs in low income communities throughout the region. The Lifeline Transportation Program continues to exist with other fund sources, including Section 5307. Each Lifeline Transportation Program grant cycle in place during the reporting period, program guidelines and programs of projects are provided in Appendix K.

MTC has delegated many aspects of the administration of the Lifeline Transportation Program to CMAs or other designated county-wide agencies as follows:

County	Lifeline Transportation Program Administrator
Alameda	Alameda County Transportation Commission
Contra Costa	Contra Costa Transportation Authority
Marin	Transportation Authority of Marin
Napa	Napa County Transportation and Planning Agency
San Francisco	San Francisco County Transportation Authority
San Mateo	City/County Association of Governments of San Mateo County
Santa Clara	Santa Clara Valley Transportation Authority and Santa Clara County
Solano	Solano Transportation Authority
Sonoma	Sonoma County Transportation Authority

Lifeline Program administrators are responsible for soliciting projects for the Lifeline Program. This requires a full commitment to a broad, inclusive public involvement process and using multiple methods of public outreach, as described in MTC’s PPP. Methods of public outreach include, but are not limited to, highlighting the program and application solicitation on the CMA website; sending targeted postcards and e-mails to local community-based organizations, city departments, and non-profit organizations (particularly those that have previously participated in local planning processes); and contacting local elected officials and their staffs. Further guidance for public involvement is contained in MTC’s PPP.

The Lifeline Program administrators are also responsible for oversight of projects funded under the county programs and ensuring that projects meet MTC obligation deadlines and project delivery requirements. In addition, Lifeline Program administrators are to ensure, at a minimum, that projects substantially carry out the scope described in the grant applications.

For the selection of projects involving federal funds, Lifeline Program administrators must also consider fair and equitable solicitation and selection of project candidates in accordance with federal Title VI requirements, i.e. funds must be distributed without regard to race, color and national origin.

Since the last Title VI Program submission in 2014, MTC, through the Lifeline Program administrators, has conducted one call for projects for the Lifeline Program in 2014, and used Proposition 1B, State Transit Assistance, and FTA Section 5307 Urbanized Area Formula funds to support eligible projects.

B. Assistance and Monitoring

MTC included the following language in all contracts with subrecipients of JARC and New Freedom programs: “Recipient agrees to comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (47 U.S.C. § 2000(d)) and the regulations of the Department of Transportation issued thereunder (49 CFR Part 21).”

In addition to the above, MTC ensures the following, with respect to its monitoring and assistance process as enumerated below:

1. Monitoring:

In the PMP, MTC documents its process for ensuring that all subrecipients are complying with the general Title VI reporting requirements, as well as other requirements that apply to the subrecipient. Consistent with the PMP, MTC collected Title VI programs from JARC and New Freedom subrecipients with the submission of the standard agreement and annually thereafter with submission of the annual FTA certifications and assurances. MTC reviewed each Title VI program for compliance with the federal guidelines. The schedule of subrecipient Title VI programs is included in Appendix L.

2. Assistance:

MTC provided assistance to potential subrecipients applying for JARC and/or New Freedom funding, including applicants that would serve predominantly minority populations. The assistance included:

- MTC maintained an extensive database of contacts, including all agencies and organizations that MTC comes into contact with that serve senior, disabled, and low-income populations and/or are interested in transportation issues related to those populations. MTC used these contact lists to distribute the MTC-administered calls for projects, and, upon request, made contact lists available to external agency program administrators for their countywide calls for projects.
- MTC presented the program guidelines to the PAC's Equity and Access Subcommittee, and asked the subcommittee members to notify any organizations that may be interested, including organizations that serve predominantly minority populations.
- MTC provided instructions to prospective applicants on how to collect pertinent demographic information from the U.S. Census Bureau website in order to answer the civil rights question in the grant application, and applicants were also given the option of contacting MTC for assistance with collecting the demographic data.

The following is a description of the assistance that MTC provided to JARC and New Freedom subrecipients after they were awarded funding:

- MTC hosted a workshop or provided one-on-one technical assistance with subrecipients to explain the invoicing and reporting procedures, and to explain the various federal requirements, including those related to Title VI, DBE, procurements, etc. At the workshops, subrecipients were given an overview of the PMP, Title VI and the Circular (FTA Circular 4702.1A in April 2011 and FTA Circular 4702.1B in January 2013).
- Subrecipients were provided with one-on-one consultation, as requested, of their responsibilities to assure effective Title VI implementation and enforcement, as well as requirements for public participation and providing meaningful access to LEP persons. Subrecipients were provided sample forms, notices and procedures. If requested, MTC provided demographic information on race and English proficiency of residents served by subrecipients.

V. PROGRAM-SPECIFIC REQUIREMENTS FOR METROPOLITAN PLANNING ORGANIZATIONS

This Section V addresses MTC's compliance with program-specific requirements for MPOs set forth in Chapter VI of the Circular.

A. Demographic Profile of the Metropolitan Area

The Bay Area officially became a "majority minority" region in 2000,³ and like the rest of California and the United States, its population is expected to become even more diverse over time. At a neighborhood level, between 2000 and 2014, the minority population increased in almost every community in the region, with the notable exceptions of West and North Oakland, Emeryville, and West Berkeley, where the minority population declined significantly (see Map 4b below).

Minority populations include persons who identify as any of the following groups defined by the Census Bureau⁴ in accordance with guidelines provided by the U.S. Office of Management and Budget (OMB):

- American Indian or Pacific Islander Alone (non-Hispanic/non-Latino);
- Asian Alone (non-Hispanic/non-Latino);
- Black or African-American Alone (non-Hispanic/non-Latino);
- Hispanic or Latino of Any Race;
- Native Hawaiian or Pacific Islander Alone (non-Hispanic/non-Latino); and
- Other (Some Other Race, Two or More Races).

All residents who identify as Hispanic or Latino, even if they also identify with another race, are considered Hispanic or Latino. The "Non-minority" population therefore consists of persons who identify as non-Hispanic Whites or "White alone."

In 2014, there were approximately 3.1 million Whites in the Bay Area, or 41.4 percent of the total population. Between 1990 and 2014, the White population declined by 608,016 (-17

³ U.S. Decennial Census, 2000.

⁴ For Census Bureau's definitions for race and ethnicity, see: <http://www.census.gov/topics/population/race/about.html>.

percent). During the same time, the Black or African American population declined by 60,555 (-12 percent); the Asian population increased by 874,244 (+99 percent); and the Latino or Hispanic population increased by 820,348 (+89 percent). During the same time period, the total Bay Area population increased by 22 percent, from approximately 6.0 million to 7.4 million.

Table 2: Bay Area Population by Race, 1990-2014

	1990	2000	2005-2009 Average	2010-2014 Average	Change 1990- 2014 (%)
White Alone	3,658,309	3,392,204	3,165,395	3,050,293	-17
Black Alone	516,420	497,205	463,359	455,865	-12
Asian Alone ⁵	884,547	1,278,515	1,519,768	1,758,791	+99
Latino / Hispanic	923,606	1,315,175	1,521,456	1,743,954	+89
All	6,023,577	6,783,760	6,950,764	7,360,487	+22

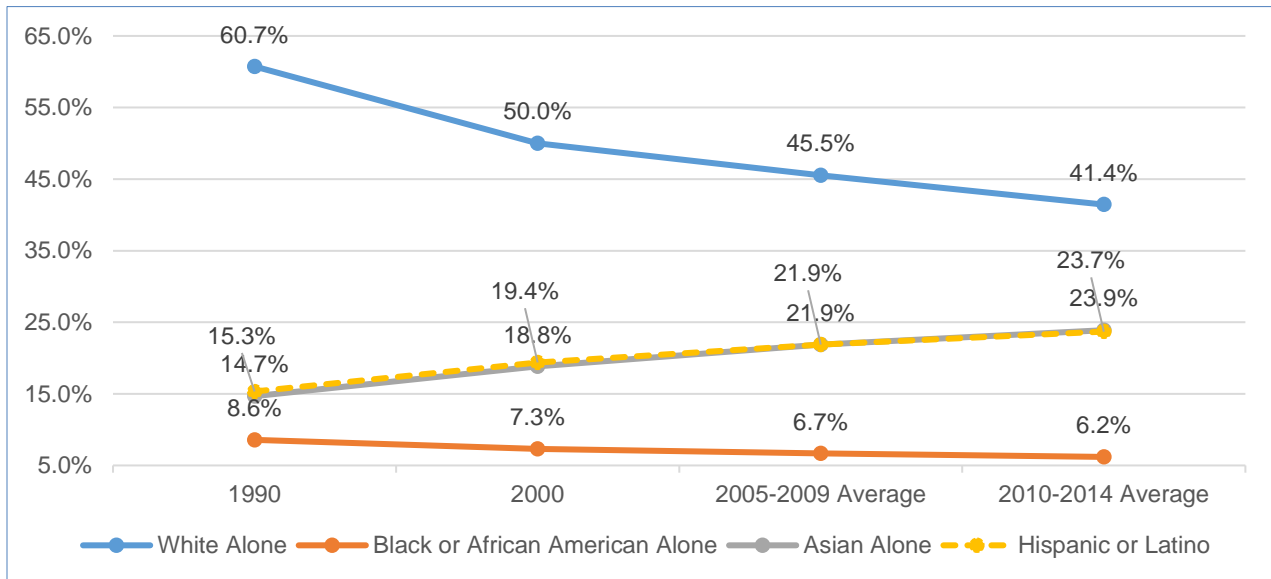
Source: 1990 Census data from NHGIS.ORG Code ET2, Census 2000 Table P8, American Community Survey 2005-2009 and 2010-2014 Table B03002

While all nine counties experienced a decline in their White population between 1990 and 2014, the steepest declines occurred in Alameda (-24 percent), San Mateo (-22 percent) and Santa Clara (-28 percent) counties. In 2014, the largest share of the White population in the region lived in Santa Clara County (21 percent). While the White population declined at the regional level, it increased in the Mission District and Presidio in San Francisco; West Berkeley, West Oakland, Oakland Chinatown, and the city of Emeryville in the East Bay; and parts of the cities of St. Helena and Napa in the North Bay.⁶ Areas where the White population increased between 2000 and 2014 also experienced a decline in their share of low-income population, indicating that at least some of this shift occurred due to rising housing costs in transit-accessible areas in inner bay communities.

⁵ In 1990, the "Asian Alone" category includes Pacific Islanders, and Pacific Islanders are not included in the "Other" category.

⁶ US Decennial Census 2000 and American Community Survey 2010-2014 5-year average.

Chart 1: Share of Bay Area Population by Race, 1990-2014



Source: 1990 Census data from NHGIS.ORG Code ET2, Census 2000 Table P8, American Community Survey 2005-2009 and 2010-2014 Table B03002

Between 1990 and 2014, the steep declines for Black or African American populations occurred in Alameda (-19 percent), San Francisco (-40 percent), San Mateo (-46 percent) and Santa Clara (-15 percent) counties. Marin County also experienced a decline, but from a small base. The Black or African American population increased in Contra Costa (+28 percent) and Solano (+32 percent) counties. Napa and Sonoma counties also experienced a gain, but from a small base. In 2014, the largest share of the Black or African American population lived in Alameda County (40 percent).

At a neighborhood level, between 2000 and 2014, the Black or African American population declined substantially in West Oakland, North Oakland, East Oakland, West Berkeley, the unincorporated community of North Richmond and the Iron Triangle neighborhood in the city of Richmond. The Black or African American population also declined in the cities of East Palo Alto and Dublin, in the Hunters Point and Mission District neighborhoods in San Francisco, and in parts of the city of Vallejo (see Map 6).⁷ At the same time, the Black or African American population increased substantially in the communities of Pittsburg, Antioch and Oakley in East Contra Costa County – areas where the share of low-income residents also increased between 2000 and 2014.

⁷ Ibid.

Between 1990 and 2014, all nine counties experienced an increase in their Asian and Latino or Hispanic populations. Steep increases for the Asian populations occurred in Alameda (+128 percent), Contra Costa (+116 percent), San Francisco (+34 percent), San Mateo (+80 percent) and Santa Clara (+141 percent) counties. Similar to the Asian population, the Latino or Hispanic population also increased in Alameda (+94 percent), Contra Costa (+193 percent), San Francisco (+27 percent), San Mateo (64 percent) and Santa Clara (+57 percent) counties. For both the Asian and the Latino or Hispanic populations, Marin, Napa, Solano and Sonoma counties also experienced a gain, but from a small base.

At a neighborhood level, between 2000 and 2014, the Hispanic population grew in almost all the communities in the region, and especially in the cities of Redwood City and Palo Alto in the Peninsula; San Jose, Mountain View and Gilroy in the South Bay; Richmond, Pinole, Oakland and Hayward in the East Bay; Pittsburg, Antioch and Concord in East Contra Costa County; and San Rafael, Santa Rosa, Napa, Vallejo and Fairfield in the North Bay.⁸

Significantly, the Hispanic population declined substantially in the Mission District in San Francisco, West and South San Jose, the Great Mall area in the city of Milpitas, and the cities of Brentwood, Napa and St Helena. During the same time, the Asian and Pacific Islander population increased significantly in the South Bay (Palo Alto to Cupertino and Milpitas), inner East Bay (Alameda, Hayward and Fremont), and the Tri Valley area (San Ramon, Dublin and Pleasanton).⁹

B. A Description of the Procedures by Which the Mobility Needs of Minority Populations Are Identified and Considered within the Planning Process

MTC undertakes both analytical and public-outreach efforts to identify and consider the needs of minority populations within the planning process. General agency efforts related to public participation in the planning process are described in detail in Section III.F of this Program, while this section describes more specific planning research and analysis efforts MTC undertakes to fulfill its Title VI obligations throughout the metropolitan planning process.

Discussion in this section focuses specifically on consideration of populations protected by Title VI, which is related but not equivalent to numerous other efforts MTC undertakes more broadly

⁸ Ibid.

⁹ Ibid.

to fulfill its two Environmental Justice Principles, which were adopted by the MTC in 2006, as recommended by MTC's Minority Citizens Advisory Committee, and members of the Bay Area Partnership:

- **Principle #1** — *Create an open and transparent public participation process that empowers low-income communities and communities of color to participate in decision making that affects them.*
- **Principle #2** — *Collect accurate and current data essential to understanding the presence and extent of inequities in transportation funding based on race and income.*

In furtherance of these principles, MTC continues to pursue major efforts to assure that MTC's planning and programming activities are nondiscriminatory and involve a wide range of stakeholders. This commitment is reflected in the varied work products described herein and further detailed on MTC's website using the links provided.

1. Identifying the Mobility Needs of Minority Populations

As part of the planning process, MTC identifies the needs of minority populations in several key ways, including both research efforts and ongoing public involvement of minority communities.

a) Plan Bay Area 2040

Key aspects of identifying the mobility needs of minority populations in the Plan Bay Area process involved both input from the Regional Equity Working Group (as described in Section V.B.2 below) and conducting regional research to identify commute trends for specific minority populations.

Minority populations have somewhat similar travel behavior compared to the broader population. But there are still some notable differences. This section describes the travel patterns of minority populations, with an emphasis on commute to work.

Minority populations in the region account for 59 percent of the total population, 61 percent of transit trips, 52 percent of roadway trips and 52 percent of all trips (transit and roadway). It is unclear why the total number of trips taken by minority populations is lower than their share of the total population, but some of the difference is a result of using multiple data sources. While the demographic data is derived from the U.S. Census Bureau, roadway trips are summarized

from the California Household Travel Survey and transit trips from both MTC’s transit passenger survey and previous data collected by each transit operator.

Table 3: Share of Bay Area Population and Mode of Transportation, 2014

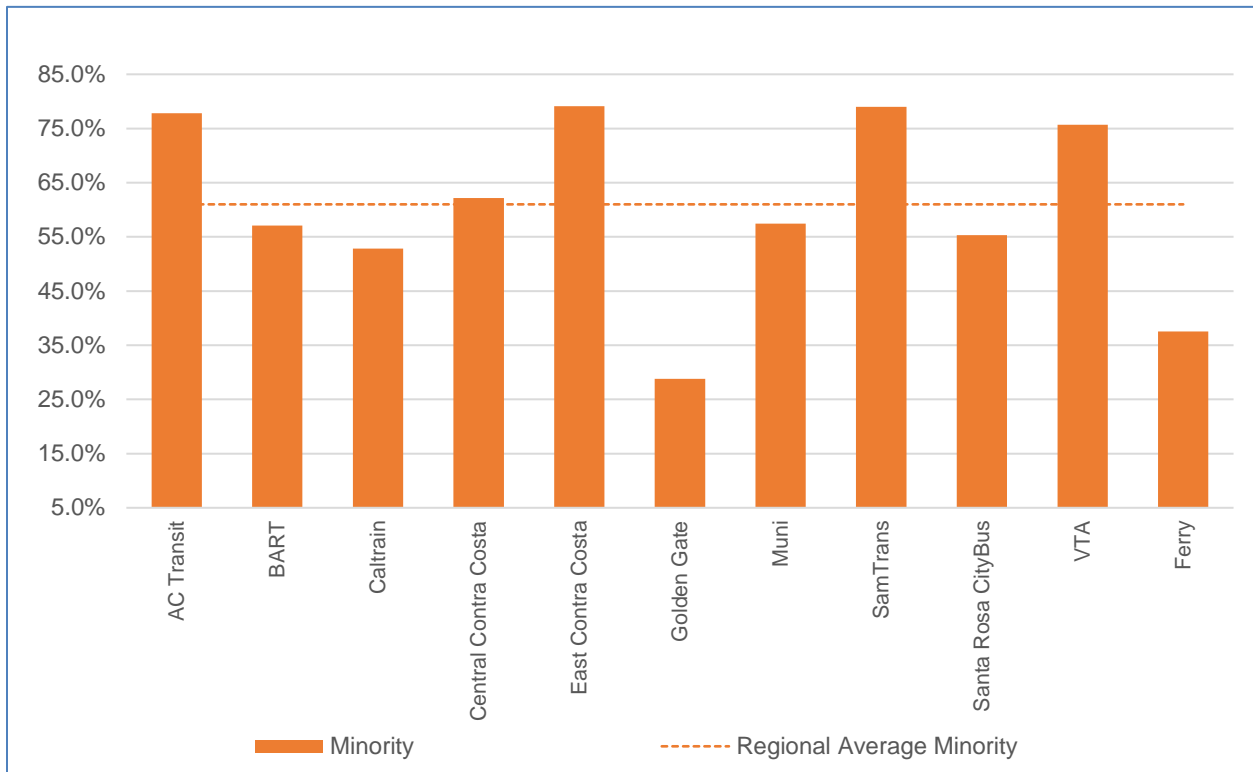
Population Subgroup	Share of Population	Share of Transit Trips	Share of Roadway Trips	Share of All Trips
Minority Population	59%	61%	52%	52%

Source: U.S. Census American Community Survey 2010-2014, 2012/2013 California Household Travel Survey, 2012-2015 MTC Transit Surveys, Multiple Transit Operator Surveys

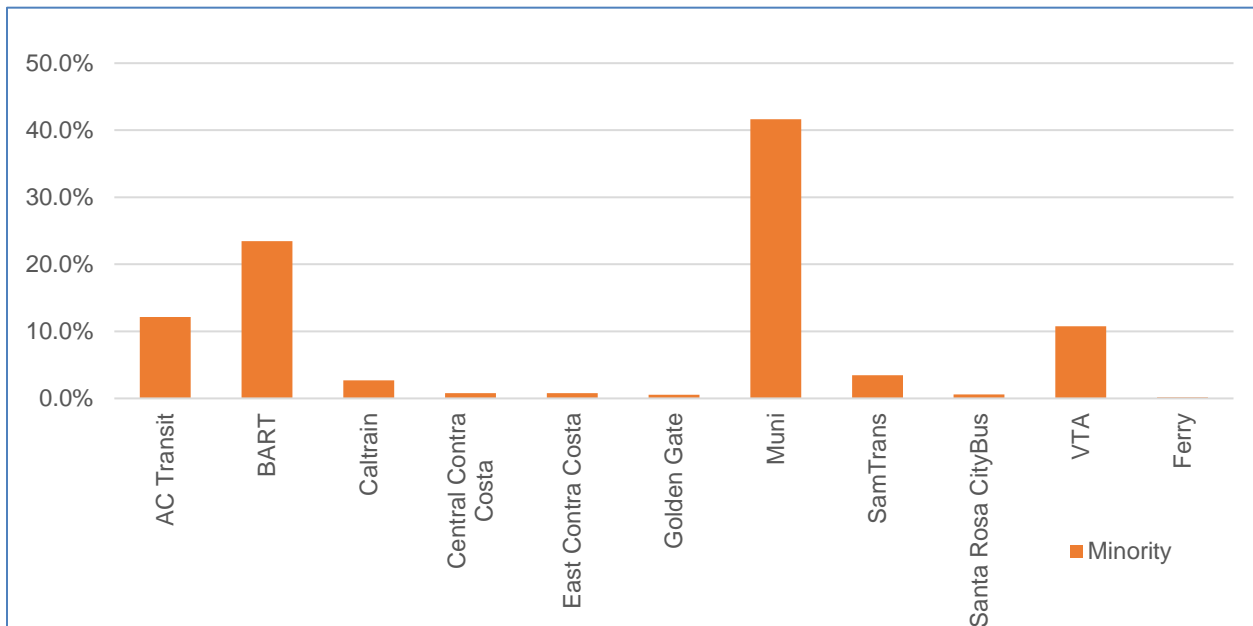
While minority populations have a higher reliance on transit (compared to their share of the population), this dependence varies widely among different operators and counties. Of the 27 transit operators in the Bay Area, AC Transit, BART, San Francisco Muni and Santa Clara Valley Transportation Authority (VTA) account for around 90 percent of all transit trips by minorities. Notably, Muni accounts for about 42 percent of all transit trips for minority populations, confirming the role of land use (higher-density, mixed-use, walkable communities) in supporting not just higher transit ridership but also access and mobility for transit-dependent populations.

AC Transit and VTA also carry some of the highest shares of minority populations in the region. 78 percent of AC Transit’s riders are minorities. Similarly, 76 percent of VTA’s riders are minorities. Of the larger transit operators, Golden Gate Transit and the ferry service have the smallest shares of minority riders, at 29 and 38 percent, respectively.

Chart 2: Minority Ridership as a Share of Total Transit Ridership by Operator in the Bay Area



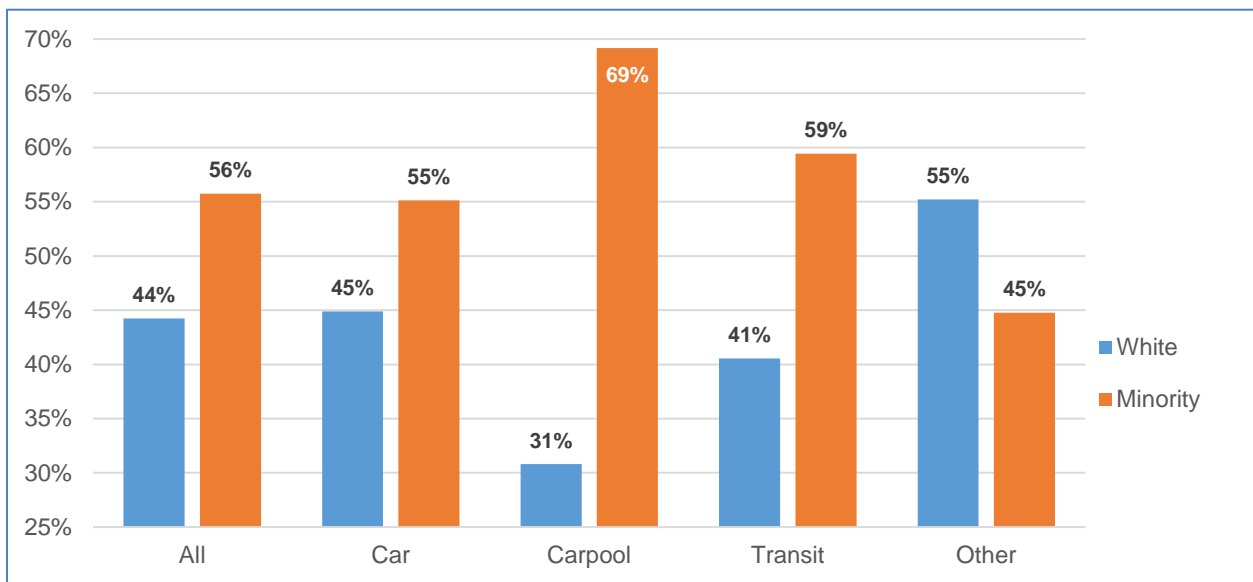
Source: 2012-2015 MTC Transit Surveys, Multiple Transit Operator Surveys Chart 3: Share of Minority Riders on all Transit Systems in Bay Area



Source: 2012-2015 MTC Transit Surveys, Multiple Transit Operator Surveys

Travel behavior for minorities varies by mode and county of residence. While minorities are 56 percent of the workforce, they comprise 69 percent of workers who carpool to work and 59 percent who take transit. These shares vary somewhat among various racial/ethnic groups. Ten percent of Hispanic/Latino and White workers take transit to work, compared to 13 percent for Asians and 17 percent for African Americans/Blacks. About 80 percent of Asian and Hispanic/Latino workers drive alone or carpool to work, compared to about 74 percent for African Americans/Blacks and Whites. With 12 and 14 percent of workers who carpool to work, Asian and Hispanic/Latino workers have the highest rates of carpooling.

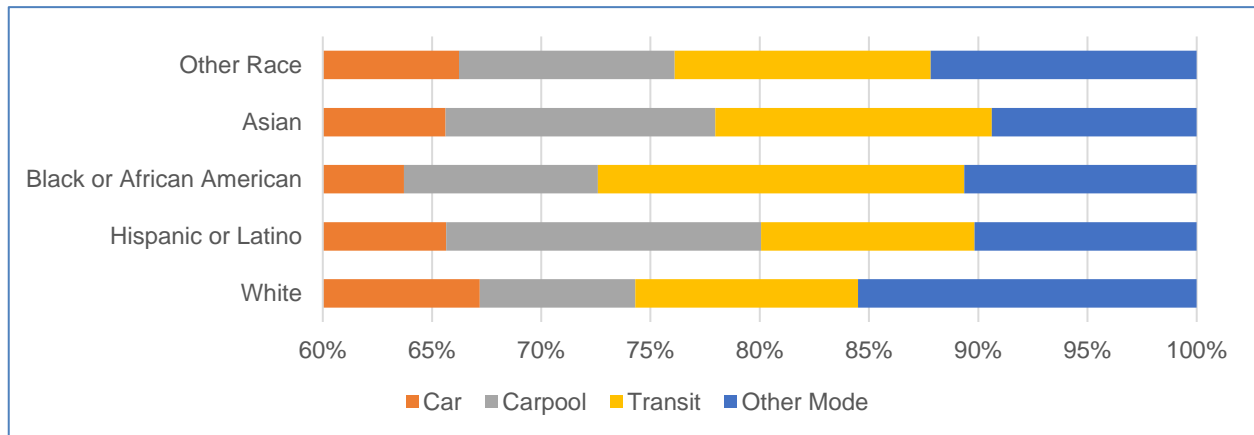
Chart 4: Means of Transportation to Work (16 Years and Over), White and Minority, Bay Area 2015



Source: U.S. Census American Community Survey, 2011-2015, 5-Year Average

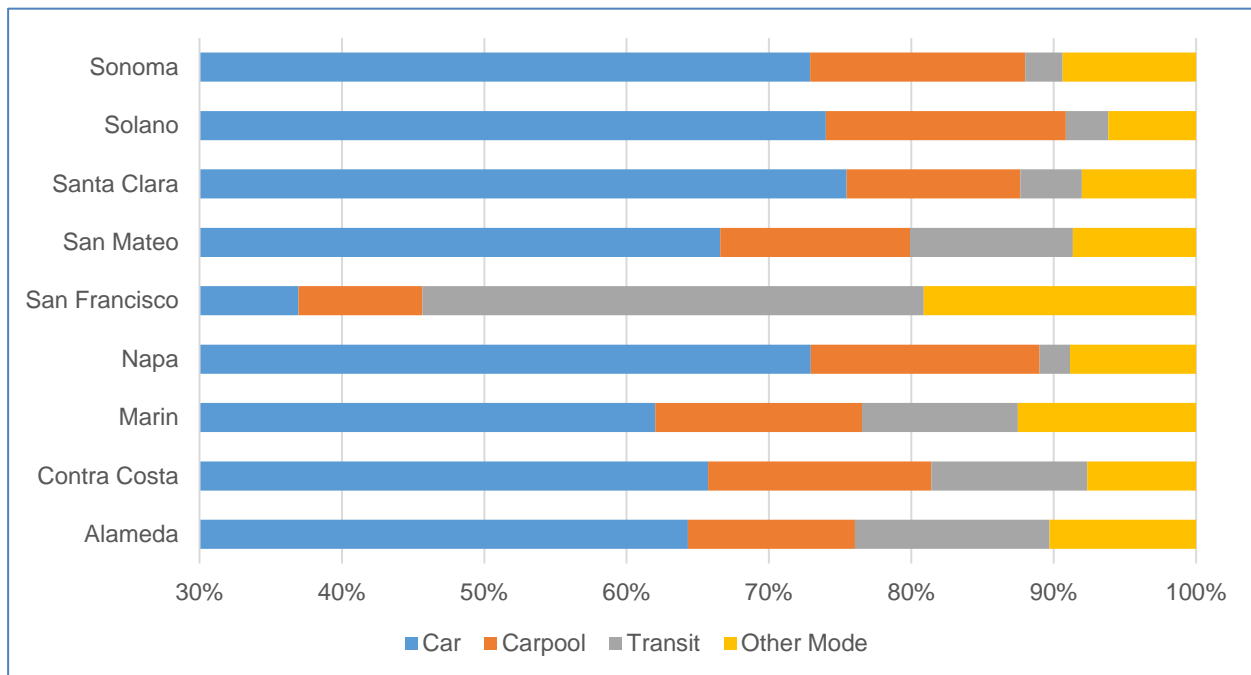
As with low-income workers, only 46 percent of minority workers in San Francisco drive alone or carpool, a much lower rate than in any other county. In comparison, 88 percent of the minority workers in Sonoma, 91 percent in Solano, 87 percent in Santa Clara and 89 percent in Napa drive alone or carpool to work. The share of minority residents who ride transit was highest in San Francisco, at 35 percent, followed by 14 percent in Alameda and 11 percent each in San Mateo, Marin and Contra Costa counties.

Chart 5: Means of Transportation to Work (16 Years and Over), by Race/Ethnicity, Bay Area, 2015



Source: U.S. Census American Community Survey, 2011-2015, 5-Year Average

Chart 6: Means of Transportation to Work, Minority Workers (16 Years and Over), Bay Area, 2015



Source: U.S. Census American Community Survey, 2011-2015, 5-Year Average

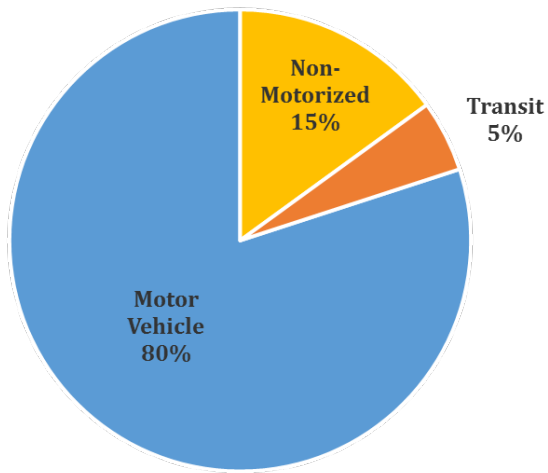
b) 2017 TIP Investment Analysis

One purpose of the TIP Investment Analysis is to understand whether minority populations are sharing equitably in the TIP’s financial investments. The analysis calculates the shares of 2017 TIP investments flowing to the identified communities, and compares those shares with the proportional size of this group’s population and trip-making, relative to that of the general population. Understanding travel patterns of minority populations is therefore a key

underpinning of this analysis and a key part of informing the metropolitan planning process as to the mobility needs of minority populations.

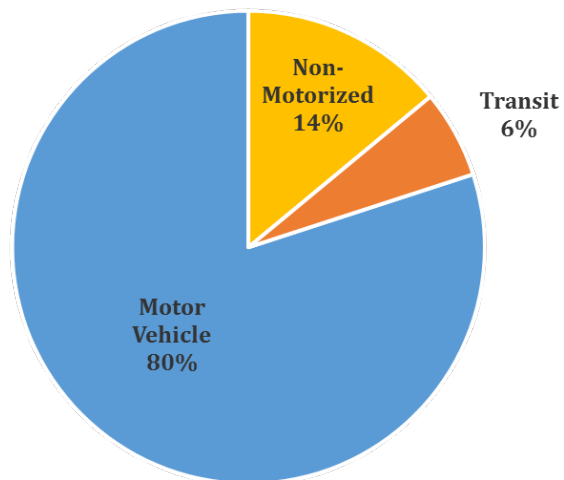
Figure 3 shows the distribution by mode of total regional trip making for all Bay Area travelers, compared to the share of trips by mode for minority travelers shown in Figure 4. For complete information and discussion of these trends in the context of the 2017 TIP Investment Analysis, see the full report in Appendix I.

**Figure 3. Share of Trips by Mode:
Total Population**



Source: Tabulation based on 2012 California Household Travel Survey.

**Figure 4. Share of Trips by Mode:
Minority Population**



Source: Tabulation based on 2012 California Household Travel Survey.

c) *Community-Based Transportation Planning (CBTP) Program*

MTC's CBTP Program evolved out of work done for the 2001 RTP that identified transit needs in low-income communities of concern throughout the San Francisco Bay Area and recommended community-based transportation planning as a first step in addressing these gaps. Because most of these communities of concern are also communities with high concentrations of minority residents, the CBTP Program also helps inform MTC of the mobility needs of minority populations throughout the region. MTC allocated funds for local planning efforts as a way to involve minority and low-income residents in the transportation decision-making process.

Each community-based planning process is a collaborative effort that involves the participation of residents, community-based organizations providing services within low-income and minority neighborhoods, local transit operators, CMAs, and MTC. The outcome of each planning process is a transportation plan that contains community-prioritized transportation needs, as well as solutions to address them. Solutions could include fixed-route transit service or other transportation services such as community shuttles, auto-oriented solutions or bicycle options. Recommendations outlined in the plans are forwarded to transit policy boards and other local agencies for consideration and subsequent incorporation into their planning, funding and implementation decisions.

MTC initially identified 41 low-income communities of concern throughout the Bay Area designated for Community-Based Transportation Planning. Following a pilot phase in 2002 that funded 23 CBTPs (\$60,000 was granted for completing each CBTP), in 2008, MTC approved another \$1,080,000 to complete the remaining 18 plans. In 2016, MTC approved an additional \$1.5 million to update CBTPs that are in some cases more than five years old.

For more information see <http://mtc.ca.gov/our-work/plans-projects/other-plans/community-based-transportation-plans>.

d) *Regional Survey Products*

As part of MTC's regional planning responsibilities, MTC oversees two major regional surveys to inform the planning process with respect to demographic characteristics and travel behavior for various populations within the region.

1. Bay Area Transit Passenger Demographic Survey

In 2012, MTC began a program of collecting consistent demographic and trip data from Bay Area transit passengers. Since then, passengers from 15 transit agencies have been surveyed, and the rest of the region's system is anticipated to be surveyed by 2017. MTC works with transit operators to collect consistent demographic and travel-activity data across all transit systems surveyed.¹⁰ In order to make best use of available funding and resources to support these extensive survey efforts, surveys are being conducted for different systems on a serial basis over time.

Data collected include geographic detail of the transit trip taken and passenger race/ethnicity, age, fare payment information, household income and household vehicle availability. Results of this survey are used in the Transportation Investment Analysis¹¹ to determine transit-investment benefits to low-income and minority populations based on these groups' share of transit use on individual systems and across the region as a whole. The Transit Passenger Demographic Survey also informs the Title VI analysis of PBA 2040 by establishing a consistent demographic profile of the region's overall transit ridership across all systems by minority and non-minority status.

2. Bay Area Household Travel Survey 2012/2013

The Bay Area Travel Survey (BATS) is MTC's periodic regional household travel survey, most recently completed in 2012-2013, and conducted in concert with the California Department of Transportation's statewide California Household Travel Survey (CHTS). The CHTS is an activity-based travel survey that collects information on all in-home and out-of-home activities, including all trips, over a one-day period for approximately 10,000 Bay Area households. The survey provides detailed information on many trip characteristics such as trip purpose, mode, origins and destinations, as well as household demographic and socioeconomic characteristics, and informs development of the regional travel model. In this Program, data on usage of the regional transportation system, the share of trip-making on the region's road and highway system, and different demographic groups comes from CHTS.

¹⁰ Surveys are being conducted on all transit systems claiming funds under the Transportation Development Act (TDA), consistent with those included in MTC's annual Statistical Summary of Bay Area Transit Operators.

¹¹ Operator-collected data was used when recent MTC-collected data was not available, including surveys collected by San Francisco Municipal Transportation Agency and Santa Clara Valley Transportation Authority. Data from MTC's 2007 Transit Passenger Demographic Survey provided information for the remaining six operators. Where appropriate, the 2015 MTC Statistical Summary of Bay Area Transit Operators was used to provide current ridership totals for regional comparisons.

2. Considering Mobility Needs of Minority Populations in the Planning Process

This section describes involvement and consideration of minority populations specifically in the equity analysis of Plan Bay Area and the Investment Analysis of the 2017 TIP. More general discussion of the involvement of minority populations in the planning process and MTC's Public Participation Program can be found in Section III.F of this Program.

a) The Regional Equity Working Group

In spring 2015, MTC and ABAG staff solicited participation by members of MTC's Policy Advisory Council and the MTC/ABAG Regional Advisory Working Group in the formation of a Regional Equity Working Group (REWG). The group first convened in May 2015 and has met frequently throughout the planning process. The primary purpose of the REWG is to advise MTC and ABAG staff on the development of the equity analysis, including identifying equity measures, defining communities of concern and developing the methodology for assessment. The REWG brought together stakeholders from around the region representing low-income and minority communities; seniors and persons with disabilities; staff representing local jurisdictions, transit agencies and county CMAs; public health departments; and community-based organizations and advocacy groups. All REWG meetings are open to the public.

b) MTC Policy Advisory Council

The Policy Advisory Council's Equity and Access Subcommittee (which includes representatives of minority communities within the region) reviewed and commented on staff's proposed methodology for the 2017 TIP Investment Analysis in April 2016,¹² prior to the analysis being carried out and the draft released for public review as part of the overall TIP adoption process.

C. Demographic Maps, Funding Analysis, and Impact Assessment

1. Background

As part of the metropolitan planning process, MTC analyzed both Plan Bay Area and the 2017 TIP investment programs to identify the distribution of Federal and State funds in the aggregate

¹² See the video recording of the April 2016 Policy Advisory Council: <http://mtc.ca.gov/whats-happening/meetings/meetings-archive/policy-advisory-council-14>

between minority and non-minority populations, and analyzed the distribution for any potential disparate impact prior to final adoption. This section describes the methodology and results of these analyses as required by the Circular. Further discussion of these topics and analyses can be found in the Plan Bay Area Equity Analysis Report¹³ and the 2017 Transportation Improvement Program Investment Analysis Report.¹⁴

2. Methodology

In addition to modeling travel and socioeconomic outcomes, based on various land use and transportation investments using equity measures, MTC carried out an off-model analysis of Plan Bay Area 2040's overall transportation investment strategy. This analysis illustrates the distribution of the proposed Regional Transportation Plan investments relative to different population subgroups and communities in the region. In an ongoing effort to ensure equity in the metropolitan transportation planning process, MTC has previously carried out similar analyses of the 2009 RTP (*Transportation 2035*), the 2011 Transportation Improvement Program (TIP), the 2013 Plan Bay Area and TIP, the 2015 TIP, and, most recently, the 2017 TIP.

The Transportation Investment Analysis serves three key functions, including:

- Complying with Title VI regulations (per FTA Circular 4702.1B, issued in October 2012) by conducting an assessment with “charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes...” and “an analysis of impacts ... that identifies any disparate impacts on the basis of race, color, or national origin...”;
- Complying with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, which directs each federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...”; and
- Complying with MTC's own adopted Environmental Justice Principles.

To carry out these functions, the Transportation Investment Analysis relies on three different methodologies described in this section to determine whether Plan Bay Area 2040's investments

¹³ See <http://2040.planbayarea.org/reports>

¹⁴ See <http://mtc.ca.gov/our-work/fund-invest/transportation-improvement-program-tip/2017-tip>

are shared equitably among low-income and minority populations, and to determine whether there is any disparate impact at the regional level on the basis of race, color or national origin. No specific federal standard exists for conducting an environmental justice assessment. Similarly, FTA's Title VI requirements for MPOs do not provide any specific guidelines or benchmarks for MPO Title VI analyses. Finally, there are no established best practices or approved comparative analyses available against which MTC can measure its findings. Therefore, for this analysis, MTC is building on its prior work undertaken in the 2013 PBA investment analysis, and the 2013 and 2015 TIP.

Population/Use-Based Analysis

The population/use-based investment analysis compares the estimated share of investments that benefit low-income and minority populations to the share of their respective use of the transportation system (roadways and transit) and to their respective share of the regional population.

As an example, if a higher share of low-income populations rely disproportionately on the transit system for their access and mobility needs, and if the Draft Plan invests a higher share of revenues in the transit system, then the low-income population will accrue a bigger share of the benefits. This scenario would therefore be considered equitable to low-income populations. In the aggregate, the analysis measures transit and motor vehicle trips using the 2012 CHTS and various transit passenger demographic surveys (TPDSs). The steps involved in conducting the population/use-based analysis include:

1. Using Census data, determine the share of low-income (L0) and minority (M0) population in the region.
2. Using the CHTS and TPDS data, calculate the share of all roadway trips by county and all transit trips by transit operator for low-income (L1 and L2) and minority (M1 and M2) populations.
3. Using the Draft Plan transportation project list, tally the total investments in roadways by county (RR) and transit by operator (TT).
4. For roadway investments, for each county, assign a share of the investment (refer to RR above) to the low-income population (L3) based on their share of roadway trips (refer to L1 above) for that county. Repeat for minority population (M3).

5. For transit investments, for each transit operator, assign a share of the investment (refer to TT above) to the low-income population (L4) based on their share of transit trips (refer to L2). Repeat for minority population (M4).
6. Total the investments (roadway and transit) that were assigned to low-income (L5) and minority (M5) populations.
7. Compare the share of population (L0 and M0) and trips by mode (L1/L2 and M1/M2) to the share of assigned investments (L5 and M5) to assess the level of benefit accrued to low-income and minority populations.

Table 4: Population/Use-Based Analysis

Population	Share of Regional	Share of Roadway	Share of Transit	Share of Roadway	Share of Transit	Share of Total
Low-Income	L0	L1	L2	L3	L4	L5
Minority	M0	M1	M2	M3	M4	M5

At a regional level, while this approach takes advantage of the available data on trips for low-income and minority populations by county and transit operator, it is still a coarse analysis that has the following limitations:

- The analysis does not account for benefits and burdens at the project level. While a roadway project may benefit all users of that facility, the benefits may not necessarily accrue at the same proportion to each population group as their share of all trips in a county where the facility is located.
- The analysis also assumes that the share of trips by mode by a particular population group remains the same in future years, regardless of investments that improve efficiency, safety, capacity or access.
- The analysis does not adjust for the relative size of populations in future years. For example, the share of low-income population in 2040 may or may not be the same compared to 2014.
- Lastly, pedestrian and bicycle projects are assigned to local streets and roads due to a lack of sufficient data on use by income and race/ethnicity, and some regional programs such as the climate initiative were not included in the assessment since they do not fit the roadway or transit categories.¹⁵

¹⁵ For example, the Sonoma-Marín Area Rail Transit service will start in mid-2017, so there is no usage data currently available, even though the plan allocates future funding for the project.

The Title VI analysis is a subset of the population/use-based analysis, which only considers public transit projects that are funded through federal and state sources (described in more detail below).

Project Mapping Analysis

To supplement the population/use-based analysis described above, MTC mapped all roadway and transit projects to show the spatial distribution of projects relative to communities of concern (CoCs) and census tracts with a concentration of minority populations. This analysis only presents data visually. It does not use a metric to estimate the potential benefit or burden of each project on disadvantaged communities. It also does not include projects that cannot be mapped. For example, a substantial share of total funding in the Draft Plan is dedicated to transit operations, but this investment cannot be mapped as a project because each transit operator serves a fairly large geographic area rather than a point on a map.

This qualitative assessment involves examining the distribution of projects for any indication of systematic exclusion of CoCs or minority communities in the distribution of benefits. It also involves examining the distribution of projects for any systematic imbalances within the distribution of projects between CoCs and the remainder of the region, or between minority and non-minority communities. The analysis for minority populations satisfies one component of the Title VI analysis of the Draft Plan, as described below.

Title VI Compliance

Federal Transit Administration (FTA) released updated guidance in October 2012 specifying how MPOs such as MTC must demonstrate compliance with Title VI of the Civil Rights Act of 1964 and DoT's Title VI regulations in the metropolitan planning process. This section describes the methodology for conducting the analysis that demonstrates compliance with these requirements, including the methodology for conducting a disparate impact analysis.

Table 5: FTA Requirements for Title VI Analysis

FTA Requirement	Related Plan Bay Area 2040 Analysis
“Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data ...”	Project mapping analysis that overlays projects that can be mapped over above-regional-average concentrations of minority residents.
“[C]harts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes...”	Population/use-based analysis of public transit investments using state and federal funding sources.
“An analysis of impacts identified in paragraph [above] that identifies any disparate impacts on the basis of race, color, or national origin” ¹⁶	Disparate impact analysis comparing Plan Bay Area 2040 investments per capita and per rider for minority and non-minority populations.

Because the plan covers a long time horizon and includes many types of fund sources the disparate impact analysis shows all transit investments overlaid against minority tracts, regardless of fund source. MTC will continue to investigate the feasibility of updating future RTP project databases and/or travel model parameters to include more specific fund source information in light of these FTA requirements. MTC does have the data to distinguish between public transportation investments that receive state and federal funds for the population/use-based analysis.

The state and federal fund sources included in the Title VI analysis are:

- *Transit Operating* – State Transit Assistance (revenue- and population-based), FTA Sections 5307 and 5311, Low Carbon Transit Operations Program (Cap and Trade);
- *Transit Capital (Replacements)* – FTA Sections 5307, 5340, 5311, 5337, and 5339, FHWA Ferry Boat Program, FTA Passenger Ferry Grant Program, FTA Bus and Bus Facilities Discretionary Program, STP/CMAQ, Anticipated; and

¹⁶ FTA Circular 4702.1B, page VI-2. See: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf.

- *Transit Capital (Expansions)* – FTA Section 5309, STP/CMAQ, Transit and Intercity Rail Program (Cap and Trade), Affordable Housing and Sustainable Communities Program (Cap and Trade), High Speed Rail, Anticipated.

To conduct the disparate impact analysis, the results of the population/use-based analysis of public transit investments using state and federal funds are assigned to minority and non-minority populations on a per capita and per-rider basis. A comparison of the per capita and per-rider investments for the two groups determines whether there is any disparate impact.

Although FTA does not provide specific guidance or standard benchmarks for MPOs to use in the metropolitan planning process to determine whether any given result represents a disparate impact, a general practice in disparate impact analysis is to use the percentage result to determine whether any differences between benefits for minority or non-minority populations may be considered statistically significant. If a disparate impact is found to be statistically significant, consideration must then be given to “whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.”¹⁷

3. Results: Demographic Mapping Analysis

The second part of the investment analysis is to map the location of transit and roadway projects included in the Draft Plan, overlaid with census tracts that are designated as CoCs and have a higher-than-regional-average (>59 percent) concentration of minority populations. The purpose of this analysis is to qualitatively assess the spatial distribution of projects for any apparent systematic exclusion of CoCs or minority populations at a regional level, or for any apparent systematic imbalances between the distribution of projects between CoCs and the remainder of the region, or between minority and non-minority populations. This assessment is intended to provide a regional-level analysis of the Draft Plan’s investments. Individual projects will be subject to their own Title VI and environmental justice analyses during implementation, as required under federal and state laws.

For the analysis of minority populations, the project layers from Maps 43 and 44 are overlaid with census tracts in the region that have a higher-than-regional-average (>59 percent) concentration of minority populations. As with the CoC analysis, there is a strong relationship

¹⁷ Ibid.

between the spatial distribution of investments in the Draft Plan and minority tracts. Based on this assessment, there does not appear to be any systematic exclusion of communities from Plan investments on the basis of minority status, or imbalances in the distribution of projects between minority and non-minority communities.

4. Results: Charts That Analyze the Impacts of the Distribution of State and Federal Funds in the Aggregate for Public Transportation Purposes

To create charts illustrating the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, a population/use-based analysis was carried out on both Plan Bay Area and the 2017 TIP. This section provides the results of those analyses.

a) Results: Plan Bay Area

The first step in the analysis is to identify the combined share of federal and state transit investments in Plan Bay Area 2040 (see table below). The investments included in the plan total \$303.5 billion over a 24-year period, for a wide range of projects that include express lanes, freight improvements, active transportation programs and transit operations. Of the total plan investments, \$203.5 billion are allocated to transit operations, maintenance, modernization and expansion. Transit is by far the largest investment made in Plan Bay Area 2040. Of the total transit investments, 18 percent (or \$53.4 billion) comes from various federal and state sources. The Title VI analysis in this Program is conducted on this amount (i.e., \$53.4 billion).

Table 6: Sources of Funding by Mode of Transportation, Plan Bay Area 2040

	Total	Federal and State		Local / Other	
	\$ million	\$ million	%	\$ million	%
Roadway / Bridge	\$88,701	\$29,220	33%	\$59,482	67%
Bicycle and Pedestrian	\$5,150	\$1,325	26%	\$3,825	74%
Freight	\$2,743	\$1,938	71%	\$805	29%
Other Programs	\$3,401	\$1,072	32%	\$2,329	68%
Public Transit	\$203,449	\$53,362	26%	\$150,087	74%
Plan Bay Area 2040 Investments	\$303,445	\$86,917	29%	\$216,528	71%

Source: MTC Analysis of Plan Bay Area 2040 Investments

Since this analysis relies on ridership data by race/ethnicity for each transit operator,¹⁸ the assessment is further limited to only those operators for whom this information is available

¹⁸ Ridership data by race/ethnicity is available for 24 of the 27 transit operators in the Bay Area. Data is not available for Amtrak (\$92 million), City of Dixon (\$17 million) and the Sonoma-Marín Area Rail Transit (SMART)

through a transit passenger survey (either conducted by the transit operator or MTC). This subset of the total federal and state transit funding for which data is available is \$43.6 billion, or 82 percent of the total.

Next, federal and state investments in transit are allocated to minority and non-minority populations using the same methodology used in the transportation investment analysis (the population/use-based analysis) outlined in Chapter 5 of the Plan Bay Area 2040 Equity Analysis Report. Essentially, federal and state investments are broken out by transit operator and allocated to minority or non-minority populations, based on their respective shares of ridership on that particular transit system. The allocations by transit operator are then added to provide the total federal and state funding that is allocated to minority and non-minority populations. This allocation of funding to minority and non-minority populations based on their use of various transit systems constitutes “benefit.” The results for each subgroup are compared to estimate the relative benefit accrued to minority and non-minority populations.

Table 7: Summary of Population/Use-Based Analysis for Federal and State Transit Funding

Population	Share of Population	Share of Transit Ridership	Investments (\$ million)		Share of Investments (%)	
			PBA 2040	Federal/State Transit	PBA 2040	Federal/State Transit
Minority	59%	62%	\$117,386	\$25,797	61%	59%
Non-Minority	41%	38%	\$76,557	\$17,850	39%	41%

Source: 2010-2014 American Community Survey, 2012-2015 MTC Transit Surveys, Multiple Transit Operator Surveys, MTC’s Analysis of Plan Bay Area Investments

Finally, investments are distributed on a per capita and a per-rider basis, so that investment benefits allocated to the region’s minority populations and riders can be compared to investment benefits allocated to the region’s non-minority populations and riders. The results from this analysis are summarized in the tables below.

Following FTA guidance, MTC’s disparate impact analysis of plan investments reveals that, on a per-capita basis, minority populations in the region would receive 59 percent of Plan Bay Area 2040’s investment benefits for public transit using federal and state sources, compared to 41 percent for non-minority populations. The share of investment benefits based on a per capita

(\$623 million). Data is also not available for the California High Speed Rail project (\$8.5 billion). These amounts are therefore not included in the population/use-based analysis.

basis is proportional to the share of minority (59 percent) and non-minority (41 percent) populations in the region. On a transit-ridership basis, minority transit riders would again receive 59 percent of the benefit, compared to 41 percent for non-minority transit riders. The share of investment benefits based on a per-rider basis is proportional to the share of minority (62 percent) and non-minority (38 percent) transit ridership.

Table 8: Disparate Impact Analysis Results, Population-Based

	Population (2014)		Federal and State Transit		Per capita
	#	%	\$ millions	%	\$
Minority	4,305,728	59%	\$25,797	59%	\$5,991
Non-Minority	3,033,324	41%	\$17,850	41%	\$5,885

Source: 2010-2014 American Community Survey, 2012-2015 MTC Transit Surveys, Multiple Transit Operator Surveys, MTC investment analysis

Table 9: Disparate Impact Analysis Results, Ridership-Based

	Ridership		Federal and State Transit		Per-Rider Benefit
	#	%	\$ millions	%	\$
Minority	998,992	62%	\$25,797	59%	\$25.82
Non-Minority	616,075	38%	\$17,850	41%	\$28.97

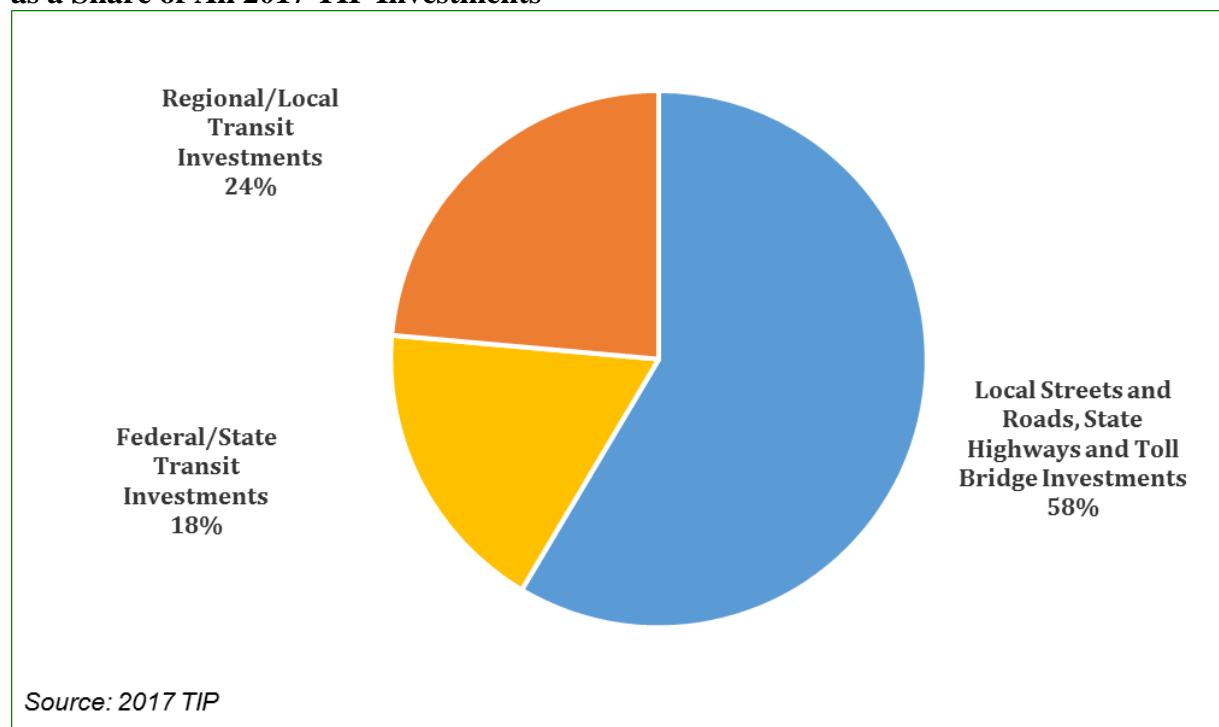
Source: 2012-2015 MTC Transit Surveys, Multiple Transit Operator Surveys, MTC investment analysis

Based on the results presented in the tables above, MTC concludes that the Draft Plan is in compliance with Title VI of the Civil Rights Act of 1964 for the distribution of federal and state transit funds.

b) Results: 2017 Transportation Improvement Program

The following summarizes the results from the Investment Analysis in 2017 TIP. First, Federal and State funding sources for public transportation are separated out from the \$6.3 billion in total 2017 TIP investments, representing 18% of the total (\$1.1 billion) as illustrated in Figure 5.

Figure 5. Public Transportation Investments from Federal and State Sources as a Share of All 2017 TIP Investments



Next, using the population/use based investment analysis methodology described above, the \$1.1 billion in the 2017 TIP’s public transportation investments using Federal and State sources is attributed to minority and non-minority transit riders based on their respective shares of ridership among the various Bay Area transit agencies, and total investment shares are compared to the region’s overall transit ridership and populations as a whole, as shown in Table 10.

Table 10. 2017 TIP Federal and State Transit Investments by Minority Status

Subgroup	Total Federal/State Transit Funding (\$Millions)	% of Total Federal/State Transit Funding	% of Regional Transit Ridership	% of Total Regional Population
Minority	\$660	58%	61%	59%
Non-minority	\$469	42%	39%	41%
Total	\$1,129	100%	100%	100%

Source: MTC analysis of 2017 TIP investments, *Transit Passenger Demographic Survey (MTC)*, *SFMTA Transit Passenger Demographic Survey*, *VTA Transit Passenger Demographic Survey*, *BART 2014 Customer Satisfaction Survey*, *2006-2007 Regional Transit Passenger Demographic Survey (Godbe Research)*, 2014 American Community Survey Table C03002.

At 58%, benefits accrued to minority populations from Federal and State transit funding may be lower than their share of the region’s population (at 59%) and transit ridership (at 61%), but that does not demonstrate a systematic dis-benefit to minority populations since the difference in percentage points for share of population and ridership is 1% and 3%, respectively (see Table 10 above).

D. Analysis of the MPO’s Transportation System Investments That Identifies and Addresses Any Disparate Impacts

To conduct the disparate impact analysis, the results of the population/use-based analysis of public transportation investments using State and Federal funds in the preceding section are first expressed in terms of investments per capita for both minority and non-minority transit riders (or total population) in the region as follows:

$$\text{Minority benefit per capita} = \frac{\text{Total transit investments allocated to minority riders}}{\text{Total regional minority transit ridership (or population)}}$$

$$\text{Non-minority benefit per capita} = \frac{\text{Total transit investments allocated to non-minority riders}}{\text{Total regional non-minority transit ridership (or population)}}$$

Next, the minority and non-minority per-capita benefit results are compared, expressing the minority benefit per capita as a percentage of the non-minority benefit per capita:

$$\text{Result (\%)} = \frac{\text{Minority benefit per capita}}{\text{Non-minority benefit per capita}}$$

Although the Circular does not provide specific guidance or standard benchmarks for MPOs to use in the metropolitan planning process to determine whether any given result represents a disparate impact, a general practice in disparate impact analysis is to use the percentage result to determine whether any differences between benefits for minority or non-minority populations may be considered statistically significant. If a disparate impact is found to be statistically significant, consideration must then be given to “whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.”¹⁹

¹⁹ FTA Circular 4702.1B, page VI-2.

1. Disparate Impact Analysis Results: Plan Bay Area

The distribution of investment benefits accruing to the region's minority and non-minority populations and riders are shown in Table 11 and Table 12, respectively, along with the relevant comparisons to evaluate for any disparate impact.

Table 11. Disparate Impact Analysis of Plan Bay Area Federal and State Transit Investments: Population Analysis

Subgroup	Total Federal/ State Transit Funding (Millions of YOE \$)	Regional Population (2010)	Per- Capita Benefit	Minority Per- Capita Benefit as % of Non- minority Per- Capita Benefit
Minority	\$24,147	4,117,836	\$5.86	120%
Non- minority	\$14,877	3,032,903	\$4.91	--
Total	\$39,025	7,150,739		--

Source: MTC analysis of Plan Bay Area investments, 2006 Transit Passenger Demographic Survey, 2010 Census SF1.
Note: Totals may not sum due to rounding.

Table 12. Disparate Impact Analysis of Plan Bay Area Federal and State Transit Investments: Ridership Analysis

Subgroup	Total Federal/ State Transit Funding (Millions of YOE \$)	Avg. Daily Transit Ridership (2006)	Per- Rider Benefit	Minority Per- Rider Benefit as % of Non- minority Per- Rider Benefit
Minority	\$24,147	816,059	\$29.59	99%
Non- minority	\$14,877	498,303	\$29.86	--
Total	\$39,025	1,314,362		--

Source: MTC analysis of Plan Bay Area investments, 2006 Transit Passenger Demographic Survey, MTC Statistical Summary for Bay Area Transit Operators.
Note: Totals may not sum due to rounding.

On a per-capita population basis, Table 11 shows minority persons in the region are receiving 120% of the benefit of Plan Bay Area's investments in public transportation from Federal and State sources compared to non-minority persons. On a ridership basis, Table 12 shows that minority riders are receiving 99% of the benefit of Federal- and State-funded transit investments in Plan Bay Area compared to non-minority riders. This 1% difference between minority and non-minority per-rider benefits is not considered statistically significant, and therefore this

analysis finds no disparate impact in the distribution of Federal and State funding for public transportation purposes between minority and non-minority populations or riders in the draft Plan Bay Area investment strategy.

2. Disparate Impact Analysis Results: 2017 Transportation Improvement Program

The distribution of investment benefits accruing to the region’s minority and non-minority populations and riders are shown in Table 13 and Table 14, respectively, along with the relevant comparisons to evaluate for any disparate impact.

Table 13. Disparate Impact Analysis of 2017 TIP Federal and State Transit Investments: Population Analysis

Subgroup	Total Federal/ State Transit Funding (\$Millions)	Regional Population	Per- Capita Benefit	Minority Per- Capita Benefit as % of Non- minority Per- Capita Benefit
Minority	\$660	4,497,334	\$147	96%
Non- minority	\$469	3,064,421	\$153	--
Total	\$1,129	7,561,755		--

Source: MTC analysis of 2017 TIP investments, *Transit Passenger Demographic Survey (MTC)*, *SFMTA Transit Passenger Demographic Survey*, *VTA Transit Passenger Demographic Survey*, *BART 2014 Customer Satisfaction Survey*, *2006-2007 Regional Transit Passenger Demographic Survey (Godbe Research)*, 2014 American Community Survey Table C03002.

Table 14. Disparate Impact Analysis of 2017 TIP Federal and State Transit Investments: Ridership Analysis

Subgroup	Total Federal/ State Transit Funding (\$Millions)	Avg. Daily Transit Ridership (2006)	Per- Rider Benefit	Minority Per- Rider Benefit as % of Non- minority Per- Rider Benefit
Minority	\$660	990,834	\$666	89%
Non- minority	\$469	624,234	\$752	--
Total	\$1,129	1,615,067		--

Source: MTC analysis of 2017 TIP investments, *Transit Passenger Demographic Survey (MTC)*, *SFMTA Transit Passenger Demographic Survey*, *VTA Transit Passenger Demographic Survey*, *BART 2014 Customer Satisfaction Survey*, *2006-2007 Regional Transit Passenger Demographic Survey (Godbe Research)*, MTC Statistical Summary for Bay Area Transit Operators.

The disparate impact analysis indicates that the share of Federal and State transit investments distributed to minority populations varies as compared to their respective shares of regional transit ridership and regional population. On a per-capita population basis, Table 13 shows

minority persons in the region are receiving 96% of the benefit of the TIP's investments in public transportation from Federal and State sources compared to non-minority persons. On a per-rider basis, Table 14 shows that minority riders are receiving 89% of the benefit of Federal- and State-funded transit investments in the TIP compared to non-minority riders. It is important to note, however, that the TIP does not reflect the full picture of transportation investments in the Bay Area over the long-term. As noted above, the TIP only includes four years of near-term fund programming. Also, since the TIP primarily documents projects that require federal actions or use federal funds, it tends to include more large capital projects than operating and maintenance programs, particularly for transit. Additionally, funding shown in the TIP is included in the year that project phases begin or are obligated and does not reflect the actual flow of funding and expenditures within these phases. While rehabilitation programs will have their funding spread across many years, large capital projects tend to have their funding lumped into a shorter period even if the funds will actually be expended over a number of years, some of which may be outside the scope of the TIP. When compared to the investments described in the Plan, the 2017 TIP only reflects about 15% of the average annual transportation spending in the Bay Area.

An example of the issues described above is the fact that the 2017 TIP Investment Analysis is heavily influenced by two projects, BART's Railcar Procurement Program and Caltrain's Electrification project, as these projects have large capital phases that are beginning in the near future. Together, these projects account for over one third of all transit funding in the 2017 TIP as adopted. As BART and Caltrain are used by a lower proportion of minority riders than the regional average for transit riders, the results of the analysis show lower investments benefiting minority riders. That said, BART ridership approximately mirrors the regional demographics for minority populations on a percentage basis, and it carries large numbers of such groups in numerical terms. Prior iterations of the TIP Investment Analysis that showed a less variable distribution have been influenced by other large capital projects, such as SFMTA's Central Subway project and VTA's BART Warm Springs to Berryessa Extension project that are still ongoing, but in the current TIP period require less funding action. Additionally, approximately \$2 billion in federal transit formula funding for FY2016-17 through FY2019-20 had yet to be programmed at the time that this analysis was performed on the 2017 TIP. While BART and Caltrain will still receive a large portion of these funds, the program will also distribute funds to a wider variety of transit operators.

VI. CLIPPER® FARE PAYMENT SYSTEM

The Clipper® Program is a fare payment system based on smart card technology that is used to pay fares on transit systems throughout the Bay Area. The Clipper card is currently accepted on 21 Bay Area transit operators, including the Alameda-Contra Costa Transit District (AC Transit); Golden Gate Bridge Highway and Transportation District (GGBHTD); the San Francisco Bay Area Rapid Transit District (BART); the City and County of San Francisco Municipal Transportation Agency (SFMTA); the San Mateo County Transit District (SamTrans); the Santa Clara Valley Transportation Authority (VTA); the Peninsula Corridor Joint Powers Board (Caltrain); Central Contra Costa Transit Authority; City of Fairfield, as the operator of Fairfield and Suisun Transit; City of Petaluma; Eastern Contra Costa Transit Authority; Livermore/Amador Valley Transit Authority; Marin County Transit District; Napa County Transportation and Planning Agency; Solano County Transit; Sonoma County Transit; Vacaville City Coach; Western Contra Costa Transit Authority; San Francisco Bay Area Water Emergency Transportation Authority; City of Santa Rosa; and City of Union City. In summer 2017, the new Sonoma Marin Area Rail Transit system will become the 22nd operator to accept Clipper®.

MTC is authorized by state statute²⁰ to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction and to require every system to enter into a joint fare revenue sharing agreement with connecting systems. Pursuant to this statute, MTC adopted a Transit Coordination Implementation Plan (MTC Resolution 3866) which required certain Bay Area transit operators to implement, operate and promote the Clipper® fare payment program as their primary fare payment systems.

Transit operators participating in the Clipper® program are responsible for establishing their own fare policies, and would ordinarily be responsible for conducting the fare and service change Title VI analyses required by the Circular. However, since MTC mandated the transition to Clipper®, MTC undertook a Title VI analysis of the Clipper® transition in compliance with Chapter IV, Section 7 of the Circular. MTC reported on the result – the *Final Title VI Summary Report, Clipper® Fare Media Transitions (Final Summary Report)* – in its 2014 Title VI Program.

MTC did not impose any additional card fees or require any transit operators to transition fare media to Clipper® for the period covered by this Program.

²⁰ California Government Code § 66516.

MTC regularly conducts community and operator outreach efforts related to the Clipper[®] program. A summary of outreach efforts related to the Clipper[®] program is attached as Appendix M.

VII. GLOSSARY

ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit District
ACS	American Community Survey
BAAQMD	Bay Area Air Quality Management District
BAHA	Bay Area Headquarters Authority
BAIFA	Bay Area Infrastructure Financing Authority
BART	San Francisco Bay Area Rapid Transit District
BATA	Bay Area Toll Authority
Bay Area	The nine-county San Francisco Bay Area, including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties
Bay Area Partnership	A confederation of the top staff of various transportation agencies in the region (MTC, public transit operators, CMAs, city and county public works departments, ports, Caltrans, US DOT) as well as environmental protection agencies.
BCDC	Bay Conservation and Development Commission
Caltrain	Peninsula Corridor Joint Powers Board
Caltrans	California Department of Transportation
CBTP	Community Based Transportation Plan
CCTA	Contra Costa Transportation Authority
Circular	Federal Transit Administration Circular 4702.1B

Clipper®	A card that can be used to pay fares electronically on the Bay Area's transit systems
CMA	Congestion Management Agency
CMAQ	Congestion Mitigation and Air Quality Improvement
Coordinated Plan	MTC's Coordinated Public Transit/Human Services Transportation Plan
FasTrak®	Electronic toll collection system
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FTA	Federal Transit Administration
GGBHTD	Golden Gate Bridge, Highway and Transportation District
FY	Fiscal Year
JARC	Job Access Reverse Commute
LAVTA	Livermore Amador Valley Transit Authority
LEP	Limited English Proficient
Lifeline	Lifeline Transportation
MAP-21	Moving Ahead for Progress in the 21 st Century Act
MPO	Metropolitan Planning Organization
MTC	Metropolitan Transportation Commission
PAC	Policy Advisory Council
Plan Bay Area	The region's first long-range integrated transportation and land-use/housing strategy that guides growth and policy decisions through 2040, consistent with Senate Bill 375; also the 2013 RTP.
PMP	Program Management Plan

PPP	Public Participation Plan
RTP	Regional Transportation Plan
SAFE	Metropolitan Transportation Commission Service Authority for Freeways and Expressways
SamTrans	San Mateo County Transit District
SFCTA	San Francisco County Transportation Authority
STA	State Transit Assistance
STP	Surface Transportation Program
Subrecipient	Any entity that receives FTA financial assistance as a pass-through from another entity.
TDA	Transportation Development Act
TIP	Transportation Improvement Program
Title VI	Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d et seq.)
US DOT	United States Department of Transportation
VTA	Santa Clara Valley Transportation Authority