

# NECTD Service and Fare Equity Analysis Policy

northeastern connecticut transit district  
[nectd.org](http://nectd.org)

## Purpose

The Federal Transit Administration requires that transit agencies evaluate the impact of significant changes to its transit service as well as any changes to fares or fare media to ensure that such changes do not disproportionately impact minorities or low-income riders. The purpose of the NECTD Service and Fare Equity Analysis Policy is to: (1) define what constitutes a “major service change”; (2) determine what constitutes a “disparate impact” on minority riders and a “disproportionate burden” on low-income riders, based on FTA Circular 4702.1B and Environmental Justice in accordance with FTA Circular 4703.1; (3) specify the steps that NECTD will take to notify and solicit comments from the public regarding proposed fare changes and major service changes; and (4) explain how NECTD will analyze such changes to determine whether a disparate impact or disproportionate burden would be created under Title VI of the Civil Rights Act of 1964 and Executive Order 12898.

## Background

The Civil Rights Act of 1964 requires that: *“No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”* In accordance with Federal Transit Administration (FTA) requirements, Circular 4702.1B, “Title VI Program Guidelines for Federal Transit Administration Requirements,” effective October 1, 2012, recipients of federal assistance must report on a triennial basis on compliance with Title VI. Presidential Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” of February 1994 places further emphasis on Title VI protections of race and national origin by directing federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. To ensure NECTD’s compliance with FTA Guidelines, three policies have been developed to define thresholds for determining major service changes and to determine whether potential changes to existing transit service will have a disparate impact based on race, color or national origin, or whether potential service changes will have a disproportionately high or adverse impact on minority and/or low-income populations:

- Major Service Change Policy
- Disparate Impact Policy
- Disproportionate Burden Policy

## Definitions

The following definitions are provided in accordance with Federal Transit Administration Circular FTA 4712.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients.

**Disparate Impact** - refers to a facially neutral policy or practice of a major service or fare change on minority populations is at least 20 percent greater than the adverse effect on the average non-minority populations of NECTD’s service area.

**Disproportionate Burden** - refers to a facially neutral policy or practice of a major service or fare change when an adverse effect on low-income populations is at least 20 percent greater than the adverse effect on the average non-low-income populations of NECTD's service. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate adverse effects where practicable.

**Low income** - for **service changes** is defined as households having an annual income less than or equal to the poverty threshold updated annually by the U. S. Census Bureau.

**Low income** - for **fare changes** is defined as households having an annual income less than or equal to the poverty guidelines issued annually by the U. S. Census Bureau.

**Minority Population** - Refers to any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers) who will be similarly affected by a proposed Department of Transportation (DOT) program, policy or activity.

**Environmental Justice** - The overarching objective of environmental justice is a fair distribution of the benefits or burdens associated with Federal program, policies and activities.

**Limited English Proficient (LEP) Persons** - Refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. It includes individuals who reported to the U.S. Census that they speak English less than very well, not well or not at all.

## Major Service Change Policy

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The purpose of this policy is to establish a threshold that defines a “major” service change. All “major” increases or decreases in transit service are subject to a Title VI Service Equity Analysis prior to the NECTD Board of Directors’ approval of the service change. A Title VI Equity Analysis completed for a “major” service change must be presented to the NECTD Board of Directors for its consideration and included in the NECTD Title VI Program with a record of action taken by the Board. Such proposed action will also be forwarded to the Connecticut Department of Transportation for their comment and concurrence. The following types of service changes shall be considered “major” service changes:

- The addition of a new route;
- The elimination of a route without alternative service or a replacement route within one-quarter of a mile of the existing service;
- A reduction of 25 percent or more in total vehicle revenue miles in service on any specific route;
- An increase of 25 percent or more in total vehicle revenue miles in service on any specific route;
- A change in the daily span of service or frequency affecting 25 percent or more of route’s vehicle hours;
- A system-wide change concurrently affecting five percent or more of the total system revenue hours.

The following types of modifications are not classified as “major” service changes:

- Temporary route detours caused by road construction, maintenance, closures, emergencies, labor strikes, fuels shortages or safety concerns;
- Route number designation changes;
- The introduction or discontinuation of short or limited-term service (e.g., promotional, demonstration, seasonal or emergency service, or service provided as mitigation or diversions for construction or other similar activities), as long as the service will be/has been operated for no more than 12 months;
- Seasonal service changes - conditional on a year-to-year analysis of such seasonal changes to ensure that no disparity occurs;
- Any service change that does not meet the conditions of a major service changes as defined above.

Service change proposals that do not meet the criteria for “major” service changes are still subject to an appropriate level of public review and comment. NECTD shall consider the degree of adverse effects and analyze those effects when planning major service changes.

## Disparate Impact Policy

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The purpose of this policy is to establish a threshold for determining if a given service or fare change would result in a fair distribution of positive and negative effects on minority customers.

As defined by the FTA Title VI Circular 4702.1B:

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

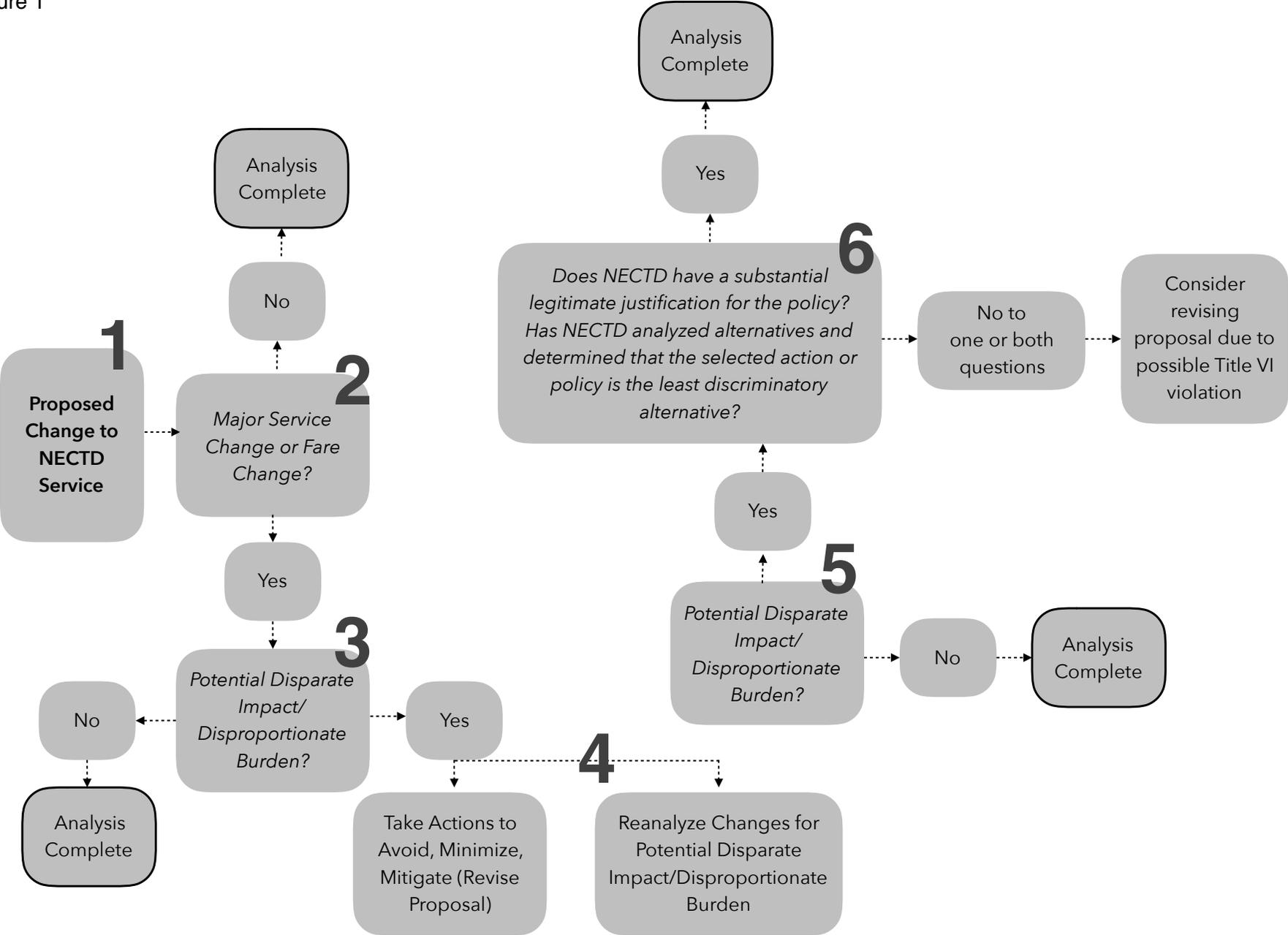
*The policy shall establish a threshold for determining when adverse effects of fare/service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly...and cannot be altered until the next Title VI Program submission.*

For "major" service changes in which a Service or Fare Equity Analysis is conducted by NECTD, a disparate impact threshold of 20 percent shall be used to determine if minority populations are more negatively affected. This disparate impact is calculated when a proposed major service or fare change would have a negative impact of 20% or more on minority populations as compared to the NECTD's total service area.

In order to identify a potential impact, NECTD will follow the process illustrated in Figure 1 on the following page, adapted from FTA Circular 4702, 1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, October 1, 2012.

If NECTD finds that a disparate impact exists, it shall analyze alternatives to determine if another alternative could serve the same legitimate objective with less of a disparate impact. If a less discriminatory alternative does not exist and NECTD has substantial legitimate justification that cannot otherwise be accomplished, NECTD shall mitigate the impact of the change on affected minority customers.

Figure 1



## Disproportionate Burden Policy

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The purpose of this policy is to establish a threshold for determining if a given service or fare change would result in a fair distribution of positive and negative effects on low-income customers.

As defined by the FTA Title VI Circular 4702.1B:

*Disproportionate burden refers to a facially neutral policy or practice that disproportionately affects low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate where practicable.*

*The policy shall establish a threshold for determining when adverse effects of fare/service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly...and cannot be altered until the next Title VI Program submission.*

For “major” service changes in which a Service or Fare Equity Analysis is conducted by NECTD, a disproportionate burden threshold of 20 percent shall be used to determine if low-income populations are more negatively affected. This threshold applies to the difference of the impacts borne by low-income populations compared to the same impacts borne by non-low-income populations.

In order to identify a potential impact, NECTD will follow the process illustrated in Figure 1 on the previous page, adapted from FTA Circular 4702, 1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, October 1, 2012.

If NECTD finds that low-income populations will incur a disproportionate burden from a proposed service or fare change, NECTD shall identify alternatives available to affected low-income customers and take steps to avoid, minimize or mitigate impacts where practicable.

## Public Participation Procedures

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For all proposed fare and/or route changes, NECTD will hold at least one public hearing, with a minimum of two public notices prior to the hearing in order to receive public comments on the proposed fare changes. The first meeting notice will occur at least 30 days prior to the scheduled hearing date, with the second notice being made at least 10 days prior to the scheduled hearing date. Public materials will be produced in English or in other languages upon request, in order to ensure Limited English Proficient (LEP) populations within the transit service area are informed of the proposed service changes and can participate in community discussions. NECTD will conduct a fare equity analysis and publish such analysis for the public's consideration prior to any public hearings associated with the proposed fare changes.

NECTD utilizes a variety of methods in order to receive public comments on the proposed fare changes. NECTD uses the following methods and techniques.

- ▶ **Website:** staff updates the site at [nectd.org](http://nectd.org) as needed with agendas and minutes from meetings, as well as draft and final plans and programs. Our plans and programs are available for quick viewing and download. The website also serves as a medium by which the public can submit comments and requests. Specifically, it includes schedules, route maps, policies, application forms and information as to how to use the District's services. The web site is maintained by NECTD and regularly updated and is compliant with Section 508 of the Americans with Disabilities Act for disabled users.
- ▶ **News Media** (Norwich Bulletin, Villager, Hartford Courant, WINY Radio)
- ▶ **Legal Advertised Notices**
- ▶ **Board Meetings:** The Board of Directors meets the fourth Friday of each month at 9:00 a.m. at NECTD Offices located at 125 Putnam Pike in Dayville. These meetings are open to the public and include an opportunity for the public to comment on any item relating to transit.
- ▶ **Public Meetings/Hearings:** These activities provide opportunities for public input throughout the planning process. The results and comments obtained at these meetings are incorporated into the appropriate planning documents and meeting minutes. NECTD strives to provide widespread access to these forums by conducting them at accessible times and locations. In addition, presentations at partner agency meetings are scheduled to inform and engage. Supplemental materials such as questionnaires, surveys, and handouts of presentation materials may be distributed to the planning partners, interested parties, and posted on the website to accommodate those unable to participate in person. "Accessible" locations are those that fall within the service areas of

NECTD and have accommodations for persons with disabilities. Notification of all meetings, both regular and special, conform to the requirements of the Freedom of Information Act (CGS Section 1-21). NECTD will, for all notices of public hearings and meetings include the following statement: *“Whenever NECTD holds a public hearing/meeting, the legal notice regarding the hearing/meeting will indicate that Limited English Speaking Persons requiring language assistance may make reasonable requests to NECTD within the time period provided and NECTD will accommodate all timely and reasonable requests at no cost to the requester.”*

- ▶ **Contacts Lists** (continually updated by NECTD): NECTD Board, NECCOG Board, Human Service Organizations, Chamber of Commerces, Business Associations, State Agencies, Federal Agencies, Senior Groups
- ▶ **Partner Agencies:** CONNDOT, CMPPC, SECOG, CRCOG, SEAT, WRTD, WRTD(MA)
- ▶ **Surveys:** Surveys, which may be project-specific, are used during the updates of plans for data gathering. The survey process and the survey results are incorporated into their respective planning documents.
- ▶ **Press Releases:** NECTD may issue press releases on our projects and programs to the media, and often, those projects are in the news. Press releases will be sent to the Norwich Bulletin, WINY, Hartford Courant and Willimantic Chronicle to announce upcoming meetings and activities and to provide information on specific issues being considered by NECTD.
- ▶ **Direct Mailings:** NECTD will often send information directly to persons (electronically and written) whom we have a direct means to communicate with. The District will maintain a master database of business, federal, state and local agencies, public bodies and interested individuals related to the operations of the District. The database includes mailing information, phone numbers, fax numbers, e-mail addresses and web sites. The database is used to maintain a list of email contacts for electronic meeting notification and announcements. The database is used to enhance any or all public involvement activities.
- ▶ **Comment and Complaint:** Comment forms are often used to solicit public comment on specific issues - such as schedule or route changes. They could also accompany documents made available for public review. Comment forms can be very general in nature, or can ask for very specific feedback. Comment forms can also be included in publications and on web sites to solicit input regarding the subject of the publication and/or the format of the publication or web site. In compliance with Title VI of the 1964 Civil Rights Act, these comment opportunities also allow for complaints associated with minority groups as described in Title VI of the U.S. Code (42 U.S.C. §2000d et seq.). Such complaints will be formally logged in at the District offices and reviewed according to the Department of Justice’s investigation procedures manual, then forwarded to CONNDOT and FHWA for further review and direction. Title VI complaints may be e-mailed, mailed by post or communicated directly by calling or visiting the District.

- ▶ **Paid Advertisements:** To promote its services or collect public comments, the Agency may place paid advertisements in local printed or online publications or websites.
- ▶ **Community Outreach Booths:** Occasionally, NECTD staffs tables or booths at community events and public gathering spaces to raise awareness of our services and/or promote ridership.

In using one or more of these techniques, the intent is to expose and engage the public in general or even target certain population groups or neighborhoods and communities to issues and proposals being considered, including, but not limited to: Age, Gender, Special Needs, Education, Income and Race/Ethnic-specific issues and Neighborhoods

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For questions, please contact:

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## Analysis - Major Service Change

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FTA requires equity analysis of major service changes and all fare changes to determine whether adverse impact is present prior to Board adoption. For all routes with proposed changes that fall within the definition of a “major service change,” NECTD staff will analyze anticipated travel time changes for low income and minority populations to determine whether a disparate impact or disproportionate burden will likely result. In conducting the analysis, NECTD will (1) Use demographic data from on-board passenger survey to complete the analysis, (2) will not adopt fare or major service change with disparate impact if there is no “substantial legitimate justification,” (3) If there is no alternative with lesser effects, NECTD must seek to mitigate any adverse impacts and (4) the NECTD Board must approve any mitigations before or at the time fare or service changes are adopted. This analysis will be conducted for each of the routes as follows:

1. Peak hour, peak direction travel times will be compared from the two bus stops with the highest boarding activity to the end point of the route.
2. If the increase in travel time from the proposed “major service change” is more than fifteen minutes, and that travel time change would disproportionately affect minority riders, then the proposed route change would lead to a disparate impact. If the travel time change would disproportionately affect low-income riders, then the proposed route change would lead to a disproportionate burden.
3. If a particular local route or service is discontinued and there is no alternative service within one-quarter mile of the two bus stops noted above, then the route elimination would lead to a disparate impact if the route’s riders are disproportionately minorities. If the route’s riders are disproportionately low-income, then the route elimination would lead to a disproportionate burden.
4. For all routes where a disparate impact is identified, NECTD staff will analyze reasonable alternatives to mitigate the anticipated impact to minority riders. However, if these alternatives have a greater negative impact than the recommended change, and NECTD has demonstrated a legitimate business need in the public’s interest, then the recommended change can still be implemented. Otherwise, NECTD will implement one of the reasonable alternatives identified or withdraw that route change from consideration.

5. For all routes where a disproportionate burden is identified, NECTD will take steps to avoid, minimize, or mitigate the burden on low-income riders where practicable. NECTD will describe alternatives available to those low-income riders affected by the route change to avoid or mitigate the anticipated burden.

## Analysis - Fare Changes

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- For all proposed increases and decreases in the cost of fixed-route fares or fare media that are intended to be permanent, NECTD staff will analyze the usage of the fares or fare media to determine whether a disparate impact or disproportionate burden could occur. Usage of the fare media will be examined by analysis of data from ridership surveys, and the potential impacts to minority and low-income riders will be calculated and compared to the potential impacts to non-minority and non-low-income riders.
- If a proposed fare change would require minority riders to bear adverse effects that are more than 20 percent greater than the adverse effects borne by non-minority riders, then the fare change would lead to a disparate impact.
- If a proposed fare change would require low-income riders to bear adverse effects that are more than 20 percent greater than the adverse effects borne by non-low-income riders, then the fare change would lead to a disproportionate burden
- If a disparate impact is identified, NECTD staff will analyze reasonable alternatives to determine whether an alternative would serve the same objectives but with a lesser impact on minority riders. However, if the analysis shows that the alternatives have a greater negative impact than the proposed fare change, and if NECTD has demonstrated a legitimate business need that is in the public's interest, the recommended change can still be implemented. Otherwise, NECTD will implement one of the reasonable alternatives identified or withdraw the fare change from consideration.
- If a disproportionate burden is identified, NECTD will take steps to avoid, minimize, or mitigate the burdens on low-income riders where practicable. NECTD will describe alternatives available to those low-income riders affected by the fare change

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For more information, please contact:

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