

# APPENDIX E

## MTC Title VI Tracking Form

	<b>Date Submitted:</b>	<b>Submitted By:</b>	<b>Basis for Complaint:</b>	<b>Review Officer:</b>	<b>Findings:</b>	<b>Date Response Issued :</b>
1.	3/23/11	John Ocana	TIP not adequately addressing needs of Hispanic community	C. Alvarado	No evidence to support complaint.	May 6, 2011
2.	9/28/11	John Kennedy	Why does the Clipper Card website and Walgreen's insist on some type of payment in order to receive a Clipper card. Why are the procedures for obtaining a replacement Clipper Card (which is autoloading) so cumbersome and difficult when the intent behind the Clipper Card program was to make transit riding more customer friendly. There is no analysis regarding whether minority or low-income riders are more likely to use the payment media that would be subject to the card fee. Further, there is no analysis regarding what alternative fare payment media are available for people affected by this fare change. Finally, there is no discussion regarding mitigation measures, or other means to minimize or offset any adverse effects caused by the card fee on minority or low-income populations. The Title VI document provided isn't a final document. If the MTC Board of Directors or Executive Director have not approved a final report, under what authority can a Clipper card replacement card fee be imposed if the required Title VI analysis is not complete?	R. Victor	See memo saved at J:\PROJECT\Title VI Report\Complaints\Kennedy\Mr. Kennedy Title VI Complaint-11-8-11.docx	November 10, 2011

3.	2/20/14	Jennifer Denise Washington	See J:\PROJECT\Title VI Report\Complaints\Washington 2.21.14\Washington Title VI Complaint 2.21.14.pdf	N/A	See letter saved at: J:\PROJECT\Title VI Report\Complaints\Washington 2.21.14\Washington Response_final.docx	March 5, 2014
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In addition to Title VI complaints listed above, FTA conducted a comprehensive on-site compliance review of MTC, based in part of a complaint submitted to FTA by Public Advocates, Inc., challenging MTC's compliance with its Title VI monitoring responsibilities towards subrecipients. FTA closed the Public Advocates' complaint without findings in March 2011 and conducted the on-site compliance review on September 19-21, 2011. FTA examined 14 areas of compliance with Title VI General Reporting and Program-Specific requirements. In FTA's April 2012 report on its review, it identified two areas of deficiency for corrective action: language access for LEP populations and deficiencies in the Clipper® Program Fare Equity Analysis. Specifically: (1) the four-factor analysis required by FTA in connection with the Language Access Plan was found to be deficient; staff was found not to be properly trained on LEP phone access; and MTC lacked competency standards for contractors or staff providing language assistance; and (2) MTC was found to have inadequately mitigated disparate impacts identified in its Clipper program fare equity analysis. As requested by FTA, MTC reported on its corrective actions within thirty and sixty days, and continued to provide quarterly progress reports through March 2013. Sections III.D and VI.C of this Report (respectively) include additional information regarding the corrective actions taken by MTC with respect to its Language Assistance Plan and LEP analysis, and the Clipper® transition equity analysis.



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Deputy Executive Director, Policy

*Andrew B. Fremier*  
Deputy Executive Director, Operations

May 6, 2011

Mr. Jonathan Ocana

Via e-mail: [REDACTED]

Re: TIP Program and Title VI

Dear Mr. Jonathan Ocana:

Attached is a copy of the staff review officer's evaluation of your Title VI complaint regarding MTC's Transportation Improvement Program (TIP). I concur with her findings and conclude that we find no evidence that projects in the TIP are not adequately serving the Hispanic communities.

In addition to the review officer's investigation I have included a copy of the 2011 TIP Investment Analysis. We can provide a translation of the TIP Investment Analysis at your request.

The report does not address the new inquiries you forwarded to Ms. Alvarado this morning, which will be addressed in later correspondence, consistent with MTC's Title VI complaint procedures.

Sincerely,

Ann Flemer

Deputy Executive Director, Policy

AF:ca  
Attachments



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## *Memorandum*

TO: Ann Flemer, Deputy Executive Director, Policy

DATE: May 6, 2011

FR: Catalina Alvarado, Public Information Officer

W. I.

RE: Title VI Complaint Submitted by Jonathan Ocana

This memo reports on the results of my investigation of a Title VI complaint against MTC, submitted by Mr. Jonathan Ocana on March 23, 2011. Mr. Ocana's complaint states that MTC's Transportation Improvement Program (TIP) does not adequately serve the needs of the Hispanic community. Mr. Ocana's complaint did not identify any specific portion of the TIP that was not adequately serving the needs of the Hispanic community nor did it identify particular Hispanic communities adversely impacted by the TIP. The TIP lists all surface transportation projects that have a federal interest, along with locally and state-funded projects that are regionally significant, including highway, local roadway, bridge, public transit, bicycle, pedestrian and freight-related projects. The 2011 TIP contains approximately 966 projects at a total cost of about \$11.1 billion. In order to assist the focus of my investigation, I sent Mr. Ocana an email on April 25, 2011 offering him the opportunity to provide additional specific information about his complaint. (Mr. Ocana did not provide a phone number.) A follow-up email was sent on May 4, 2011<sup>1</sup>.

Consequently, without specific allegations, I focused my investigation on a review of MTC's efforts to ascertain if minority populations are sharing equitably in the TIP's financial investments. I also looked at opportunities provided the public to comment on the Draft 2011 TIP.

### **Background**

The federally required TIP is the region's transportation funding document containing surface transportation projects based on anticipated funding over the next four years that will receive federal funds or are subject to a federally required action or are regionally significant. The 2011 Transportation Improvement Program (TIP) was adopted by MTC on October 27, 2010, after notification to the public about the draft TIP and multiple opportunities for the public to comment on the program. The Federal Highway Administration and the Federal Transit Administration approved the 2011 TIP on December 14, 2010.

#### **1. Public Notifications**

The Draft TIP and associated documents related to the Air Quality Conformity Finding on the Draft TIP were released for public review and comment on August 6, 2010, and were available on the internet at MTC's web site. The Draft 2011 TIP and Draft Air Quality Conformity Analysis were mailed to major libraries around the nine-county region. MTC issued a *Guide to*

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<sup>1</sup> See Note on page 4 regarding his response.

*the San Francisco Bay Area's Transportation Improvement Program (TIP)* in August 2010; translations of this document into Spanish were available upon request.

The close of the comment period was scheduled for September 10, 2010; however, staff extended the comment period until September 30, 2010 in order to take public comment on an investment analysis, described below. Two public hearings (September 8 and September 22) were held to take public comment on the Draft 2011 TIP. Thirteen newspapers published legal notices two times each in order to announce the first public hearing and then the extension of the comment period and the second public hearing. Four of the 13 newspapers were community papers. The two legal notices were each published in Spanish in *El Observador*, a bilingual paper in the Bay Area (attached). The public hearing notice also was posted on the MTC web site. Additionally, notification in Spanish at MTC's offices and on its web site let non-English speakers know that translations and/or interpreters were available upon request.

## **2. 2011 TIP Investment Analysis**

MTC conducted an "Investment Analysis" on the 2011 TIP to compare the allocation of 2011 TIP investments between low-income and minority populations and all other populations. The key question addressed was: "Are low-income and minority populations sharing equitably in the TIP's financial investments?"

An overview of the Investment Analysis was presented in two public forums: at the September 8, 2010 meeting of MTC's Policy Advisory Council and before the MTC Commission on September 22, 2010.

MTC Director of Programming and Allocations, Alix Bockelman, presented the preliminary Investment Analysis to MTC's Policy Advisory Council on September 8. The Policy Advisory Council is a panel of Bay Area residents representing a wide range of interest groups, including low-income communities and communities of color, as well as economic and environmental interests. The Council advises MTC on key policy issues, including transportation investment decisions. Of the 27 members, 15 have identified themselves as persons of color, with eight identifying themselves as Hispanic/Latino (including the vice chair of the Council). In a memorandum to MTC's Policy Advisory Council, Ms. Bockelman wrote that "the Analysis is intended to make more user-friendly investment data available to the Council and the public. It is also a follow-up to several Commission efforts such as the Environmental Justice Principles adopted in March 2006 and the more recent June 2010 Snapshot Analysis<sup>2</sup>."

Both the Commission meeting and the Policy Advisory Council meetings were noticed meetings open to the public, whose agendas and meeting materials are posted on MTC's web site. Public comment was taken at both meetings. Also, both meetings were audio cast live on the Internet, and recordings of those meetings are available on MTC's web site at any time.

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<sup>2</sup> The Snapshot Analysis is a set of 13 of transportation-related measures related to MTC's low-income and minority communities of concern, designed to assess transportation differences between communities of concern today and to track changes over time.

### Key Findings of the Investment Analysis

The Investment Analysis used both population-use based and geographic-based criteria to calculate the shares of 2011 TIP investments that will flow to the identified communities, and to compare those shares with the proportional size of the communities' population and trip-making, relative to that of the general population. The results suggested that according to several indices, the 2011 TIP invests greater public funding to the benefit of low-income and minority communities than their proportionate share of the region's population or trip-making as a whole (see table).

<b>Findings for Aggregate Analysis</b>		
	<b>Share of 2011 TIP Investment</b>	<b>Share of Total Trips/Population</b>
<b>Population Use-Based</b>		
<i>Low-Income</i>	23%	16% (total trips)
<i>Minority</i>	49%	42% (total trips)
<b>Geographic-Based</b>	37%	33% (population - community of concern)

The Analysis indicates that the share of investment in transit trips made by Hispanic/Latino populations (23%) was found to be equal to this communities' share of transit passenger trips. For streets and roads investments, the share of TIP investment that supports vehicle trips (14%) is also roughly equivalent to the share of vehicle miles traveled by the Hispanic/Latino population (14%). More detailed statistics are included in the attached Investment Analysis. In any case, the full results of the Investment Analysis do not indicate any systematic disadvantage to low-income or minority populations in general or to the Hispanic population in particular.

### **3. Policy Advisory Council Comments on the Investment Analysis**

The Policy Advisory Council had a healthy discussion of the Investment Analysis, as noted in the minutes of the September 8, 2010 meeting (attached). Staff responded to comments at the meeting. No further communication was sent from the Advisory Council to the Commission regarding the Investment Analysis.

One example of the discussion at the Policy Advisory Council is this comment from member Carlos Castellanos, as reported in the minutes of the September 8, 2010 meeting. Mr. Castellanos stated that while the report shows that low-income and minority communities benefit more than their percentage share, he asked staff to consider projects that are within communities of concern but do not serve those communities, projects that are not economically accessible to communities of concern, and projects that displace entire communities. The meeting's minutes state that MTC Executive Director Steve Heminger agreed that the geographic analysis does have limitations, which is why staff added the population use-based analysis. Mr. Heminger requested feedback from the advisors on how staff can improve future research and analysis.

In her presentation to the MTC Commission, Ms. Bockelman noted this was the first time MTC conducted an Investment Analysis on the TIP, and that few national models are available. She cited four areas under consideration to improve on some of the limitations encountered in both the population use-based and geographic-based approaches. (While this is the first Analysis

performed on the TIP, MTC has been performing equity analyses of the long-range plans for the last decade with the most recent analysis completed in 2009.)

**Findings and Recommendations**

My investigation reveals adequate notification of the public about the release of the Draft TIP, consistent with MTC's Public Participation Plan, including publication of a legal notice in Spanish in a community paper. No comments similar to Mr. Ocana's were received during the comment period. Additionally, MTC prepared an Investment Analysis on the TIP that concluded in the aggregate that there is an equal or higher proportional investment in the 2011 TIP for the benefit of low-income and minority populations in general and the Hispanic community in particular than either their proportionate share of the region's population or their proportionate share of trip-making as a whole. In response to criticism about the data and methodology used in the Investment Analysis, MTC committed to revising the methodology for the next Investment Analysis using improved data in consultation with the Policy Advisory Council.

In conclusion, I find no evidence that projects in the TIP are not adequately serving the Hispanic communities.

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Catalina Alvarado

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NOTE: This morning (May 6), I received an email from Mr. Ocana adding additional specificity to his complaint. He asks if the Hispanic community has been included in the TIP, how the reactions of the Hispanic community changed or affected the TIP and what examples exist. MTC's Title VI complaint procedures call for MTC to respond to a complaint within 45 days of its receipt; our response is therefore due today. I consulted with our Office of General Counsel, which recommended issuing these findings today, and responding at a later time to the new inquiries, consistent with our Title VI complaint procedures.

# ¡Chelsea, Chelsea se la

## EO Copa termina temporada

Por Rosario Vital  
El Observador

**P**or tres meses consecutivos equipos del Área de la Bahía

desarrollaron con éxito la Copa El Observador 2010. La fiesta del mundial se vivió antes y después sólo con la EO Copa que tuvo lugar en las instalaciones

de la escuela primaria Rol Randall en la ciudad de Mill Valley.

Buen toque, nuevos talentos deportivos, muchos jóvenes

*First  
1st  
notice*



METROPOLITAN  
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### Comisión Metropolitana del Transporte (Metropolitan Transportation Commission, MTC) Aviso de Audiencia Pública

La Comisión Metropolitana del Transporte (MTC) invita al público a expresar sus comentarios sobre los siguientes documentos de proyecto de programación de transporte:

1) Proyecto del Programa para la Mejora de Transporte 2011 (TIP): Este es el documento de programación de transporte de la región que contiene los proyectos de transporte terrestre, incluidos los proyectos para transporte público masivo, autopistas, carreteras locales, ciclistas y peatones, propuestos para su financiamiento con base en los fondos esperados disponibles locales, estatales y federales en los próximos cuatro años y que recibirán fondos federales o están sujetos a alguna acción requerida federalmente o que son importantes para la región. El TIP debe especificar las restricciones financieras para cada año, y debe ser actualizado al menos cada cuatro años. El Proyecto del TIP 2011 fue desarrollado para ser consistente con el Plan de Transporte 2035 para el Área de la Bahía de San Francisco de MTC, el plan de inversión a 25 años en proyectos de transporte para los nueve condados del Área de la Bahía de San Francisco.

2) Proyecto de análisis de cumplimiento con la calidad del aire para el proyecto del TIP 2011: MTC también está realizando un nuevo análisis para el cumplimiento con la calidad del aire para el proyecto del TIP 2011. El TIP 2011 no incluye ningún proyecto significativo para una región que no esté incluido en el Plan de Transporte 2035. El 14 de diciembre de 2009, la Agencia para la Protección del Ambiente designó que el Área de la Bahía no cumplía con el estándar nacional de contaminación por partículas finas en 24 horas (PM2.5). MTC está desarrollando un proyecto de análisis preliminar de cumplimiento con la calidad del aire para abordar esta nueva designación.

Habrá disponibilidad de copias del proyecto del TIP 2011, el cual incluye el análisis de restricciones financieras y el análisis preliminar de cumplimiento con la calidad del aire, para su revisión pública el 6 de agosto de 2010, en la biblioteca de MTC, y en las bibliotecas públicas más importantes de los nueve condados del Área de la Bahía. Los documentos serán publicados en el sitio web de MTC en <http://www.mtc.ca.gov/> o en <http://www.mtc.ca.gov/funding/tip/index.htm>.

Hay programada una audiencia pública para recibir el testimonio público sobre estos documentos durante la junta del Comité de Programación y Asignaciones de MTC. La audiencia se realizará:

Miércoles 8 de septiembre de 2010, a las 10:00 a.m., o terminando la junta del Comité de Administración de MTC, lo que ocurra más tarde.  
Joseph P. Bort MetroCenter Auditorium, 101 Eighth Street, Oakland  
(Frente a la Estación de BART Lake Merritt)

Los comentarios por escrito pueden ser enviados a la Oficina de Información Pública de MTC en 101 Eighth St., Oakland, CA 94607 o enviados por fax al 510-817-5848 o por correo electrónico a [info@mtc.ca.gov](mailto:info@mtc.ca.gov). La fecha límite para los comentarios por escrito es el viernes 10 de septiembre de 2010 a las 5 p.m. Para obtener más información, llame a la Oficina de Información Pública de MTC al 510/817-5757. Este aviso también sirve para satisfacer los requisitos de participación pública del Programa de Proyectos anual de la Administración Federal de Transporte (FTA).

En su junta regular programada del 13 de octubre de 2010, el Comité de Programación y Asignaciones de MTC considerará los comentarios públicos recibidos para el final del periodo de comentarios. Está programado que MTC apruebe el análisis de cumplimiento con la calidad del aire y el TIP 2011 el 27 de octubre de 2010 durante su junta regular programada de la Comisión.



METROPOLITAN  
TRANSPORTATION  
COMMISSION

**Comisión Metropolitana del Transporte  
(Metropolitan Transportation Commission, MTC)  
Aviso de Audiencia Pública**

*2nd notice*

Se ha agregado un análisis de inversión preliminar así como una segunda audiencia pública para el Proyecto del Programa para la Mejora de Transporte 2011 (TIP, por sus siglas en inglés). Se ha ampliado el periodo de comentarios para recibir testimonio del público sobre los siguientes documentos de proyecto de programación de transporte:

**1) Proyecto del Programa para la Mejora de Transporte 2011 (TIP):** Este es el documento de programación de transporte de la región que contiene los proyectos de transporte terrestre, incluidos los proyectos para transporte público masivo, autopistas, carreteras locales, ciclistas y peatones, propuestos para su financiamiento con base en los fondos esperados disponibles locales, estatales y federales en los próximos cuatro años y que recibirán fondos federales o están sujetos a alguna acción requerida federalmente o que son importantes para la región. El TIP debe especificar las restricciones financieras para cada año, y debe ser actualizado al menos cada cuatro años. El Proyecto del TIP 2011 fue desarrollado para ser consistente con el Plan de Transporte 2035 para el Área de la Bahía de San Francisco de MTC, el plan de inversión a 25 años en proyectos de transporte para los nueve condados del Área de la Bahía de San Francisco.

**2) Proyecto de análisis de cumplimiento con la calidad del aire para el proyecto del TIP 2011:** MTC también está conduciendo un nuevo análisis para el cumplimiento con la calidad del aire para el proyecto del TIP 2011. El TIP 2011 no incluye ningún proyecto significativo para una región que no esté incluido en el Plan de Transporte 2035. El 14 de diciembre de 2009, la Agencia para la Protección del Ambiente designó que el Área de la Bahía no cumplía con el estándar nacional de contaminación por partículas finas en 24 horas (PM2.5). MTC está desarrollando un proyecto de análisis preliminar de cumplimiento con la calidad del aire para abordar esta nueva designación.

**3) Análisis de Inversión del Programa para la Mejora de Transporte 2011 (TIP):** MTC ha conducido un análisis de inversión del Proyecto del TIP 2011, que se enfoca en los residentes de bajos ingresos y minorías. Este propósito de este análisis es proveer datos de inversión más fáciles de comprender para el público y para quienes toman las decisiones. Hay una presentación programada sobre el Análisis de Inversión del TIP 2011 durante la junta de septiembre de la Comisión de la MTC el miércoles 22 de septiembre a las 9:45 a.m.

Hay disponibles copias del proyecto del TIP 2011, el cual incluye el análisis de restricciones financieras y el análisis preliminar de cumplimiento con la calidad del aire, para su revisión pública el 6 de agosto de 2010, en la biblioteca de MTC, y en las bibliotecas públicas más importantes de los nueve condados del Área de la Bahía. Los documentos están publicados en el sitio web de MTC en <http://www.mtc.ca.gov> o en [www.mtc.ca.gov/funding/tip/index.htm](http://www.mtc.ca.gov/funding/tip/index.htm).

Se realizó una audiencia pública para recibir el testimonio público sobre estos documentos durante la junta del Comité de Programación y Asignaciones de MTC el miércoles 8 de septiembre de 2010 a las 10:00 a.m.

Se ha programado una segunda audiencia pública para recibir el testimonio público durante la junta de septiembre de la Comisión de la MTC. La segunda audiencia se realizará:

**Miércoles, 22 de Septiembre de 2010, a las 9:45 a.m., o inmediatamente después de la junta de la Autoridad de Servicios de Autopistas y Vías Rápidas (SAFE, por sus siglas en inglés), lo que ocurra más tarde.**  
Joseph P. Bori MetroCenter Auditorium, 101 Eighth Street, Oakland  
(Frente a la Estación de BART Lake Merritt)

Los comentarios por escrito pueden ser enviados a la Oficina de Información Pública de MTC en 101 Eighth St., Oakland, CA 94607 o enviados por fax al 510-817-5848 o por correo electrónico a [info@mtc.ca.gov](mailto:info@mtc.ca.gov). La fecha límite para los comentarios por escrito es el jueves 30 de septiembre de 2010 a las 5 p.m. Para obtener más información, llame a la Oficina de Información Pública de MTC al 510/817-5757. Este aviso también sirve para satisfacer los requisitos de participación pública del Programa de Proyectos anual de la Administración Federal de Transporte (FTA).

En su junta regular programada del 13 de octubre de 2010, el Comité de Programación y Asignaciones de MTC considerará los comentarios públicos recibidos para el final del periodo de comentarios. Está programado que MTC apruebe el análisis de cumplimiento con la calidad del aire y el TIP 2011 el 27 de octubre de 2010 durante su junta regular programada de la Comisión.

¿Necesita usted materiales impresos en letra grande o en Braille para participar en juntas de MTC o BATA? ¿Necesita un intérprete de lenguaje de señas o ayuda de otro tipo? ¿Es el inglés su segundo idioma? ¿Necesita una traducción de alguno de nuestros documentos? ¿Necesita la asistencia de un intérprete que hable su idioma en alguna de nuestras juntas? ¡Nosotros podemos ayudar! Usted puede solicitar ayuda llamando al 510.817.5757 o al 510.817.5769 para TDD/TTY. Visite [www.mtc.ca.gov](http://www.mtc.ca.gov) para obtener más información. Es necesario que nos avise con un mínimo de tres días de anticipación para que le podamos brindar ayuda razonable. Preferimos que nos avise con más tiempo si es posible. Haremos nuestro mejor esfuerzo para organizar la ayuda lo más pronto posible.

Para obtener una traducción al español o al chino de este aviso de audiencia pública, visite [www.mtc.ca.gov](http://www.mtc.ca.gov) o llame a la Oficina de Información Pública de MTC al 510.817.5757.

MTC se compromete a cumplir con el Título VI de la Ley de Derechos Civiles de 1964 y sus enmiendas, la cual prohíbe la discriminación con base en raza, color, religión, nacionalidad de origen, sexo, o edad, y prohíbe la discriminación en oportunidades de empleo o negocios.



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*Steve Heminger*  
Executive Director

*Ann Flemer*  
Deputy Executive Director, Policy

*Andrew B. Fremier*  
Deputy Executive Director, Operations

Policy Advisory Council  
September 8, 2010

Chair Paul Branson called the meeting to order at 1:35 p.m. Members in attendance were Naomi Armenta, Cathleen Baker, Richard Burnett, JoAnn Busenbark, Carlos Castellanos, Bena Chang, Wilbert Din, Richard Hedges, Allison Hughes, Dolores Jaquez, Linda Jeffery Sailors, Randi Kinman, Federico Lopez, Marshall Loring, Cheryl O'Connor, Kendal Oku, Lori Reese-Brown, Gerald Rico, Frank Robertson, Dolly Sandoval, and Egon Terplan. Absent: Evelina Molina and Carmen Rojas.

**Minutes**

The minutes of the July 14, 2010 meeting were unanimously approved after a motion by Mr. Hedges and a second by Mr. Loring.

**Policy Advisory Council Work Plan**

Chair Branson presented a revised draft of the Council's Work Plan. Ms. Busenbark moved to approve the work plan and Ms. Jaquez seconded the motion.

Mr. Hedges said he would like to see more detail on transit oriented development (TOD), transit infrastructure and impacts of Senate Bill 375 (Steinberg) in order to formalize their importance. Mr. Terplan noted the need to elevate the importance of transit, but felt it could be incorporated into other major components of the work plan. He cautioned against too many subdivided pieces. Mr. Hedges noted that smaller groups would help focus the direction of the larger group. Chair Branson clarified that the current Work Plan draft recommends the creation of one standing subcommittee on Equity and Access at this time; however, ad hoc groups could be formed as needed. Mr. Lopez asked what the Chair's objective would be in relation to the Work Plan, and if the draft Work Plan was available for the public to review. Chair Branson said the objective is to adopt the Work Plan and use it as a foundation for moving forward. Ms. Grove noted that all MTC meeting agendas are posted on the MTC website for public view and the draft Work Plan was posted under the Council's September agenda.

After discussion, the Policy Advisory Council Work Plan was unanimously approved as presented.

**Transportation Improvement Program (TIP) Investment Analysis**

The Council received a TIP Investment Analysis report from Alix Bockelman of MTC staff. Mr. Hedges noted that vehicle miles traveled data for transit is inaccurate because it does not account for people who ride private company shuttles. Mr. Robertson requested details about the qualitative methodology used for the report. Mr. Lopez asked how the

### **TIP Investment Analysis (continued)**

elderly, blind and disabled are incorporated within the analysis, noting that these groups may not fall within low-income and minority populations. Ms. Bockelman noted that this report was specifically focused on low-income and minority populations; however, future reports could have expanded focus areas. Mr. Din expressed concern about using the Bay Area Travel Survey as the report's data source, since he felt it was deficient. Doug Johnson of MTC staff noted that future Snapshot analysis work will address this issue.

Mr. Castellanos said that the report shows that low-income and minority communities benefit more than their percentage share; however, he asked staff to consider projects that are within communities of concern (CoCs) but do not serve those communities, projects that are not economically accessible to CoCs, and projects that displace entire communities. MTC Executive Director Steve Heminger agreed that the geographic analysis does have limitations, which is why staff added the population use-based analysis. He requested feedback on how staff can improve future research and analysis. Ms. Hughes agreed with Mr. Lopez's comments about including statistical usage data for persons with disabilities.

Mr. Terplan asked what other methods were considered, what methods can be used in the future to address some of the concerns expressed, and how the results of the current report would be used. Ms. Bockelman said the report will inform decisions to be made between now and the 2013 TIP adoption. She also said that staff will need to start with the RTP in terms of improving the overall methodology, since the RTP focuses on total investments within a larger timeframe. Mr. Heminger noted that the report shows the region does not have a systemic problem of underinvestment; however, staff would like to work with the Council from the beginning for the next analysis. Mr. Johnson added that this report is a rolling picture at how the funding is proceeding, reminding the Council that only 50% of low-income and minority populations live within the identified CoCs.

Ms. Jaquez asked if the money is provided for in statute. She also said that the nine counties in the region are very different. She noted that minorities and low-income people in Sonoma County do not ride the bus because there are no buses to ride, so how would those populations be captured in the data? Ms. Bockelman said that some money does have a specific use, while some is flexible. Mr. Loring suggested forming a subcommittee to inform the next Bay Area Travel Survey and improve that data source. Ms. Kinman said the new census data will provide an opportunity to get all the information on the table. She requested that staff work to make the maps from the Snapshot Analysis interactive.

Ms. Sandoval requested better data matching, agreeing with Ms. Kinman's request for online/interactive maps, and asked why staff is doing this analysis if the current TIP does not change future funding expenditures. Ms. Bockelman clarified that staff was looking at the outcome of investments for low-income and minority populations, and noted that the findings will inform investments going forward. Mr. Heminger noted that the TIP serves as a check in and a way of implementing the RTP. He said that the RTP is where the Commission makes strategic choices, and noted that this report is an analysis with a lot of limitations. Ms. Sandoval asked if staff keeps comparative data to see how projects fare upon completion. Ms. Bockelman noted that the Snapshot Analysis tries to get at the outcomes of all of MTC's investments related to low-income and minority communities, but this is the first time this type of analysis has been done.

### **TIP Investment Analysis (continued)**

Ms. Baker noted that the Snapshot Analysis contained a map expanding the definition of CoCs; she expressed interest in seeing how those expanded-definition projects perform in the future. She also requested that mode-split within transit – specifically rail, ferry and bus – be a part of future analysis. Mr. Johnson noted the current definition of the CoCs, and stated that most of the data for this analysis is from 2007-08.

Chair Branson recognized a member of the public:

David Schonbrunn of TRANSDEF said it would be valuable to have spreadsheets posted on the MTC Web site to allow the public to track methodology used. He said it was problematic to compare number of trips, and suggested staff use the approach undertaken by SACOG.

### **Overview of Sustainable Communities Strategy (SCS)**

The report by Ashley Nguyen of MTC staff was received by the Council. Ms. Chang asked for more detail on the outreach process for the SCS. Ms. Nguyen said the SCS Regional Advisory Working Group was created to involve a number of stakeholders, including local planners and congestion management agencies. There is also an Executive Working Group, made up of staff from the four regional agencies (MTC ABAG, BAAQMD and BCDC). She said there will be county and corridor working groups, and MTC also will conduct a series of outreach activities, including stakeholder workshops, use of the OneBayArea.org Web site, focus groups and telephone polls. Ms. Kinman requested that meetings be scheduled at a time when people can attend. She expressed concern that housing affordability was being left out of the discussion. Ms. Nguyen noted that one policy lever available to decision makers would be subsidies to local jurisdictions that provide affordable housing. Ms. Kinman also expressed concern over the reduction of open space.

Mr. Din asked if community stakeholders have provided input to date. Ms. Nguyen noted that meetings of the Regional Advisory Working Group are ongoing and include members of this Council and other stakeholders. Mr. Hedges noted that in addition to incentives, regional agencies need to create penalties for local jurisdictions that do not provide affordable housing. Ms. Jeffery Sailors noted that elected officials need to understand their responsibility in this process, and perhaps ways need to be explored to make constrained funds unconstrained. Ms. Nguyen agreed that engaging local elected officials is key for the success of the SCS. Ms. Reese-Brown said that city officials and planners need to be held accountable to implement SCS policies through their general plans. Mr. Heminger noted that SB 375 explicitly prohibits regional agencies from forcing local jurisdictions to implement the SCS; however, economic incentives can be used in order to encourage local governments to participate. Mr. Terplan said that the Council should provide input on the scenarios and requested this as a future agenda item.

Chair Branson recognized a member of the public:

Mr. Schonbrunn requested support for the development of a public alternative to be included and studied in the SCS/RTP Environmental Impact Report (EIR).

### **Overview of Targets for SCS**

The Council received the report from Lisa Klein of MTC staff. Mr. Hedges noted there is no PM 2.5 testing in the West Bay, and this lack of data hinders the creation of housing near transit. Ms. Klein said that the concern is of interest to the Air District, and she will ask about their future plans. Ms. Kinman said one of the indicators could be the number of recreational facilities within walking distance. She also expressed concern over incomplete bike accident data, and asked how “services” were defined. Ms. Klein stated the definitions come from previous work, including the Transportation 2035 Equity Analysis and the Snapshot Analysis, and both data and definitions will be reviewed going forward. Ms. Sandoval asked the Council if a subcommittee to address this issue should be formed and what other topics they should address. Ms. Busenbark asked how many members were already participating on the Regional Advisory Working Group’s ad hoc subcommittee, and if a new subcommittee would be duplicative. Ms. Klein said there are eight members participating, which is a good representation of the Council.

Mr. Terplan asked how feedback from the ad hoc committee will be reflected, stating the response can come directly to him later. He cautioned against an emerging theme that time and distance should always be shortened. He noted that less mobility is not necessarily better for the region, as regional economic dynamism could be lost. He also suggested simplifying the list of targets by coming up with mode split targets, and lower driving, etc., within those.

### **Staff Liaison Report**

The Council received Ms. Grove’s report.

### **Council Member Reports**

Ms. Armenta announced that the Alameda County Transportation Improvement Authority (ACTIA) and the Alameda County Congestion Management Agency (Alameda CMA) have merged to form the Alameda County Transportation Commission (ACTA).

Ms. Busenbark expressed concern over the number of items on the agenda, and noted that the meeting would be more productive if it is shorter. Chair Branson noted that some items are time-sensitive issues. Mr. Din requested that items be noted as informational or action items on the agenda.

### **Public Comment/Adjournment/Next meeting**

There was no public comment. The next meeting is scheduled for October 13, 2010. The meeting was adjourned at 3:55 p.m.

# 2011 TIP Investment Analysis: Focus on Low-Income and Minority Communities

## Introduction

The 2011 Transportation Improvement Program (TIP) is currently out for public comment with approval scheduled for October 2010. This major programming document lists all Bay Area surface transportation projects that have a federal interest – meaning projects for which federal funds or actions by federal agencies are anticipated – along with locally and state-funded projects that are regionally significant. The 2011 TIP is a voluminous document, but MTC has produced a short, user-friendly 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*, is available through the MTC-ABAG Library, or online at [http://www.mtc.ca.gov/funding/tip/DRAFT\\_2011/Guide\\_to\\_TIP\\_8-10.pdf](http://www.mtc.ca.gov/funding/tip/DRAFT_2011/Guide_to_TIP_8-10.pdf).

To further assist in the public assessment of the 2011 TIP, and specifically to address the equity implications of the proposed TIP investments, MTC has conducted an investment analysis with a focus on minority and low-income residents. The key question addressed is: “Are low-income and minority populations sharing equitably in the TIP’s financial investments?” To answer this question, the investment analysis uses demographic and geographic criteria to calculate the shares of 2011 TIP investments that will flow 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. This report presents the results of that analysis.

While this investment analysis is a companion to the 2011 TIP, it is also a follow-up to several related MTC efforts, including the Transportation 2035 Equity Analysis (February 2009) and the more recent Snapshot Analysis for MTC Communities of Concern (June 2010). Together, these efforts are meant to provide accurate and current data to help inform decision-makers and the public, and to inform and encourage engagement in the public participation process. This is the first investment analysis for the TIP, and MTC staff actively seeks your feedback. MTC strives to employ best practices in metropolitan planning, and we constantly seek to refine and improve the analytical work that undergirds our planning processes.

## About the 2011 TIP

The Bay Area’s 2011 TIP includes nearly 1,000 transportation projects, and a total of approximately \$11.1 billion in committed federal, state and local funding over the four-year TIP period through Fiscal Year 2014. Figure 1 below illustrates the relative share of the 2011 TIP fund sources, with local sources comprising the largest share at nearly one-half of total funding. See Attachment A for a map of projects with costs greater than \$200 million.

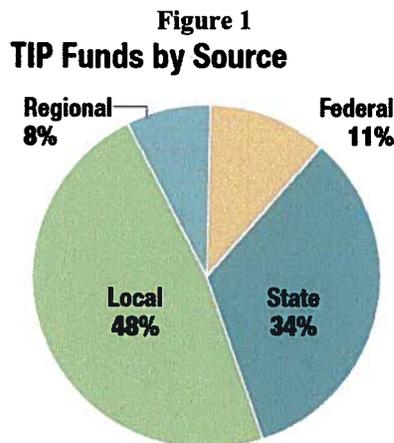
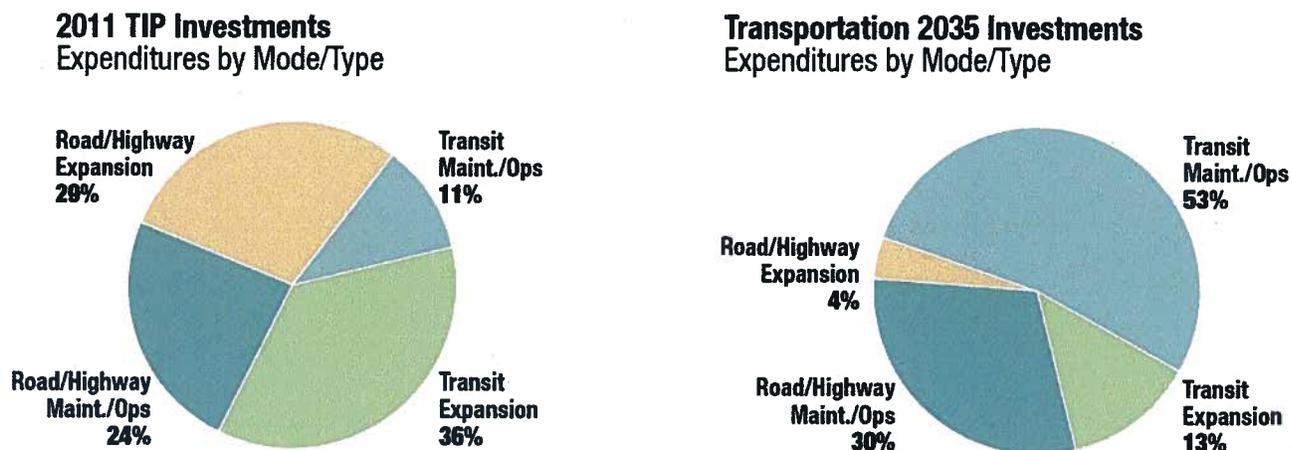


Figure 2 below at left shows the planned investments in the 2011 TIP by transportation mode (road/highway or transit) and type of expenditure (maintenance/operations or capital expansion). As a frame of reference, the Transportation 2035 Plan expenditures by mode and function are shown as well at right.

Figure 2



The most striking difference is that the share of capital expansion for both transit and roads/highways is much greater in the 2011 TIP than is the case for the Transportation 2035 Plan. Also, the share of road/highway investments in the 2011 TIP is substantially larger than the counterpart share in the Transportation 2035 Plan.

The main reason for this difference is that the TIP represents only a fraction of Bay Area transportation investments and is only a four-year snapshot. The 2011 TIP accounts for roughly 50 percent of all planned investments captured in Transportation 2035 over the four-year period. Because the TIP is focused on projects that have federal funds, will require a federal action, or are regionally significant, it tends by its nature to be more heavily weighted toward capital projects – such as roads, transit extensions and replacement of transit vehicles. The majority of funds that go to operate and maintain the region’s transportation system – both for transit and streets and roads – are not a part of the TIP. For this reason, the TIP investments are not representative of the broader funding picture in Transportation 2035, the region’s long-range plan.

Another feature of the TIP that distinguishes it from the region’s long-range plan is that it tends to be a more dynamic document – meaning that it is amended frequently to reflect changing fund sources and project changes, and on-going programming efforts. For example, the current 2011 TIP does not yet reflect over \$1 billion in Federal Transit Administration (FTA) formula funds because the Commission has not yet adopted a final program. These funds have historically been directed to transit rehabilitation. Once the action occurs, the 2011 TIP will be amended to include the projects and funding. As context, the 2009 TIP has been amended over 50 times since its adoption two years ago.

### Equity and Environmental Justice Considerations

As the federally designated MPO, MTC is responsible for developing a long-range regional transportation plan and the TIP. The legal, regulatory, and policy framework for addressing equity and environmental justice as it relates to the long-range transportation planning process is included in Appendix A and

includes: 1) Title VI of the Civil Rights Act; 2) Federal Guidance on Environmental Justice; and 3) MTC’s Environmental Justice Principles.

These laws, regulations, and policies form the basis of analyzing MTC’s Transportation 2035 Plan for equity and inform the 2011 TIP Investment Analysis. However, no specific federal standard, policy or guidance exists related to how an environmental justice assessment or equity analysis should be performed for a long-range plan, nor are there identified standards against which MTC can measure its findings. Similarly, for the 2011 TIP, there is no federal guidance on completing an investment analysis. Therefore MTC is building on the work undertaken in the Transportation 2035 analysis and seeking feedback from stakeholders on the methodology and future enhancements to the methodology.

**Bay Area – Demographic Context**

Before embarking on a discussion of the analysis, it is important to understand demographic and travel patterns for the Bay Area. In terms of overall demographics, roughly 25 percent of the region’s households are low-income, defined as households with incomes that fall below 200 percent of the federal poverty level. Also, the Bay Area is now a “majority minority” region with 54 percent of the households in the racial/ethnic minority category. Table 1 provides summary information on demographics.

**Table 1. Population Distribution by Income and Race/Ethnicity**

Population Distribution by Household Income		
	Population	% of Total
<b>Low-Income (≤ \$50,000)</b>	1,753,180	25%
<b>Not Low-Income (&gt; \$50,000)</b>	5,155,599	75%
<b>Total</b>	6,908,779	100%
Share of Share of Population by Race/Ethnicity		
	Number of Households	% of Total
<b>Minority</b>	3,721,079	54%
<b>White Non-Hispanic</b>	3,176,804	46%
<b>Total</b>	6,897,883	100%

Sources: American Community Survey (ACS): Public Use Microdata Sample 2008 and 2005-2007 ACS

Most notably in terms of travel patterns, Figure 3 illustrates that trips by all Bay Area residents are overwhelmingly made by motor vehicle (80 percent) by the population at large, followed by non-motorized trips (12 percent), and transit (7 percent). While there are real differences for travel patterns for minority and low-income populations, motor vehicles are still the primary mode for trips at 65 percent or greater for both groups (see Figure 4).

**Figure 3**

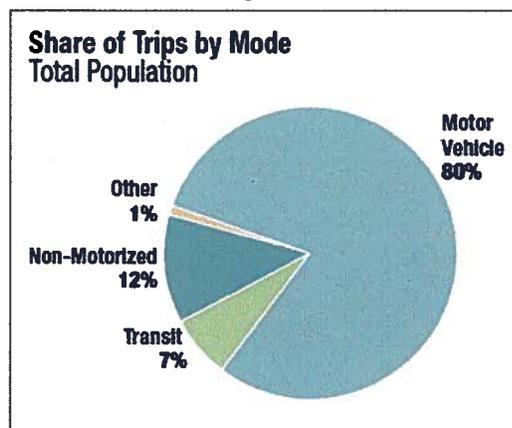
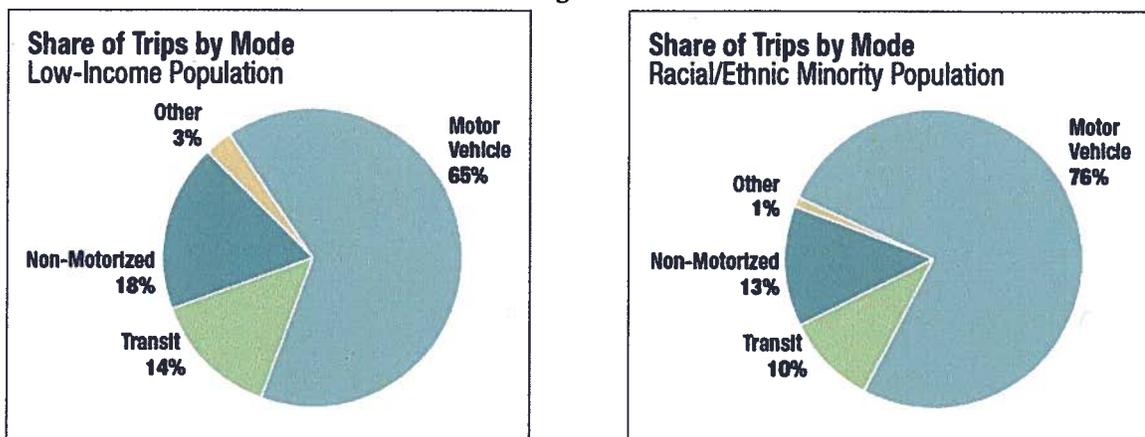


Figure 4



### Investment Analysis Overview and Results

The 2011 TIP Investment Analysis uses two different methodologies to compare how low-income and minority communities may be affected by the proposed investments in the 2011 TIP:

1. **Population Use-Based Analysis:** This analysis is use-based. It compares the estimated percent of investment for low-income and minority populations to the percent of use of the transportation system (both roadways and transit) by low-income and minority populations. In the aggregate, the analysis measures transit and motor vehicle trips using the 2000 Bay Area Travel Survey (2000 BATS). In drilling deeper into the slice of roadway investment alone, the analysis uses vehicle miles traveled (VMT) as the measure of system use from the 2000 BATS. Similarly, for a more refined look at transit investment alone, transit trips are measured using data from MTC's 2006 Transit Passenger Demographic Survey.
2. **Geographic-Based Analysis:** This analysis is location and access-based; it does not take into account system use. It compares the estimated percent of investment in communities of concern (CoCs) to the percent of population or infrastructure located within communities of concern. The analysis relies on MTC geographic information system (GIS) data to assign investments either within or outside of communities of concern. For a local project, the entire investment is either assigned within or outside of a CoC based on its location. For a network/system project, a share of the investment is assigned based on the percent of route miles/stations (transit) or lane miles (state highway, bridge, and local roads) in communities of concern.

Before undertaking this analysis, MTC staff reviewed TIPs prepared by Metropolitan Planning Organizations (MPOs) around the United States for best practices. Most TIPs were not accompanied by an investment or equity analysis. In the few examples found that included an analysis, only a geographic approach was followed. In the interest of broadening the analytical framework for this TIP analysis, staff has undertaken two approaches to better inform decision-makers and the public. The methodologies for each approach and the results are discussed below. Appendix B includes definitions and data sources used in this analysis.

### **Population Use-Based Analysis**

The population-based analysis was conducted as follows:

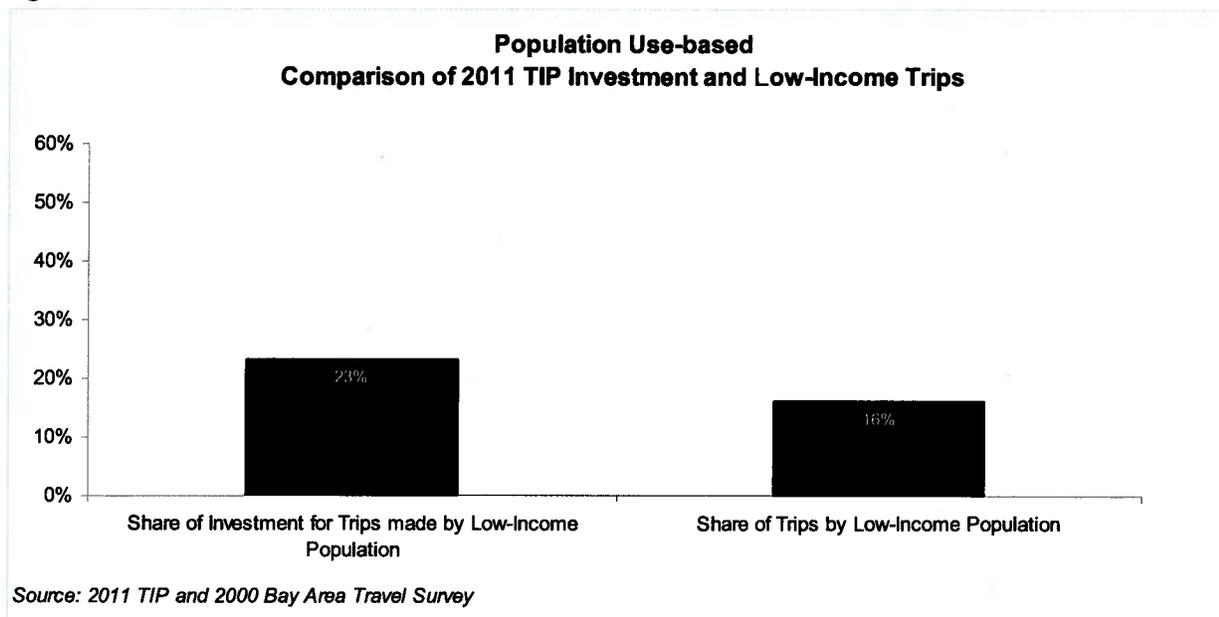
- The 2011 TIP investments were separated into two modes: transit and road/highway.
- Investments were allocated in each category to low-income and minority populations, and other populations according to each groups' usage share of each mode at the county or transit operator level.
  - First, to analyze what share of each mode (transit and roads/highways) low-income and minority populations utilize, the following definitions were used:
    - *Low-Income Households*: Low-income households were defined as households earning \$50,000 or less. This is roughly equivalent to 200 percent of the federal poverty level.
    - *Minority Households*: For this analysis, minority households were defined using U.S. Census Bureau definitions.
  - Second, the assignment of investment by usage was performed by multiplying the percent of use of the mode by the investment in that particular mode. This analysis was conducted at the county level for highways and roadways and at the transit-operator level for transit. As an illustrative example, for a \$50 million state highway project in Alameda County, 18 percent or \$9 million, would have been assigned as a financial benefit to low-income populations and the remaining 82 percent or \$41 million to other populations because 18 percent of Alameda County motor vehicle trips are made by low-income populations based on the 2000 BATS. A similar approach was followed for transit investment allocations. For multimodal, aggregate analysis, trip data from the 2000 BATS were used. For the in-depth transit analysis, data came from MTC's 2006 Transit Passenger Demographic Survey. For the focused roadway analysis, vehicle miles traveled (VMT) and 2000 BATS data were used.
- Lastly, the investments by mode (from county or transit operator data) were summed for low-income and minority populations and for all other populations based on each group's usage share of each mode. The percent of usage of the system by the target and other populations was then compared to the percent of investment for trips supporting that population.

As a regional-level analysis, this assessment is quite coarse, and has several limitations. The most significant shortcoming is that the analysis does not directly assess the benefit and burden of specific projects or programs. With respect to assigning investment benefit from expansion projects to households, this analysis is limited to assuming that existing usage demographics apply, since current demographic and travel surveys do not include future riders or drivers who will be attracted to the areas served by these expansions either as origins and destinations. Moreover, the roadway-usage share does not account for the benefit to the region's transit vehicles that share the roads with private automobiles. Also, for simplicity, pedestrian and bicycle projects were assigned to local streets and roads and not specifically assigned based on usage by low-income or minority populations of these facilities, or walk/bike mode share.

**Population Use-Based Results**

Table 2. Population Use-Based Comparison of 2011 TIP Investment and Trips by Low-Income Population			
	2011 TIP Investments	% of Investment	% of Trips
Low-Income Population	\$2,586,489,148	23%	16%
Not-Low Income Population	\$8,525,706,550	77%	84%
<b>Total</b>	<b>\$11,112,195,698</b>	<b>100%</b>	<b>100%</b>

**Figure 5**

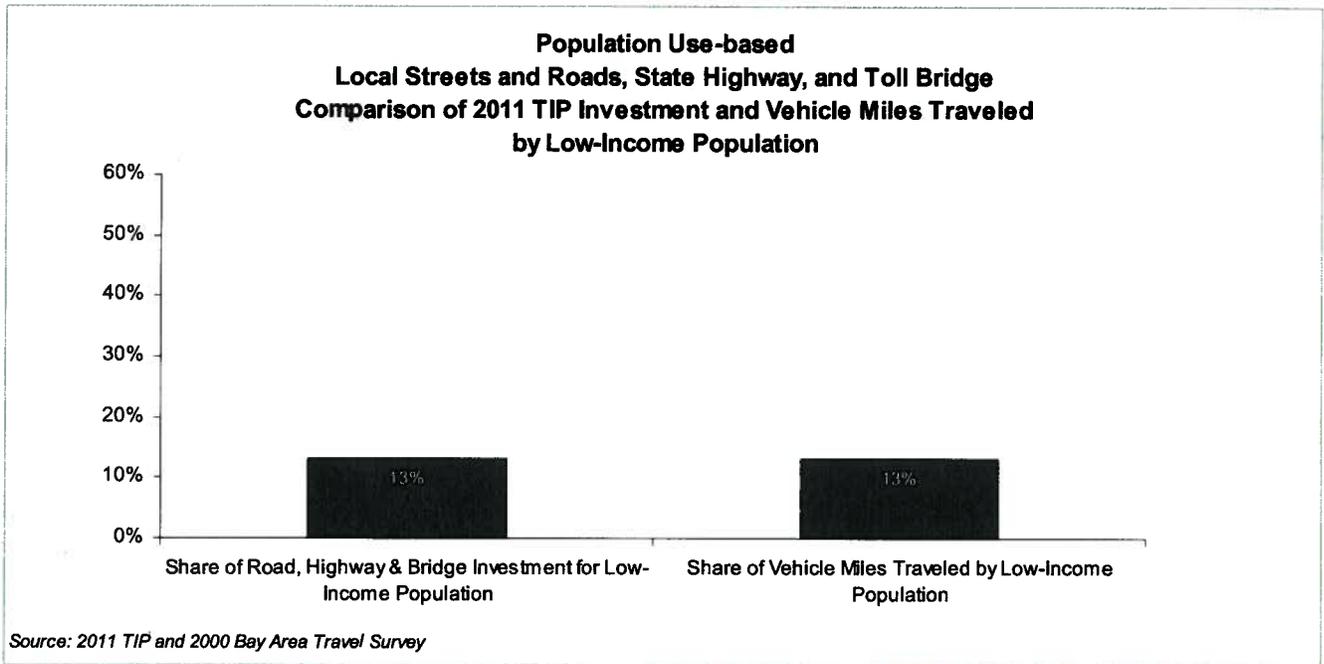


**Observations**

- The share of investment in projects that support trips made by the low-income population (23%) is greater than trips made by the proportion of the population that earns \$50,000 or less (16%).
- While the low-income population makes up 25% of the population of the Bay Area, this population accounts for only 16% of all trips.

Table 3. Population Use-Based Local Streets and Roads, State Highway, and Toll Bridge Comparison of 2011 TIP Investment and Vehicle Miles Traveled by Income Distribution			
	Road, Highway & Bridge Investment	% of Investment	% of Vehicle Miles Traveled
Low-Income Drivers (<\$50k/yr)	\$847,197,350	13%	13%
Not Low-Income Drivers (>\$50k/yr)	\$5,606,524,473	87%	87%
<b>Total</b>	<b>\$6,453,721,823</b>	<b>100%</b>	<b>100%</b>

Figure 6

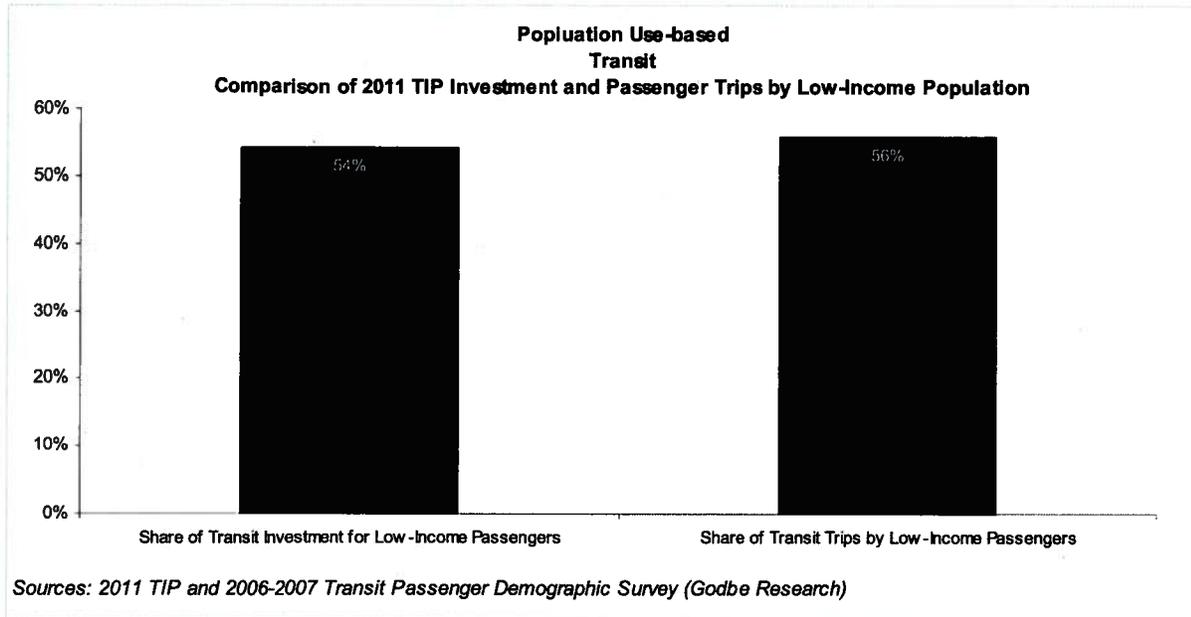


**Observations**

- The share of investment in local road, state highway and toll bridge systems that benefit the low-income population is equal to the share of total vehicle miles traveled by the low-income population on those systems.
- While the low-income population accounts for 25% of the total population in the Bay Area, this population accounts for 13% of the driving done in the region.

Table 4. Population Use-Based Transit			
Comparison of 2011 TIP Investment and Passenger Trips by Income Distribution			
	Transit Investment	% of Investments	% of Passenger Transit Trips
Low-Income Passengers (≤\$50k/yr)	\$2,521,638,084	54%	56%
Not Low-Income Passengers (>\$50k/yr)	\$2,136,835,791	46%	44%
<b>Total</b>	<b>\$4,658,473,875</b>	<b>100%</b>	<b>100%</b>

Figure 7

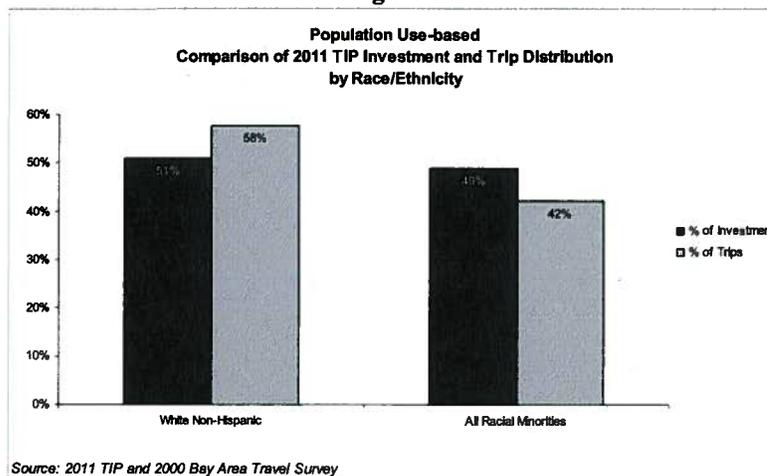


**Observations**

- The share of transit investment for low-income passengers (54%) is slightly less than the share of transit trips taken by low-income passengers (56%).
- While the share of the total population that is low-income is 25%, low-income passengers account for 56% of transit trips in the Bay Area.

Table 5. Population Use-Based Comparison of 2011 TIP Investment and Trip Distribution by Race/Ethnicity			
Race/Ethnicity	Investment by Trips	% of Investment	% of Trips
<b>White Non-Hispanic</b>	<b>\$5,673,464,310</b>	<b>51%</b>	<b>58%</b>
<b>All Racial Minorities</b>	<b>\$5,438,731,388</b>	<b>49%</b>	<b>42%</b>
<i>Black/African-American</i>	<i>\$1,075,939,122</i>	<i>10%</i>	<i>6%</i>
<i>Asian or Pacific Islander</i>	<i>\$2,035,565,264</i>	<i>18%</i>	<i>16%</i>
<i>Hispanic/Latino</i>	<i>\$1,618,662,659</i>	<i>15%</i>	<i>14%</i>
<i>Other/Multiple Races</i>	<i>\$708,564,343</i>	<i>6%</i>	<i>6%</i>
<b>Total</b>	<b>\$11,112,195,698</b>	<b>100%</b>	<b>100%</b>

Figure 8



**Observations**

- While the white, non-Hispanic population of the Bay Area is 46% of the total population, this population’s share of trips is 58% of the total.
- Minority households make up 54% of the population in the Bay Area, but take only 42% of all trips.
- The share of transportation investment in the Bay Area that supports minority population trips is greater than the share of trips taken by these communities (see Figure 8 above), and this is a uniform result among all racial minority populations (see Figure 9 below).

Figure 9

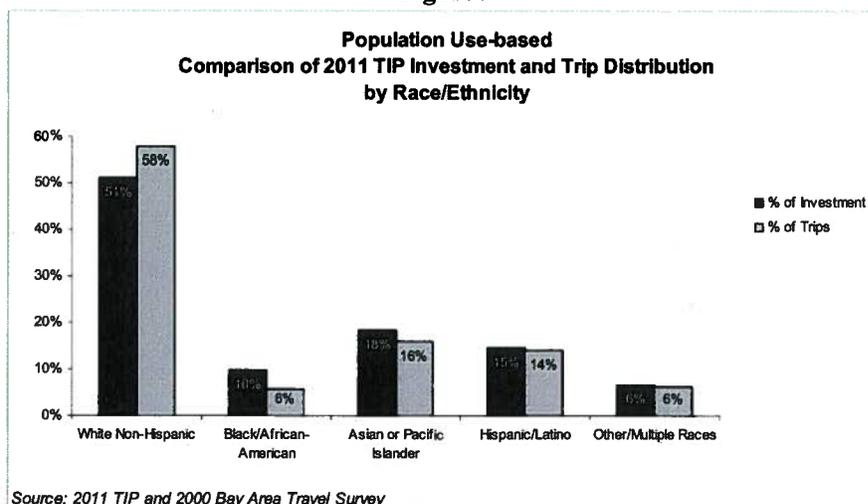
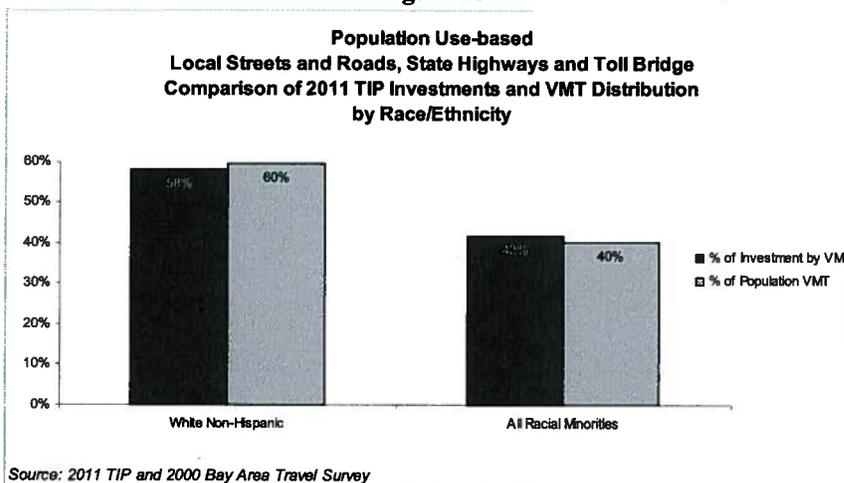


Table 6. Population Use-Based Local Streets and Roads, State Highways and Toll Bridge Comparison of 2011 TIP Investments and VMT Distribution by Race/Ethnicity			
Race/Ethnicity	Investment by Trips	% of Investment	% of VMT
<b>White Non-Hispanic</b>	<b>\$3,761,895,184</b>	<b>58%</b>	<b>60%</b>
<b>All Racial Minorities</b>	<b>\$2,691,826,639</b>	<b>42%</b>	<b>40%</b>
<i>Black/African-American</i>	<i>\$337,650,593</i>	<i>5%</i>	<i>5%</i>
<i>Asian or Pacific Islander</i>	<i>\$1,132,463,028</i>	<i>18%</i>	<i>16%</i>
<i>Hispanic/Latino</i>	<i>\$870,477,102</i>	<i>13%</i>	<i>14%</i>
<i>Other/Multiple Races</i>	<i>\$351,235,915</i>	<i>5%</i>	<i>5%</i>
<b>Total</b>	<b>\$6,453,721,823</b>	<b>100%</b>	<b>100%</b>

Figure 10



**Observations**

- While the white, non-Hispanic population of the Bay Area is 46% of the total population, this population’s share of vehicle miles traveled is 60% of the total.
- Minority households make up 54% of the population in the Bay Area, but account for only 40% of the vehicle miles traveled in the Bay Area.
- The share of local streets and roads, state highway, and toll bridge investment that supports trips by minority communities in the Bay Area at 42% is slightly greater than the share of vehicle miles traveled by minority populations at 40% (see Figure 10 above), and this holds true for nearly all minority groups (see Figure 11 below).

Figure 11

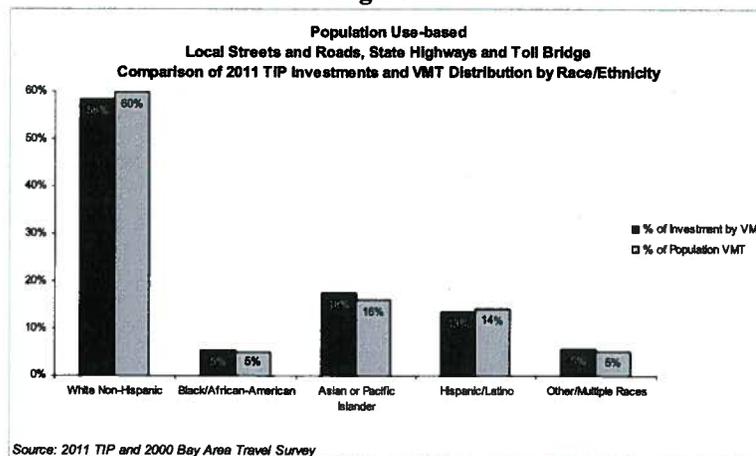
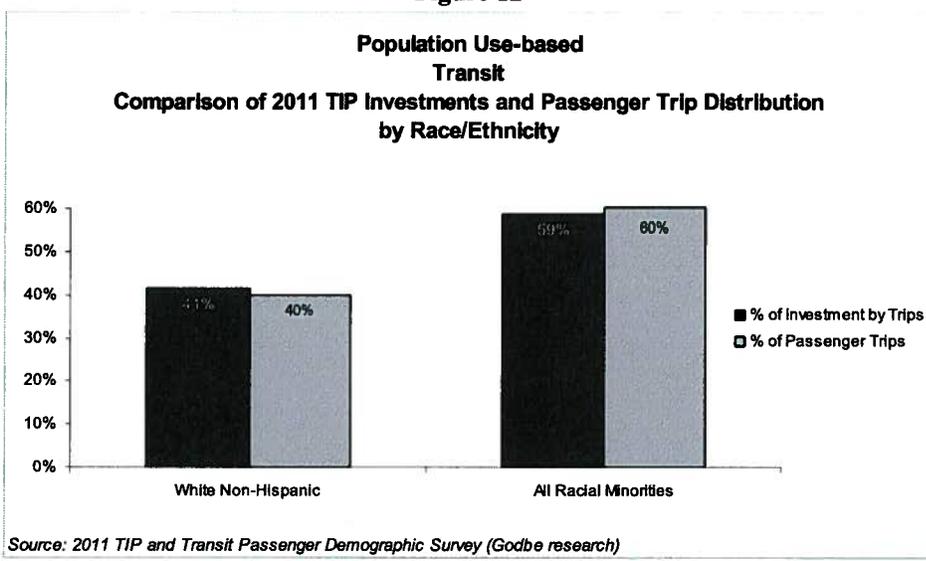


Table 7. Population Use-Based Transit			
Comparison of 2011 TIP Investments and Passenger Trip Distribution by Race/Ethnicity			
Race/Ethnicity	Investment by Trips	% of Investment	% of Passenger Trips
White Non-Hispanic	\$1,924,343,073	41%	40%
All Racial Minorities	\$2,734,130,802	59%	60%
<i>Black/African-American</i>	\$652,360,591	14%	18%
<i>Asian or Pacific Islander</i>	\$812,963,001	17%	14%
<i>Hispanic/Latino</i>	\$1,065,715,287	23%	23%
<i>Other/Multiple Races</i>	\$203,091,923	4%	5%
<b>Total</b>	<b>\$4,658,473,875</b>	<b>100%</b>	<b>100%</b>

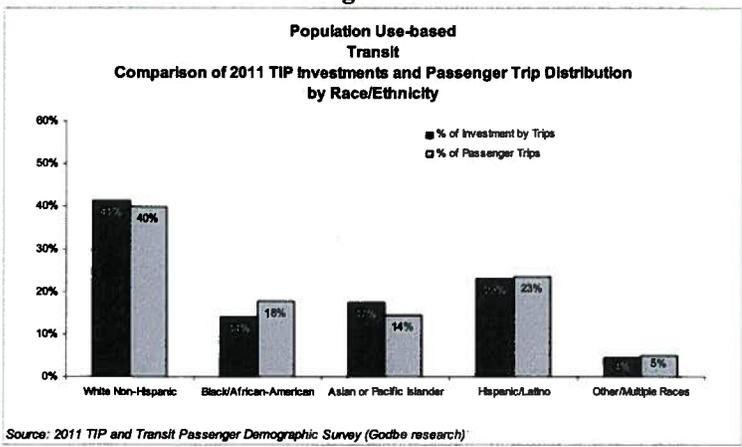
Figure 12



**Observations**

- While minority groups make up 54% of the Bay Area population, this population accounts for 60% of all transit trips.
- The share of investment in minority transit trips at 59% is slightly less than the share of transit trips made by minority populations (see Figure 12 above).
- The share of investment in minority transit trips is not uniform among different minority groups (see Figure 13 below).

Figure 13



**Geographic-Based Analysis**

The geographic-based analysis was conducted as follows:

- The 2011 TIP investments were assigned as either “in” communities of concern (CoCs) or “outside” of CoCs based on the approach below. By communities of concern, we mean Bay Area communities that have concentrations of either minority or low-income residents. For a more detailed definition of “communities of concern,” see Appendix B, “Definitions and Data Sources.”
  - All projects in the analysis were classified into two groups: 1) Local mapped projects; and 2) Network/system projects. Table 8 shows the relative split with the majority of both dollars (74 percent) and projects (69 percent) associated with network/system projects.

**Table 8. Summary of TIP Investments**

Project Type	TIP Investment Only		# of Projects	
	(\$Billions)	%		%
<b>Local Mapped Projects</b>	\$2.9	26%	187	31%
<b>Network/System Projects</b>	\$8.2	74%	407	69%
<b>Total</b>	<b>\$11.1</b>	<b>100%</b>	<b>594</b>	<b>100%</b>

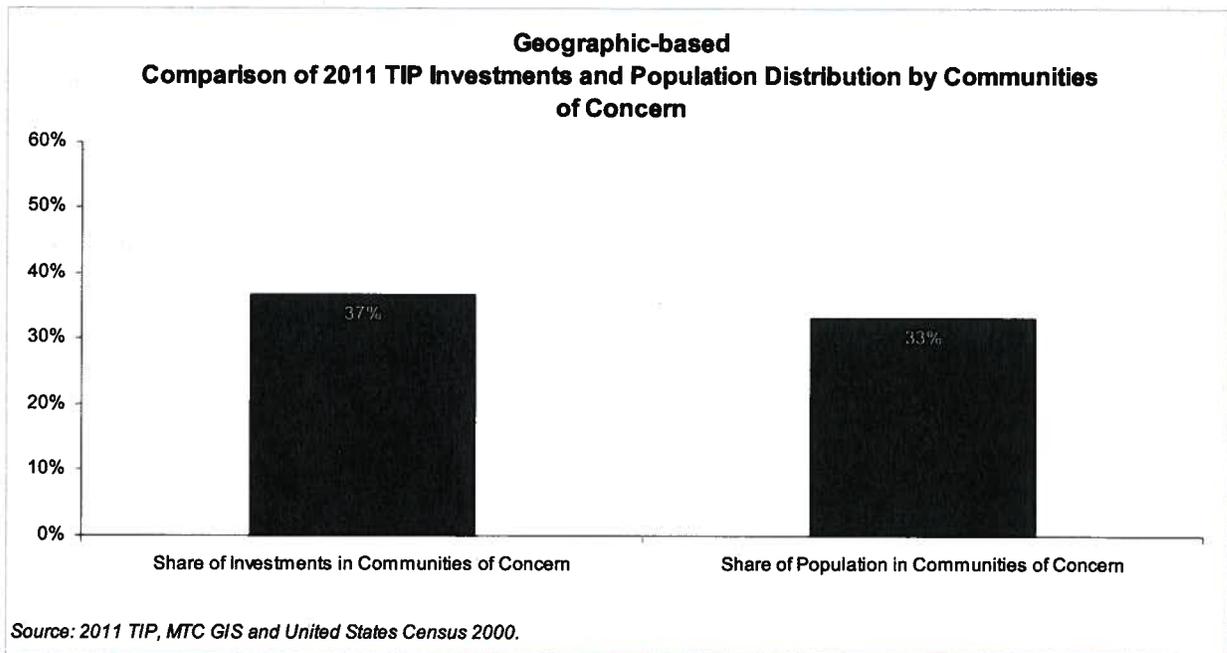
- Local mapped projects are compared against the physical locations of the CoCs. Funding for projects that are located in a CoC boundary have their funding amounts assigned to CoCs; those that do not intersect a community of concern are assigned to outside of communities of concern.
- Projects that are network or system-based are subdivided by mode (state highways, local roads, and transit) and have a share of funding assigned either in or outside of CoCs using percentages derived from MTC’s geographic information system (GIS) as follows:
  - a. State highway projects: based on the percentage of *each county’s total state highway lane-miles* in or outside of CoCs.
  - b. Local streets and roads projects: based on the percentage of *each county’s total local streets and roads lane-miles* in or outside of CoCs.
  - c. Transit projects: For rail and ferry, based on the percentage of *each operator’s total number of stations and terminals* in or outside of CoCs. For bus and multi-modal systems, based on the percentage of *each operator’s total route-miles* in or outside of CoCs.
  - d. Regional projects (freight/toll bridge): based on the regional aggregate of either state highway miles or road miles in or outside of CoCs.

The approach described above is used to partially address some of the limitations of a geographic analysis. Of the limited examples of TIP investment analysis found around the country, most MPOs used a geographic framework. However, in first applying a similar geographic methodology to the 2011 TIP, the findings suggested an over-weighting of investment benefit to communities of concern based on the location of several large infrastructure projects in the 2011 TIP. The hybrid approach taken here for the Bay Area is meant to more accurately portray the broader effect projects can have beyond just the immediate community, especially when the investment is to a state highway or road network, or regional transit system.

**Geographic-Based Results**

Table 9. Geographic-Based Comparison of 2011 TIP Investments and Population Distribution by Communities of Concern				
	2011 TIP Investments	% of Total	2000 Population	% of Total
<b>In Communities of Concern</b>	\$4,088,709,142	37%	2,253,155	33%
<b>Outside Communities of Concern</b>	\$7,023,486,556	63%	4,530,607	67%
<b>Total</b>	\$11,112,195,698	100%	6,783,762	100%

Figure 14

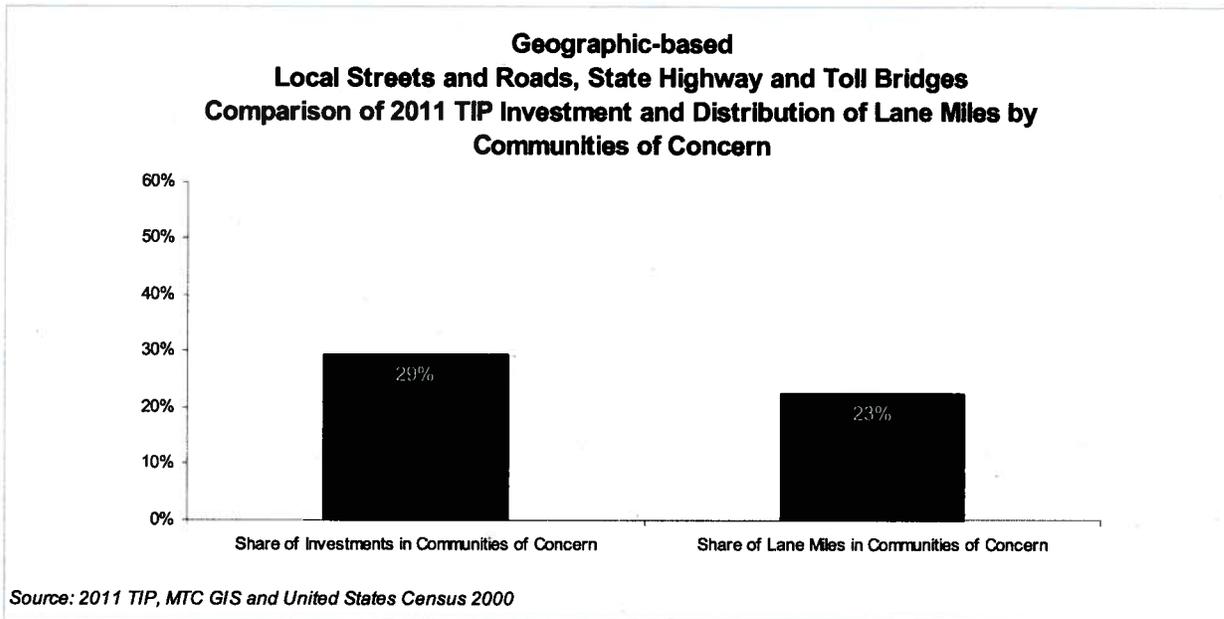


**Observations**

- The share of TIP investments attributed to Communities of Concern (37%) is greater than the share of the population living in Communities of Concern (33%).

Table 10. Geographic-Based Local Streets and Roads, State Highways and Toll Bridges Comparison of 2011 TIP Investment and Distribution of Lane Miles by Communities of Concern				
	2011 TIP Investments	% of Total	Lane Miles	% of Total
<b>In Communities of Concern</b>	\$1,895,889,381	29%	7,071	23%
<b>Outside Communities of Concern</b>	\$4,550,061,623	71%	24,238	77%
<b>Total</b>	\$6,445,951,004	100%	31,310	100%

Figure 15



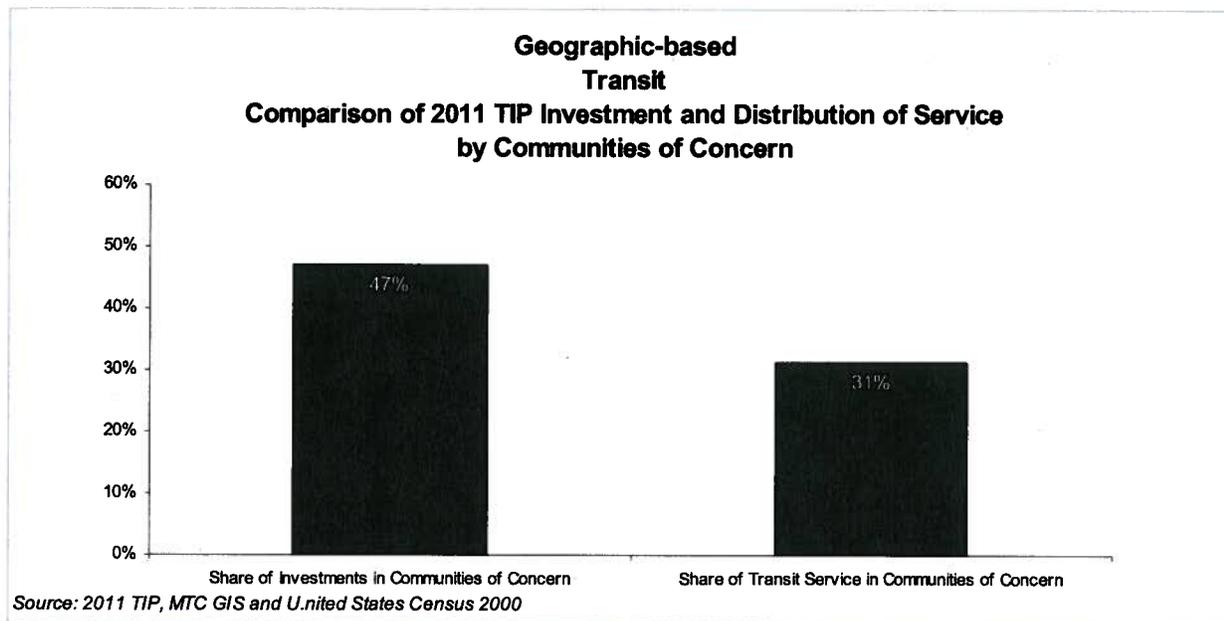
**Observations**

- The share of local streets and roads, state highway and toll bridge investments attributed to Communities of Concern (29%) is greater than the share of existing lane miles in Communities of Concern (23%).
- The share of existing lane miles in Communities of Concern (23%) is less than the share of the population living in Communities of Concern (33%).

Table 11. Geographic-Based Transit Comparison of 2011 TIP Investment and Distribution of Stops and Route Miles in Communities of Concern			
	2011 TIP Investments	% of Total	% of Transit Service*
<b>In Communities of Concern</b>	\$2,192,819,761	47%	31%
<b>Outside Communities of Concern</b>	\$2,473,424,933	53%	69%
<b>Total</b>	\$4,666,244,694	100%	100%

\* Bus and light-rail service is measured by share of route miles, heavy-rail and ferry service is measured by share of stops

Figure 16



**Observations**

- The share of transit investment attributed to Communities of Concern (47%) is significantly greater than the share of existing transit service in Communities of Concern (31%).
- The share of existing transit service in Communities of Concern (31%) is somewhat less than the share of the population living in Communities of Concern (33%).

### Key Findings

The purpose of this investment analysis is to compare the allocation of 2011 TIP investments between low-income and minority and all other populations. The key question addressed is: “Are low-income and minority populations sharing equitably in the TIP’s financial investments?”

This analysis attempts to take a relatively conservative approach to assigning investments (or “benefit”) to low-income households given some of the limitations of the analysis. The results suggest that according to several indices, the 2011 TIP invests greater public funding to the benefit of low-income and minority communities than their proportionate share of the region’s population or trip-making as a whole.

- The two approaches both concluded in the aggregate that there is a relatively higher proportional investment in the 2011 TIP than either the proportionate share of trips taken by minority and low-income populations, or communities of concern populations. Table 12 summarizes these results.

	<b>Share of 2011 TIP Investment</b>	<b>Share of Total Trips/Population</b>
<b>Population Use-Based</b>		
<i>Low-Income</i>	23%	16% (total trips)
<i>Minority</i>	49%	42% (total trips)
<b>Geographic-Based</b>	37%	33% (population - community of concern)

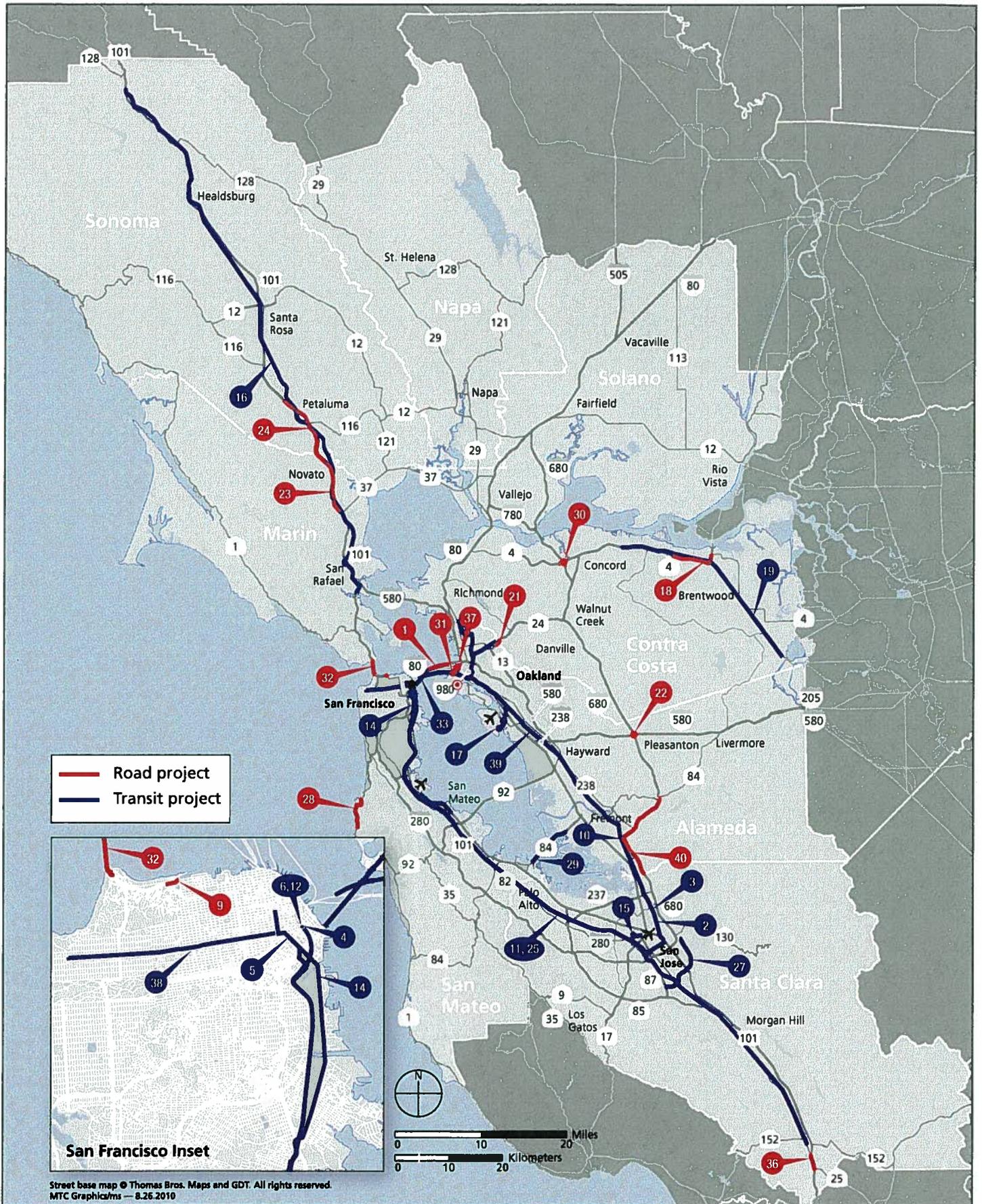
- In delving deeper into the investments by mode, one finds that the results are more mixed. For example, within the population use-based analysis for transit, the results showed that for low-income populations, the share of investment (54 percent) was slightly lower than the share of trips (56 percent). The share of investment in minority transit trips (59 percent), while greater than the minority share of the total population, was also slightly less than the share of transit trips made by minority populations (60 percent). The results were not uniform across all racial minority groups. For streets and road investments, the findings were generally reversed, with a greater or equal share of investment as compared to trips for both low-income and minority populations. In no case, however, do the results appear to demonstrate a systematic disbenefit to low-income or minority populations.

### Next Steps

As this is the first time out the gate for an analysis that has few national models, we expect that future iterations of the investment analysis for the 2013 TIP and its successors can improve on some of the limitations encountered in both the population use-based and geographic-based approaches. Among the improvement areas for consideration:

- Continue to research and identify best practices in the field;
- Improve mapping of GIS data;
- Update and make more consistent available survey data sets for Bay Area travel behavior and demographics; and
- Improve the analytical framework for assessing benefits and burdens to low-income and minority populations for a set of planned infrastructure investments.

# Projects in the 2011 TIP With Costs Greater Than \$200 million



# List of Projects in the 2011 TIP Over \$200 Million

**BLUE** Transit Project  
**RED** Road Project

- |   |  |  |   |
|---|--|--|---|
| <b>1.</b> San Francisco-Oakland Bay Bridge East Span Replacement<br>Alameda County<br><b>\$5.66 billion</b>     | <b>11.</b> Caltrain Electrification<br>Multiple Counties<br><b>\$785 million</b>                                     | <b>21.</b> SR-24 – Caldecott Tunnel 4th Bore<br>Alameda County/<br>Contra Costa County<br><b>\$420.3 million</b> | <b>31.</b> Outer Harbor Intermodal Terminals<br>Alameda County<br><b>\$274.3 million</b>                              |
| <b>2.</b> BART – Berryessa to San Jose Extension<br>Santa Clara County<br><b>\$5.01 billion</b>                 | <b>12.</b> Transbay Terminal/Caltrain Downtown Extension – Ph. 2<br>San Francisco County<br><b>\$637 million</b>     | <b>22.</b> I-580/I-680 Improvements<br>Alameda County<br><b>\$392.5 million</b>                                  | <b>32.</b> Golden Gate Bridge Seismic Retrofit, Ph. 1-3A<br>Marin County/San Francisco County<br><b>\$274 million</b> |
| <b>3.</b> BART – Warm Springs to Berryessa Extension<br>Santa Clara County<br><b>\$2.57 billion</b>             | <b>13.</b> BART Car Exchange (Preventive Maintenance) **<br>Multiple Counties<br><b>\$618.5 million</b>              | <b>23.</b> US-101 HOV Lanes — Marin-Sonoma Narrows (Marin)<br>Marin County<br><b>\$372.7 million</b>             | <b>33.</b> BART Transbay Tube Seismic Retrofit<br>Multiple Counties<br><b>\$265.3 million</b>                         |
| <b>4.</b> Transbay Terminal/Caltrain Downtown Extension – Ph.1<br>San Francisco County<br><b>\$1.58 billion</b> | <b>14.</b> 3rd St LRT: Ph. 1 & Metro E. Rail Facility<br>San Francisco County<br><b>\$595 million</b>                | <b>24.</b> US-101 Marin-Sonoma Narrows (Sonoma)<br>Sonoma County<br><b>\$372.7 million</b>                       | <b>34.</b> Freeway Performance Initiative (FPI)**<br>Multiple Counties<br><b>\$243.9 million</b>                      |
| <b>5.</b> SF Muni Third St LRT Ph. 2 Central Subway<br>San Francisco County<br><b>\$1.57 billion</b>            | <b>15.</b> San Jose International Airport People Mover<br>Santa Clara County<br><b>\$508 million</b>                 | <b>25.</b> Caltrain Express: Ph. 2<br>Multiple Counties<br><b>\$368.5 million</b>                                | <b>35.</b> El Camino Real Bus Rapid Transit**<br>Santa Clara County<br><b>\$233.4 million</b>                         |
| <b>6.</b> Transbay Transit Center – TIFIA Loan Debt Service<br>San Francisco County<br><b>\$1.18 billion</b>    | <b>16.</b> Sonoma Marin Area Rail Corridor<br>Sonoma County/Marin County<br><b>\$490.8 million</b>                   | <b>26.</b> AC Transit: Preventive Maintenance Program**<br>Alameda County<br><b>\$346.5 million</b>              | <b>36.</b> SR-25/Santa Teresa Blvd/US-101 Interchange<br>Santa Clara County<br><b>\$233 million</b>                   |
| <b>7.</b> BART Seismic Retrofit Program**<br>Multiple Counties<br><b>\$1.06 billion</b>                         | <b>17.</b> BART Oakland – Airport Connector<br>Alameda County<br><b>\$484.3 million</b>                              | <b>27.</b> Capitol Expressway LRT Extension<br>Santa Clara County<br><b>\$334 million</b>                        | <b>37.</b> 7th Street Grade Separation and Roadway Improvement<br>Alameda County<br><b>\$220.5 million</b>            |
| <b>8.</b> BART Railcar Replacement Program**<br>Multiple Counties<br><b>\$1.02 billion</b>                      | <b>18.</b> SR-4 East Widening from Somersville Rd. to SR-160<br>Contra Costa County<br><b>\$464.4 million</b>        | <b>28.</b> SR-1 Devils Slide Bypass<br>San Mateo County<br><b>\$322.8 million</b>                                | <b>38.</b> Geary Bus Rapid Transit<br>San Francisco County<br><b>\$219.8 million</b>                                  |
| <b>9.</b> US-101 Doyle Drive Replacement<br>San Francisco County<br><b>\$954.8 million</b>                      | <b>19.</b> E-BART – East Contra Costa County Rail Extension<br>Contra Costa County<br><b>\$463.25 million</b>        | <b>29.</b> Dumbarton Rail Service<br>Alameda County/San Mateo County<br><b>\$301 million</b>                     | <b>39.</b> Enhanced Bus – Telegraph/International/ East 14th<br>Alameda County<br><b>\$209.2 million</b>              |
| <b>10.</b> BART – Warm Springs Extension<br>Alameda County<br><b>\$890 million</b>                              | <b>20.</b> Valley Transportation Authority: Preventive Maintenance**<br>Santa Clara County<br><b>\$430.9 million</b> | <b>30.</b> I-680/SR-4 Interchange Reconstruction – Phases 1-5<br>Contra Costa County<br><b>\$297.5 million</b>   | <b>40.</b> I-680 Sunol Grade – Alameda SB HOV, Final Phase<br>Alameda County<br><b>\$203 million</b>                  |

\*\* These projects not shown on map

## **Appendix A: Regulatory and Policy Context for Environmental Justice in Long-Range Transportation Planning**

The legal, regulatory, and policy framework for environmental justice as it relates to the long-range transportation planning process is below:

Title VI of the Civil Rights Act: The federal Civil Rights Act of 1964 has two key provisions that are the basis of environmental justice. Section 601 of Title VI states: *“No person in the United States shall, on the grounds 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.”* Section 602 also empowers federal departments and agencies (such as the Department of Transportation and its various agencies) to promulgate rules and regulations that implement this provision.

Federal Guidance on Environmental Justice: In 1994, President Clinton signed Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which states, *“Each Federal agency shall 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.”* The identification of low-income populations is an additional distinction to the provisions of the Civil Rights Act, which prohibits discrimination on the basis of race, color, or national origin only.

The U.S. Department of Transportation incorporated all these populations into its guidance on environmental justice. In particular, DOT directs its agencies to adhere to three environmental justice principles outlined by the Executive Order:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Furthermore, in addition to these directions required of all DOT agencies, in 1998 the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), two agencies within DOT, jointly issued guidance specifying responsibilities for metropolitan planning processes, which includes MTC’s development of the region’s long-range transportation plan (other directives apply to activities carried out by state DOTs and public transit agencies). Under this FHWA/FTA guidance, MPOs must:

- Enhance analytical capabilities to ensure that the long-range transportation plan and transportation improvement program comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations, identify and address needs, and assure that benefits and burdens of transportation investments are fairly distributed.

- Improve public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision-making.

MTC carries out each of these directives by (a) continually gathering and analyzing regional demographic and travel data and refining its analytical capabilities; (b) supporting locally based needs assessments in low-income and minority communities through the Community Based Transportation Planning program, funding projects targeting low-income communities through the Lifeline Transportation Program, and conducting an equity analysis of each long-range Regional Transportation Plan (which this report summarizes); and (c) examining and refining the agency's public involvement process to ensure full and fair participation in decision-making. The 2011 TIP investment analysis is an expanded effort related to these directives.

MTC'S Environmental Justice Principles: As noted at the outset, in 2006, MTC adopted two Environmental Justice Principles advanced by its Minority Citizens Advisory Committee to serve as the environmental justice framework for the Commission's activities. They are:

- 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.
- 2. Collect accurate and current data essential to defining and understanding the presence and extent of inequities, if any, in transportation funding based on race and income.

## Appendix B: Definitions and Data Sources

### Definitions

#### Minority

MTC uses the U.S. Census Bureau's definitions of different racial and ethnic populations to determine minority status among the Bay Area population. Minority persons are those who identify as Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, some other race or multiple races, or Hispanic/Latino of any race. The "non-minority" population includes those persons who identify as white and not Hispanic or Latino. The white, non-Hispanic population is no longer a "majority" in the Bay Area, but at 46% of the region's population it remains the largest racial/ethnic group in terms of total population share.

#### Low-Income

Defining individuals, households, populations, or communities as "low-income" is challenging. A person or a household can be "low-income" in the sense that they do not earn enough money to meet a basic standard of living, or they can be "low-income" in relation to other people or households that earn more money. Either determination is subjective to some extent, which makes it more difficult to characterize the low-income population as a whole than, for example, the minority population. In this report, two different definitions of "low-income" are used. While they are not strictly equivalent, they both represent roughly the lowest 20 to 25% of the region's population/households in terms of income.

#### *Persons living below 200% of the Federal Poverty Level*

This definition is used in the poverty-concentration threshold to identify "communities of concern," where at least 30% of residents have incomes below 200% of the federal poverty level. The population this definition represents is based on an *individual-level* determination of poverty status in relation to family income, family size, and a basic standard of living defined by the Census Bureau each year. Poverty status is not forecast, since there is no regionally established method of accounting for changing standards of living; defining a basic standard of living implies the consumption of a wide variety of goods to meet one's needs, and it is difficult to forecast the future costs of all these various goods. As a reference, for a single-person household 200% of the poverty level in 2007 was \$21,180. For a two-adult, two-child household, the 200% threshold was \$42,054. By way of comparison, a full-time worker earning California's minimum wage would have earned \$15,600 in 2007.

#### *Households with Income Less Than \$40,000*

The other low-income definition used in some of the equity indicators in this analysis is for *households* rather than individuals, and is based on household income level regardless of household size; ABAG does forecast the number of households by income group for the horizon year 2035, and thus it is the definition used in this report for forecast data for "low-income households" in the accessibility and affordability analyses. In addition, some indicators also account for a broader grouping of all low plus moderately low income households, creating a group of households earning less than \$75,000.

### Communities of Concern

MTC defines communities that have concentrations of either minority or low-income residents (below 200% of the federal poverty level) as communities of concern for the purpose of analyzing regional equity.

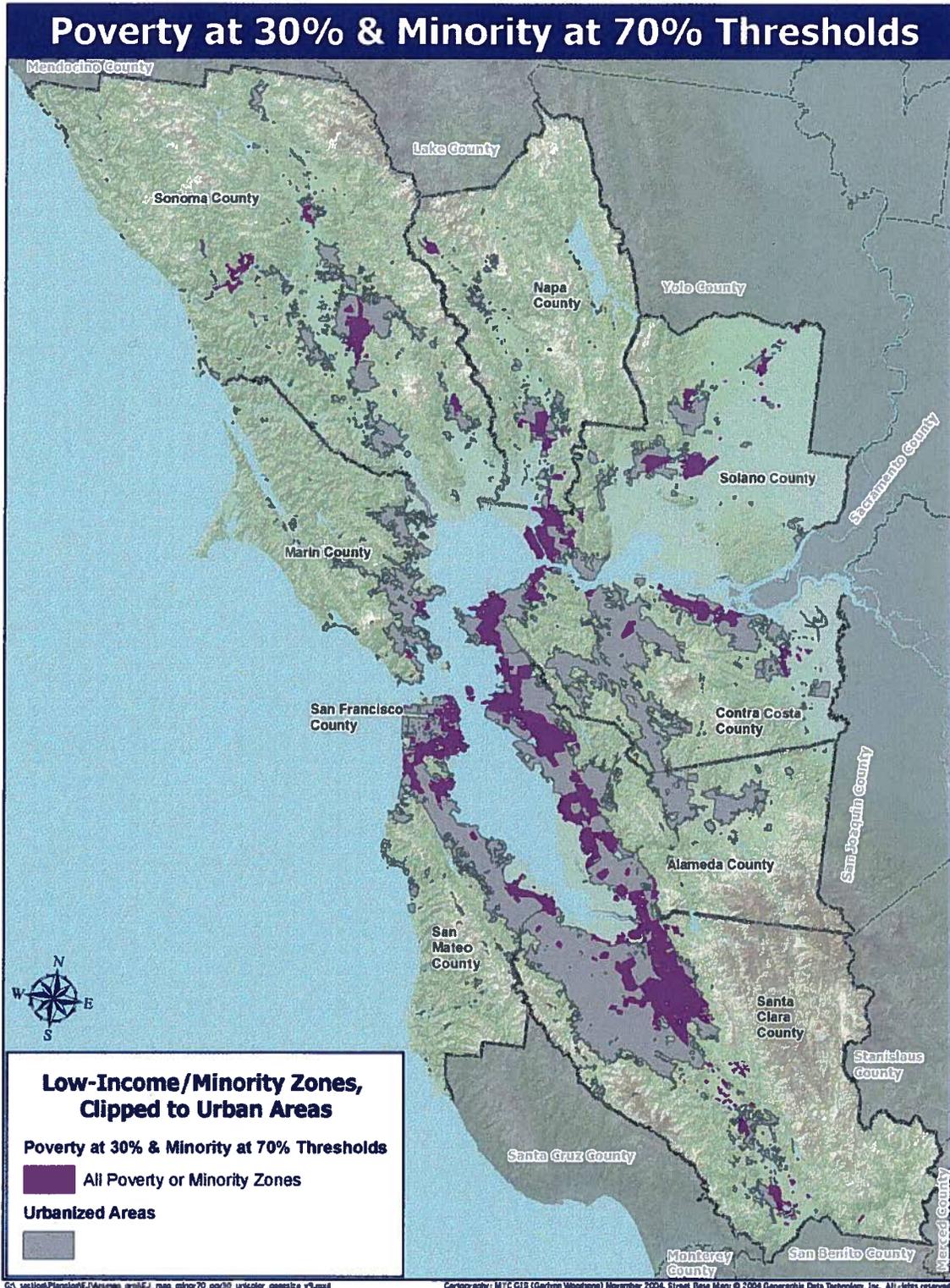
Residents of all communities of concern together were 76.9% minority and 34.5% low income in 2000. By comparison, the region as a whole in 2000 was 50.1% minority and 20.6% low-income. (At the region-wide level, for which MTC has more recent 2007 data available from the Census Bureau, these shares had grown to 54.5% minority and 22.2% low-income.)

As a whole, residents of communities of concern represented 33.2% of the region's 2000 population and 33.7% of the region's travel analysis zones. These totals include the entire populations living in communities of concern, including those who are non-minority and not defined as low-income. For the purposes of analyzing equity at a regional scale, this analysis compares all communities of concern to the remainder of the region's communities. Figure B-1 shows the location of MTC's communities of concern within the region.

While the identification of communities of concern emphasizes regional *concentrations* of poverty, most residents of communities of concern (65.5% of the total) are *not* defined as low-income. Moreover, nearly half of the region's low-income residents live *outside* communities of concern. In terms of 2000 population, 777,000 low-income people lived in communities of concern (55.4% of the region's total low-income population of 1.4 million), while 625,000 lived in the remainder of the region (44.6% of the region's total low-income population). This finding raises a relevant question as to what impacts of the Transportation 2035 Plan are being experienced by the remaining low-income population outside of communities of concern, a point this equity analysis attempts to address in several ways.

The location of most of the region's communities of concern notably ring the San Francisco Bay's cities and inner suburbs, including where the region's road and transit networks are densest. Farther out in the region, locations of communities of concern become more scattered, with fewer connections to the region's transportation network.

Figure B-1



## **Data Sources**

This section describes the various data sources used to perform the 2011 TIP 2035 Equity Analysis.

### Decennial Census

The decennial Census provides a complete count of all persons in the United States, including age and race/ethnicity, every 10 years. In addition, past Censuses have surveyed one in six households to produce sample socioeconomic characteristics such as household income, poverty status, vehicle availability, employment characteristics, and commute mode, which are available down to the block group level of geography. As explained in the preceding section, data from the 2000 Census was used to identify MTC's low-income and minority communities of concern; it remains the most recent Census data available at the census tract/TAZ (i.e. neighborhood) level.

### American Community Survey

The American Community Survey (ACS) is a newer Census Bureau data product, which replaces the "long form" questionnaire used in previous decennial Censuses to sample household socioeconomic characteristics. Whereas the decennial Census long-form data was previously released once every 10 years, the American Community Survey data is an ongoing survey, updated annually. Currently, data is available for larger geographic areas of more than 65,000 population, including 2005, 2006, and 2007 data for all nine Bay Area counties and the region as a whole. The five-year accumulation of ACS data for 2005–2009 will be released at the census tract and block group level perhaps by fall 2010. This will be the soonest that updated socioeconomic data for people and households in designated communities of concern will be available.

### Bay Area Travel Survey (BATS)

The Bay Area Travel Survey is MTC's periodic regional household travel survey, the most recent of which was conducted in 2000. BATS2000 is an activity-based travel survey that collected information on all in-home and out-of-home activities, including all trips, over a two-day period for more than 15,000 Bay Area households. The survey provides detailed information on many trip characteristics such as trip purpose, mode, origins and destinations, as well as household characteristics.

### MTC Transit Passenger Demographic Survey

In 2006 MTC conducted a comprehensive survey of all Bay Area transit operators to collect consistent demographic and socioeconomic data for all the region's transit riders. Data collected included race/ethnicity, age, fare payment information, household income, and vehicle availability. Results for this survey were used in the financial analysis of RTP investments to determine transit-spending benefits to low-income households based on these households' share of transit use in the region.



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Deputy Executive Director, Policy

*Andrew B. Fremier*  
Deputy Executive Director, Operations

6 de mayo de 2011

Sr. Jonathan Ocana

Via e-mail: [REDACTED]

Tema: TIP programa y Titulo VI

Estimado Sr. Jonathan Ocana:

Una copia de la evaluación del oficial de revisión de su queja sobre el Título VI y el Programa para Mejorar del Transporte (TIP por sus siglas inglés) de MTC se encuentra adjunta. Estoy de acuerdo con sus resultados y la conclusión de que no encontramos ninguna evidencia de que los proyectos en el TIP no están adecuadamente al servicio de la comunidad hispana.

Además de la investigación del oficial de revisión, he incluido una copia del Análisis de Inversión del TIP 2011. Podemos proporcionar una traducción del Análisis de Inversión a su petición.

La investigación no responde a sus nuevas preguntas que remitió a la Sra. Alvarado esta mañana; estas serán tratadas en correspondencia posterior, de acuerdo a los procedimientos de queja de la MTC sobre el Título VI.

Atentamente,

Ann Flemer

Deputy Executive Director, Policy

AF:ca

Anexos



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## *Memorandum*

A: Ann Flemer, Directora Ejecutiva Adjunta, Políticas FECHA: 6 de mayo del 2011  
DE: Catalina Alvarado, Oficial de Información al Público W. I.  
TEMA: Queja del Titulo VI Presentada por Jonathan Ocana

Este memorándum es un reporte del resultado de mi investigación de una queja del Titulo VI en contra de la MTC, presentada por el Señor Jonathan Ocana el 23 de marzo del 2011. La queja del Sr. Ocana declara que el Programa para Mejorar el Transporte o Transportation Improvement Program (TIP) de la MTC no ayuda para servir adecuadamente las necesidades de la comunidad hispana. La queja del Sr. Ocana no identificó ninguna parte específica del TIP que no ayuda a servir las necesidades de la comunidad hispana adecuadamente ni identificó a ninguna comunidad hispana en particular que se encuentre adversamente afectada por el TIP. El TIP registra todos los proyectos de transporte de superficie de interés federal, junto con proyectos financiados con fondos locales y estatales que tienen un impacto regional significativo, incluyendo proyectos relacionados con autopistas, caminos locales, puentes, transporte público, ciclistas, peatones y fletes. El TIP del 2011 incluye aproximadamente 966 proyectos con un costo total de alrededor de \$11.1 billones. Para ayudar a enfocar mi investigación, le envíe un correo electrónico al Sr. Ocana el 25 de abril del 2011 ofreciéndole la oportunidad de presentar información específica adicional sobre su queja. (El Sr. Ocana no dio su número de teléfono.) Un segundo correo electrónico fue enviado el 4 de mayo del 2011.

Por consecuencia, sin acusaciones específicas, enfoque mi investigación en una revisión de los esfuerzos de la MTC para averiguar si las minorías comparten equitativamente de las inversiones financieras del TIP. También investigue las oportunidades para comentar sobre el Anteproyecto del TIP del 2011 ofrecidas al público.

### **Información de Fondo**

El TIP, requisito del gobierno federal, es el documento de financiamiento del transporte de la región el cual contiene proyectos de transporte de superficie basados en el financiamiento que se anticipa para los próximos cuatro años que recibirán fondos federales o son sujetos a una acción requerida federalmente o son regionalmente significantes. El Programa para Mejorar el Transporte o TIP (por sus siglas en inglés) del 2011 fue adoptado por la MTC el 27 de octubre del 2010, después de haber dado aviso al público sobre el anteproyecto del TIP y después de múltiples oportunidades para que el público nos diera sus comentarios. La Administración Federal de Autopistas o FHWA (por sus siglas en inglés) y la Administración Federal del Transporte Público o FTA (por sus siglas en inglés) aprobaron el TIP del 2011 el 4 de diciembre del 2010.

### **1. Notificaciones Públicas**

El Anteproyecto del TIP y sus documentos asociados relacionados al la Determinación de Conformidad de la Calidad del Aire (Air Quality Conformity Finding) del Anteproyecto del TIP

fueron publicados para la revisión del público y para recibir sus comentarios el 6 de agosto del 2010, y también estuvieron disponibles en la página de Internet de la MTC. El Anteproyecto del TIP del 2011 y el Anteproyecto del Análisis de la Conformidad de la Calidad del Aire fueron enviados a bibliotecas principales alrededor de los nueve condados de la región. La MTC publicó la *Guía para el Programa para Mejorar el Transporte (TIP) del Área de la Bahía de San Francisco* en agosto del 2010; el documento traducido al español fue disponible con solo solicitarlo.

La clausura del periodo para comentar fue programada para el 10 de septiembre del 2010, sin embargo, el personal extendió el periodo para comentar hasta el 30 de septiembre del 2010 para así recibir comentarios del público sobre un análisis de inversión, descrito abajo. Dos audiencias públicas (8 de septiembre y 22 de septiembre) se llevaron a cabo para tomar comentarios del público sobre el Anteproyecto del TIP del 2011. Trece periódicos publicaron avisos legales dos veces cada uno para anunciar la primera audiencia pública y luego para anunciar la extensión del periodo para comentar y la segunda audiencia. Cuatro de los 13 periódicos eran periódicos comunitarios. Cada uno de los dos avisos legales fue publicado en español en *El Observador*, un periódico bilingüe del Área de la Bahía (adjunto). El aviso de audiencia pública también fue publicado en la página de Internet de la MTC. Además, notificación en español en las oficinas de la MTC y en su página de Internet les avisa a las personas que no hablan inglés que pueden solicitar traducciones y/o intérpretes con solo pedirlo.

## **2. Análisis de Inversión del TIP del 2011**

La MTC llevó a cabo un “Análisis de Inversión” sobre el TIP del 2011 para comparar la distribución de inversiones del TIP del 2011 entre la población de bajos ingresos y las minorías, y el resto de la población. La pregunta clave dirigida fue: “¿La población de bajos ingresos y las minorías están compartiendo equitativamente las inversiones financieras del TIP?”

Un resumen del Análisis de Inversión fue presentado en dos foros públicos: en la reunión del Consejo Consultivo de Políticas de la MTC el 8 de septiembre del 2010 y frente a la Comisión el 22 de septiembre del 2010.

La directora de Programación y Asignaciones de la MTC, Alix Bockelman, presentó el Análisis de Inversión preliminar al Consejo Consultivo de Políticas de la MTC el 8 de septiembre. El Consejo Consultivo de Políticas es un panel de residentes del Área de la Bahía que representan una amplia variedad de grupos de interesados, incluyendo a las comunidades de bajos ingresos y las comunidades de color, así como a los intereses económicos y ambientales. El Consejo aconseja a la MTC sobre políticas clave, incluyendo las decisiones de inversión del transporte. De los 27 miembros, 15 se identifican a ellos mismos como personas de color, y ocho de ellos identificándose como hispano/Latino (incluyendo la vicepresidenta del Consejo). En un memorándum dirigido al Consejo Consultivo de Políticas de la MTC, la Sra. Bockelman escribió que “la intención del Análisis es presentar al Consejo y al público con datos sobre la inversión más fáciles de comprender. También es un seguimiento de varios esfuerzos de la Comisión tal como los Principios de Justicia Ambiental adoptados en marzo del 2006 y el más reciente Análisis de Foto (Snapshot Analysis) de Junio del 2010<sup>1</sup>.

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<sup>1</sup> El Análisis de Foto es un set de 13 medidas relacionadas al transporte también relacionadas a las comunidades de preocupación de la MTC, como lo son las minorías y las comunidades de bajos ingresos, diseñadas para asesorar las diferencias de transporte entre las comunidades de preocupación hoy en día y rastrear los cambios a futuro.

Tanto la reunión de la Comisión como la reunión del Consejo Consultivo de Políticas son reuniones anunciadas y abiertas al público, y sus agendas y material se publican en la página de Internet de la MTC. Se tomo comentario del público en ambas reuniones. También, ambas reuniones se transmiten por audio en la página de Internet, y grabaciones de ambas reuniones están disponibles en la página de Internet a cualquier hora.

### Determinaciones Clave sobre el Análisis de Inversión

El Análisis de Inversión utilizó criterios demográficos y geográficos para calcular la parte de las inversiones del TIP del 2011 que fluirán a las comunidades identificadas, y compara esas partes con el tamaño proporcional de la población de tales grupos y los viajes que hacen, relativo a la parte de la población en general. Los resultados sugieren que de acuerdo a varios índices, el TIP del 2011 invierte una mayor parte de los fondos públicos para el beneficio de comunidades de bajos ingresos y las minorías comparadas con su parte proporcional de la población de la región y con los viajes que se hacen en general (ver tabla).

<b>Determinación del Análisis en su Totalidad</b>		
	<b>Parte de la Inversión del TIP del 2011</b>	<b>Parte de los Viajes en Total/Población</b>
<b>Población Basada en el Uso</b>		
<i>Bajos Ingresos</i>	23%	16% (viajes en total)
<i>Minorías</i>	49%	42% (viajes en total)
<b>Basado en Geografía</b>	37%	33% (población – comunidad de preocupación)

El Análisis indica que la parte de la inversión hecha de viajes en transporte público hechos por la población hispana/latina (23%) se encontró ser igual a su parte de pasajeros de transporte público de esta comunidad. Para las inversiones de calles y caminos, la parte de la inversión del TIP que apoya los viajes por vehículo (14%) más o menos equivale a la parte de millas de vehículo viajadas por la población hispana/latina (14%). Estadísticas más detalladas están adjuntas en el Análisis de Inversión. De cualquier forma, los resultados completos del análisis no indican ninguna desventaja sistemática en contra las minorías y las comunidades de bajos ingresos en general o contra la comunidad hispana en particular.

### **3. Comentarios del Consejo Consultivo de Políticas sobre el Análisis de Inversión**

El Consejo Consultivo de Políticas tuvo una discusión sana sobre el Análisis de Inversión, tal como lo notan las minutas de la reunión del 8 de septiembre del 2010 (adjuntas). El personal respondió a los comentarios durante la reunión. No se recibió ninguna otra comunicación del Consejo Consultivo de Políticas para la Comisión sobre el Análisis de Inversión.

Un ejemplo de la discusión durante la reunión del Consejo Consultivo de Políticas es este comentario del miembro Carlos Castellanos, tal como lo reportan las minutas de la reunión del 8 de septiembre del 2010. El Sr. Castellanos dijo que mientras el reporte demuestra que las comunidades de bajos ingresos y las minorías se benefician más que el porcentaje de su parte, le pidió al personal que considerara los proyectos que se encuentran dentro de las comunidades de preocupación pero que no atienden a esas comunidades, los proyectos que no son

económicamente accesibles a las comunidades de preocupación, y los proyectos que desplazan comunidades enteras. Las minutas de la reunión declaran que el Director Ejecutivo de la MTC Steve Heminger, estaba de acuerdo que el análisis geográfico tiene sus limitaciones, y esta es la razón por la cual el personal agrego el análisis de la población basada en el uso. El Sr. Heminger solicito las sugerencias del los miembros del Consejo sobre como el personal puede mejorar futuras investigaciones y análisis.

En su presentación al la Comisión de la MTC, la Sra. Bockelman dijo que esta era la primera vez que la MTC condujo un Análisis de Inversión sobre el TIP, y que existen muy pocos modelos similares a nivel nacional. Ella menciona cuatro áreas que están bajo consideración para superar algunas de las limitaciones que se encontraron dentro del análisis de la población basado en el uso y el análisis basado en geografía. (Aunque este es el primer Análisis de Inversión del TIP, la MTC ha estado realizando análisis de equidad para los planes de transporte a largo plazo durante la ultiman década y el análisis mas reciente fue completado en el 2009.)

#### **Determinaciones y recomendaciones**

Mi investigación demuestra que se dio amplio aviso al público sobre la publicación del Anteproyecto del TIP, de acuerdo con el Plan para la Participación del Público de la MTC, incluyendo la publicación de los avisos legales en un periódico comunitario en español. No se recibió ningún comentario similar al del Sr. Ocana durante el periodo para recibir comentarios. Además, la MTC llevo a cabo un Análisis de Inversión del TIP que concluye un su totalidad que la proporción de inversiones del TIP del 2011 son iguales o mayores para el beneficio de las poblaciones de bajos ingresos y las minorías en general y para la comunidad hispana en particular a comparación de su parte proporcional de la población de la región o su parte proporcional de viajes hechos en total. En respuesta a la critica sobre los datos y la metodología usados en el Análisis de Inversión, la MTC se comprometió a revisar la metodología par el siguiente Análisis de Inversión usando mejores datos en consulta con el Consejo Consultivo de Políticas.

En conclusión, no encontré ninguna evidencia que los proyectos incluidos en el TIP no ayudan para servir adecuadamente las necesidades de la comunidad hispana.

  
Catalina Alvarado

# ¡Chelsea, Chelsea se la EO Copa termina temporada

Por Rosario Vital  
El Observador

**P**or tres meses consecutivos equipos del Área de la Bahía

desarrollaron con éxito la Copa El Observador 2010. La fiesta del mundial se vivió antes y después sólo con la EO Copa que tuvo lugar en las instalaciones

de la escuela primaria Randall en la ciudad de Millitas.

Buen toque, nuevos talentos deportivos, muchos jóvenes

*First  
1st  
notice*



**METROPOLITAN  
TRANSPORTATION  
COMMISSION**

## **Comisión Metropolitana del Transporte (Metropolitan Transportation Commission, MTC) Aviso de Audiencia Pública**

La Comisión Metropolitana del Transporte (MTC) invita al público a expresar sus comentarios sobre los siguientes documentos de proyecto de programación de transporte:

1) Proyecto del Programa para la Mejora de Transporte 2011 (TIP): Este es el documento de programación de transporte de la región que contiene los proyectos de transporte terrestre, incluidos los proyectos para transporte público masivo, autopistas, carreteras locales, ciclistas y peatones, propuestos para su financiamiento con base en los fondos esperados disponibles locales, estatales y federales en los próximos cuatro años y que recibirán fondos federales o están sujetos a alguna acción requerida federalmente o que son importantes para la región. El TIP debe especificar las restricciones financieras para cada año, y debe ser actualizado al menos cada cuatro años. El Proyecto del TIP 2011 fue desarrollado para ser consistente con el Plan de Transporte 2035 para el Área de la Bahía de San Francisco de MTC, el plan de inversión a 25 años en proyectos de transporte para los nueve condados del Área de la Bahía de San Francisco.

2) Proyecto de análisis de cumplimiento con la calidad del aire para el proyecto del TIP 2011: MTC también está realizando un nuevo análisis para el cumplimiento con la calidad del aire para el proyecto del TIP 2011. El TIP 2011 no incluye ningún proyecto significativo para una región que no esté incluido en el Plan de Transporte 2035. El 14 de diciembre de 2009, la Agencia para la Protección del Ambiente designó que el Área de la Bahía no cumplía con el estándar nacional de contaminación por partículas finas en 24 horas (PM2.5). MTC está desarrollando un proyecto de análisis preliminar de cumplimiento con la calidad del aire para abordar esta nueva designación.

Habrá disponibilidad de copias del proyecto del TIP 2011, el cual incluye el análisis de restricciones financieras y el análisis preliminar de cumplimiento con la calidad del aire, para su revisión pública el 6 de agosto de 2010, en la biblioteca de MTC, y en las bibliotecas públicas más importantes de los nueve condados del Área de la Bahía. Los documentos serán publicados en el sitio web de MTC en <http://www.mtc.ca.gov/> o en <http://www.mtc.ca.gov/funding/tip/index.htm>.

Hay programada una audiencia pública para recibir el testimonio público sobre estos documentos durante la junta del Comité de Programación y Asignaciones de MTC. La audiencia se realizará:

Miércoles 8 de septiembre de 2010, a las 10:00 a.m., o terminando la junta del Comité de Administración de MTC, lo que ocurra más tarde.  
Joseph P. Bort MetroCenter Auditorium, 101 Eighth Street, Oakland  
(Frente a la Estación de BART Lake Merritt)

Los comentarios por escrito pueden ser enviados a la Oficina de Información Pública de MTC en 101 Eighth St., Oakland, CA 94607 o enviados por fax al 510-817-5848 o por correo electrónico a [info@mtc.ca.gov](mailto:info@mtc.ca.gov). La fecha límite para los comentarios por escrito es el viernes 10 de septiembre de 2010 a las 5 p.m. Para obtener más información, llame a la Oficina de Información Pública de MTC al 510/817-5757. Este aviso también sirve para satisfacer los requisitos de participación pública del Programa de Proyectos anual de la Administración Federal de Transporte (FTA).

En su junta regular programada del 13 de octubre de 2010, el Comité de Programación y Asignaciones de MTC considerará los comentarios públicos recibidos para el final del periodo de comentarios. Está programado que MTC apruebe el análisis de cumplimiento con la calidad del aire y el TIP 2011 el 27 de octubre de 2010 durante su junta regular programada de la Comisión.



METROPOLITAN  
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**Comisión Metropolitana del Transporte  
(Metropolitan Transportation Commission, MTC)  
Aviso de Audiencia Pública**

*2nd notice*

Se ha agregado un análisis de inversión preliminar así como una segunda audiencia pública para el Proyecto del Programa para la Mejora de Transporte 2011 (TIP, por sus siglas en inglés). Se ha ampliado el periodo de comentarios para recibir testimonio del público sobre los siguientes documentos de proyecto de programación de transporte:

**1) Proyecto del Programa para la Mejora de Transporte 2011 (TIP):** Este es el documento de programación de transporte de la región que contiene los proyectos de transporte terrestre, incluidos los proyectos para transporte público masivo, autopistas, carreteras locales, ciclistas y peatones, propuestos para su financiamiento con base en los fondos esperados disponibles locales, estatales y federales en los próximos cuatro años y que recibirán fondos federales o están sujetos a alguna acción requerida federalmente o que son importantes para la región. El TIP debe especificar las restricciones financieras para cada año, y debe ser actualizado al menos cada cuatro años. El Proyecto del TIP 2011 fue desarrollado para ser consistente con el Plan de Transporte 2035 para el Área de la Bahía de San Francisco de MTC, el plan de inversión a 25 años en proyectos de transporte para los nueve condados del Área de la Bahía de San Francisco.

**2) Proyecto de análisis de cumplimiento con la calidad del aire para el proyecto del TIP 2011:** MTC también está conduciendo un nuevo análisis para el cumplimiento con la calidad del aire para el proyecto del TIP 2011. El TIP 2011 no incluye ningún proyecto significativo para una región que no esté incluido en el Plan de Transporte 2035. El 14 de diciembre de 2009, la Agencia para la Protección del Ambiente designó que el Área de la Bahía no cumpla con el estándar nacional de contaminación por partículas finas en 24 horas (PM2.5). MTC está desarrollando un proyecto de análisis preliminar de cumplimiento con la calidad del aire para abordar esta nueva designación.

**3) Análisis de Inversión del Programa para la Mejora de Transporte 2011 (TIP):** MTC ha conducido un análisis de inversión del Proyecto del TIP 2011, que se enfoca en los residentes de bajos ingresos y minorías. Este propósito de este análisis es proveer datos de inversión más fáciles de comprender para el público y para quienes toman las decisiones. Hay una presentación programada sobre el Análisis de Inversión del TIP 2011 durante la junta de septiembre de la Comisión de la MTC el miércoles 22 de septiembre a las 9:45 a.m.

Hay disponibles copias del proyecto del TIP 2011, el cual incluye el análisis de restricciones financieras y el análisis preliminar de cumplimiento con la calidad del aire, para su revisión pública el 6 de agosto de 2010, en la biblioteca de MTC, y en las bibliotecas públicas más importantes de los nueve condados del Área de la Bahía. Los documentos están publicados en el sitio web de MTC en <http://www.mtc.ca.gov/> o en [www.mtc.ca.gov/funding/tip/index.htm](http://www.mtc.ca.gov/funding/tip/index.htm).

Se realizó una audiencia pública para recibir el testimonio público sobre estos documentos durante la junta del Comité de Programación y Asignaciones de MTC el miércoles 8 de septiembre de 2010 a las 10:00 a.m.

Se ha programado una segunda audiencia pública para recibir el testimonio público durante la junta de septiembre de la Comisión de la MTC. La segunda audiencia se realizará:

**Miércoles, 22 de Septiembre de 2010, a las 9:45 a.m., o inmediatamente después de la junta de la Autoridad de Servicios de Autopistas y Vías Rápidas (SAFE, por sus siglas en inglés), lo que ocurra más tarde.**  
Joseph P. Bort MetroCenter Auditorium, 101 Eighth Street, Oakland  
(Frente a la Estación de BART Lake Merritt)

Los comentarios por escrito pueden ser enviados a la Oficina de Información Pública de MTC en 101 Eighth St., Oakland, CA 94607 o enviados por fax al 510-817-5848 o por correo electrónico a [info@mtc.ca.gov](mailto:info@mtc.ca.gov). La fecha límite para los comentarios por escrito es el jueves 30 de septiembre de 2010 a las 5 p.m. Para obtener más información, llame a la Oficina de Información Pública de MTC al 510/817-5757. Este aviso también sirve para satisfacer los requisitos de participación pública del Programa de Proyectos anual de la Administración Federal de Transporte (FTA).

En su junta regular programada del 13 de octubre de 2010, el Comité de Programación y Asignaciones de MTC considerará los comentarios públicos recibidos para el final del periodo de comentarios. Está programado que MTC apruebe el análisis de cumplimiento con la calidad del aire y el TIP 2011 el 27 de octubre de 2010 durante su junta regular programada de la Comisión.

¿Necesita usted materiales impresos en letra grande o en Braille para participar en juntas de MTC o BATA? ¿Necesita un intérprete de lenguaje de señas o ayuda de otro tipo? ¿Es el inglés su segundo idioma? ¿Necesita una traducción de alguno de nuestros documentos? ¿Necesita la asistencia de un intérprete que hable su idioma en alguna de nuestras juntas? ¡Nosotros podemos ayudar! Usted puede solicitar ayuda llamando al 510.817.5757 o al 510.817.5769 para TDD/TTY. Visite [www.mtc.ca.gov](http://www.mtc.ca.gov) para obtener más información. Es necesario que nos avise con un mínimo de tres días de anticipación para que le podamos brindar ayuda razonable. Preferimos que nos avise con más tiempo si es posible. Haremos nuestro mejor esfuerzo para organizar la ayuda lo más pronto posible.

Para obtener una traducción al español o al chino de este aviso de audiencia pública, visite [www.mtc.ca.gov](http://www.mtc.ca.gov) o llame a la Oficina de Información Pública de MTC al 510.817.5757.

MTC se compromete a cumplir con el Título VI de la Ley de Derechos Civiles de 1964 y sus enmiendas, la cual prohíbe la discriminación con base en raza, color, religión, nacionalidad de origen, sexo, o edad, y prohíbe la discriminación en oportunidades de empleo o negocios.



**METROPOLITAN  
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Deputy Executive Director, Operations

**Política de la Junta Consultiva  
8 de septiembre de 2010**

El Presidente Paul Branson convocó a una junta para que se lleve a cabo a la 1:35 p.m. Los miembros presentes Naomi Armenta, Cathleen Baker, Richard Burnett, JoAnn Busenbark, Carlos Castellanos, Bena Chang, Wilbert Din, Richard Hedges, Allison Hughes, Dolores Jaquez, Linda Jeffery Sailors, Randi Kinman, Federico Lopez, Marshall Loring, Cheryl O'Connor, Kendal Oku, Lori Reese-Brown, Gerald Rico, Frank Robertson, Dolly Sandoval y Egon Terplan. Ausentes: Evelina Molina y Carmen Rojas.

**Actas**

Las actas de la reunión del 14 de Julio de 2010 fueron aprobadas de forma unánime después de una moción por el Sr. Hedges y una segunda por el Sr. Loring.

**Política del Plan de Trabajo de la Junta Consultiva**

El Presidente Branson presentó un borrador revisado del Plan de Trabajo de la Junta. La Sra. Busenbark prosiguió a aprobar el plan de trabajo y la Sra. Jaquez secundó la moción

El Sr. Hedges dijo que a él le gustaría ver más detalle en el desarrollo orientado al transporte (TOD, por sus siglas en inglés) la infraestructura del transporte y los impactos de la Ley del Senado 375 (Steinberg) para poder formalizar su importancia. El Sr. Terplan notó la necesidad de elevar la importancia del transporte, pero sintió que había muchas piezas subdivididas. El Sr. Hedges notó que los grupos más pequeños podrían ayudar a enfocar la dirección del grupo más grande. El Presidente Branson clarificó que el borrador del Plan de Trabajo actual recomienda la creación de un subcomité permanente que se encargue de la equidad y acceso en este momento; sin embargo, los grupos adicionales pueden formarse a medida que se necesiten. El Sr. Lopez preguntó cuál sería el objetivo del Presidente en relación al Plan de Trabajo, y si el borrador del Plan de Trabajo estaba disponible para que el público lo revisara. El Presidente Branson dijo que el objetivo es adoptar el Plan de Trabajo y usarlo como una fundación para proyectarse hacia el futuro. La Sra. Grove notó que todas las agendas de las reuniones de MTC se publicaban en el sitio web de MTC para que el público las vea y el borrador del Plan de Trabajo fue puesto bajo la agenda de la Junta de septiembre.

Después de la discusión, la Política del Plan de Trabajo de la Junta Consultiva fue aprobada de forma unánime como se presentó.

### **Análisis de Inversión del Programa de Mejoras del Transporte (TIP por sus siglas en inglés)**

La Junta recibió un reporte del Análisis de Inversión de Alix Bockelman del personal de MTC. El Sr. Hedges notó que la información de millas viajadas por los vehículos del transporte es inexacta porque no cuenta a la gente que viaja en autobuses de enlace de compañías privadas. El Sr. Robertson pidió detalles sobre la metodología cualitativa usada para realizar el reporte. El Sr. Lopez preguntó cómo se incorporaban a los adultos mayores, ciegos y personas con incapacidades en el análisis, notando que estos grupos pueden no pertenecer a una categoría de población de bajos recursos y minorías; sin embargo, los reportes futuros han expandido las áreas de enfoque. El Sr. Din expresó preocupaciones sobre el uso de la Encuesta de Viaje del Área de la Bahía como un recurso de datos del reporte, ya que él siente que fue deficiente. Doug Johnson del personal de MTC notó que análisis instantáneos (Snapshot) futuros tratarían este asunto.

El Sr. Castellanos dijo que el reporte muestra que las comunidades de bajos recursos y minorías se benefician más de la cantidad de su porcentaje; sin embargo, él pidió al personal que considere proyectos que están dentro de las preocupaciones de las comunidades (CoCs) pero no sirven a esas comunidades, los proyectos que no son económicamente accesibles al CoCs, y los proyectos que desplazan a comunidades enteras. El Director Ejecutivo de MTC Steve Heminger estuvo de acuerdo en que el análisis geográfico tiene limitaciones, por lo cual el personal añadió el análisis basado en el uso de la población. Él pidió retroalimentación sobre cómo puede el personal mejorar las investigaciones y análisis futuros. El Sr. Hughes estuvo de acuerdo con los comentarios de Sr. Lopez sobre incluir datos estadísticos sobre el uso de personas con incapacidades.

El Sr. Terplan preguntó qué otros métodos eran considerados, qué métodos pueden ser usados en el futuro para tratar algunas de las preocupaciones expresadas, y cómo los resultados del reporte actual podrían ser usados. La Sra. Bockelman dijo que el reporte informará sobre decisiones que se hagan desde hoy hasta la adopción de TIP en el 2013. Ella también dijo que el personal necesitará comenzar con el RTP en términos de mejorar la metodología general, ya que RTP se enfoca en las inversiones totales dentro de un periodo de tiempo más largo. El Sr. Heminger notó que el reporte muestra que la región no tiene un problema sistémico de baja inversión; sin embargo, al personal le gustaría trabajar con la Junta desde el comienzo para el próximo análisis. El Sr. Johnson añadió que este reporte es una foto rodante de cómo está procediendo el patrocinio, recordando a la Junta que sólo el 50% de las poblaciones de bajos recursos y las minorías viven dentro de CoCs identificadas.

La Sra. Jaquez preguntó si el dinero era provisto por un estatuto. Ella también dijo que los nueve condados en la región son diferentes. Ella notó que las minorías y gente de bajos recursos del Condado de Sonoma no viajan en autobús porque no hay autobuses en que viajar, entonces cómo se podría capturar a poblaciones en los datos? La Sra. Bockelman dijo que algo del dinero tiene uso específico, mientras algo de éste es flexible. El Sr. Loring sugirió formar un subcomité para informar la siguiente Encuesta de Viajes en el Área de la Bahía y mejorar las fuentes de los datos. La Sra. Kinman dijo que los nuevos datos del censo proveerán una oportunidad para poner toda la información sobre la mesa. Ella pidió que el personal trabaje para que se hagan mapas interactivos de Análisis Instantáneos (Snapshot Analysis).

### **Análisis de Inversión TIP (continuación)**

La Sra. Sandoval pidió que se concordara mejor los datos, estuvo de acuerdo con la petición de la Sra. Kinman para tener mapas en línea/interactivos, y preguntó al personal que por qué están haciendo este análisis si el TIP actual no cambia los gastos futuros. La Sra. Bockelman clarificó que el personal estaba mirando el resultado de las investigaciones de las poblaciones de bajos recursos y minorías, y notó que los hallazgos informarán sobre las investigaciones que se van llevando a cabo. El Sr. Heminger notó que TIP sirve como una forma de registrar y una forma de implementar el RTP. Él dijo que el RTP es donde la Comisión hace elecciones estratégicas, y nota que este reporte es un análisis con muchas limitaciones. La Sra. Sandoval preguntó si el personal mantiene datos comparativos para ver cómo los proyectos resultan después de haber sido completados. La Sra. Bockelman notó que el Análisis Instantáneo trata de obtener resultados de todas las inversiones de MTC relacionadas a las comunidades de bajos ingresos y minorías, pero esta es la primera vez que este tipo de análisis ha sido hecho.

La Sra. Baker notó que el Análisis Instantáneo contenía un mapa que expandía la definición de CoCs; ella expresó interés en ver estos proyectos de definición extensa que se desarrollarán en el futuro. Ella también pidió que se dividiera la modalidad entre el transporte específico para ferrocarriles, barcos de transbordo (ferry) y autobuses, para que sean una parte del análisis futuro. El Sr. Johnson notó que la definición actual de CoCs, y dijo que la mayoría de datos para este análisis es del 2007-08.

El Presidente Branson reconoció a un miembro del público:

David Schonbrunn de TRANSDEF dijo que sería de mucho valor tener hojas de datos publicadas en el sitio Web de MTC para permitir que el público pueda rastrear la metodología utilizada. Él dijo que era problemático comparar el número de recorridos, y el uso sugerido por el personal asumido por SACOG.

### **Revisión de la Estrategia para Comunidades Sustentables (SCS)**

El reporte hecho por Ashley Nguyen del personal de MTC fue recibido por la Junta. La Sra. Chang pidió más detalles sobre el proceso de alcance a las SCS. La Sra. Nguyen dijo que el Grupo de Trabajo Consultivo Regional de SCS fue creado para involucrar a un número de interesados incluyendo a planificadores locales y agencias de manejo de congestión. También hay un Grupo de Trabajo Ejecutivo, conformado de cuatro agencias regionales (MTC ABAG, BAAQMD y BCDC). Ella dijo habrá trabajos de grupo del condado y del corredor, y MTC también conducirá una serie de actividades de alcance, incluyendo talleres para interesados, el uso del sitio OneBayArea.org, grupos de enfoque y encuestas por teléfono. La Sra. Kinman pidió que las reuniones se programen en horas en que personas puedan asistir. Ella expresó preocupaciones de que la asequibilidad de la vivienda está siendo dejada fuera de la discusión. El Sr. Nguyen notó que un nivelador de políticas disponible para los que toman las decisiones serían subsidios para jurisdicciones locales que provean vivienda asequible. La Sra. Kinman también expresó preocupación sobre la reducción de espacios abiertos.

El Sr. Din preguntó si los interesados en las comunidades han provisto información actual. El Sr. Nguyen notó que las reuniones del Grupo de Trabajo Consultivo Regional son continuas e incluyen a miembros de esta Junta y a otros interesados. El Sr. Hedges notó que en adición a los incentivos, las agencias regionales necesitan crear sanciones para las jurisdicciones locales que no

provean vivienda asequible. La Sra. Jeffery Sailors notó que los oficiales electos necesitan comprender sus responsabilidades en este proceso, y talvez en las formas que se necesitan explorar para hacer los fondos obligatorios que ya no sean obligatorios. La Sra. Nguyen agregó que el hacer que oficiales electos locales participen es clave para el éxito de SCS. La Sra. Reese-Brown dijo que los oficiales de la ciudad y planificadores necesitan mantenerse listos para implementar las políticas de SCS a través de sus planes generales. El Sr. Heminger notó que SB 375 explícitamente prohíbe que las agencias regionales impongan a gobiernos de jurisdicciones locales a participar. El Sr. Terplan dijo que la Junta debería proveer opiniones sobre los escenarios y pedir esto como un punto de agenda en el futuro.

El Presidente Branson reconoció a un miembro del público:

El Sr. Schonbrunn pidió apoyo para el desarrollo de una alternativa pública para que sea incluida y estudiada en el Reporte de Impacto Ambiental (EIR, por sus siglas en inglés) de SCS/RTP.

### **Revisión de los Objetivos de SCS**

La Junta recibió el reporte de Lisa Klein del personal de MTC. El Sr. Hedges notó que no hay pruebas 2.5 en la tarde en la Bahía del Oeste, y esta falta de datos dificulta la creación de viviendas cerca del área de transporte. La Sra. Klein dijo que la preocupación es de interés a Air District, y ella preguntó sobre sus planes futuros. La Sra. Kinman dijo que uno de los indicadores podría ser el número de centros recreacionales que queden a una distancia caminable. Ella también expresó preocupación sobre datos incompletos de accidentes en bicicleta, y preguntó como los “servicios” fueron definidos. La Sra. Klein dijo que las definiciones vienen de trabajos previos, incluyendo del Análisis de Equidad de Transporte 2035 y el Análisis Instantáneo, y ambos datos y definiciones serán revisados en el futuro. La Sra. Sandoval preguntó a la Junta si un subcomité iba a hablar si se debería formar este asunto y que otros temas ellos deberían tratar. La Sra. Busenbark preguntó cómo varios miembros ya estaban participando en los subcomités adicionales del Grupo de Trabajo Consultivo Regional, y si un nuevo comité sería una duplicación. La Sra. Klein dijo que hay ocho miembros participantes, lo cual es una buena representación de la Junta.

El Sr. Terplan preguntó cómo se iba a reflejar la retroalimentación de un comité adicional, dejando saber la respuesta que puede venir directamente de él después. Él advirtió sobre el tema emergente que la distancia y el tiempo siempre deben ser acortados. Él notó que menos movilidad no es necesariamente mejor para la región, como un dinamismo económico regional que podría estar perdido. Él también sugirió simplificar la lista de objetivos al crear nuevos objetivos divididos, y bajar el manejo, etc., entre otros.

### **Reporte de Enlace del Personal**

La Junta recibió el reporte de la Sra. Grove.

### **Reportes de Miembros de la Junta**

La Sra. Armenta anunció que la Autoridad de Mejoras de Transporte del Condado de Alameda (ACTIA, por sus siglas en inglés) y la Agencia del Manejo de la Congestión en el Condado de Alameda (Alameda CMA, por sus siglas en inglés) se han unido para formar la Comisión de Transporte del Condado de Alameda (ACTA, por sus siglas en inglés).

La Sra. Busenbark expresó preocupaciones sobre el número de artículos en la agenda, y notó que la reunión sería más productiva si fuera más corta. El Presidente Branson notó que algunos artículos tienen asuntos sensibles al tiempo. El Sr. Din pidió que los artículos deben ser notados como de información o asuntos de acción en la agenda.

#### **Comentarios Públicos/Coordinación/Próxima Reunión**

No hubo comentarios públicos. La siguiente reunión está programada para el 13 de octubre de 2010. La reunión finalizó a las 3:55 p.m.

# 2011 TIP Investment Analysis: Focus on Low-Income and Minority Communities

## Introduction

The 2011 Transportation Improvement Program (TIP) is currently out for public comment with approval scheduled for October 2010. This major programming document lists all Bay Area surface transportation projects that have a federal interest – meaning projects for which federal funds or actions by federal agencies are anticipated – along with locally and state-funded projects that are regionally significant. The 2011 TIP is a voluminous document, but MTC has produced a short, user-friendly 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*, is available through the MTC-ABAG Library, or online at [http://www.mtc.ca.gov/funding/tip/DRAFT\\_2011/Guide\\_to\\_TIP\\_8-10.pdf](http://www.mtc.ca.gov/funding/tip/DRAFT_2011/Guide_to_TIP_8-10.pdf).

To further assist in the public assessment of the 2011 TIP, and specifically to address the equity implications of the proposed TIP investments, MTC has conducted an investment analysis with a focus on minority and low-income residents. The key question addressed is: “Are low-income and minority populations sharing equitably in the TIP’s financial investments?” To answer this question, the investment analysis uses demographic and geographic criteria to calculate the shares of 2011 TIP investments that will flow 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. This report presents the results of that analysis.

While this investment analysis is a companion to the 2011 TIP, it is also a follow-up to several related MTC efforts, including the Transportation 2035 Equity Analysis (February 2009) and the more recent Snapshot Analysis for MTC Communities of Concern (June 2010). Together, these efforts are meant to provide accurate and current data to help inform decision-makers and the public, and to inform and encourage engagement in the public participation process. This is the first investment analysis for the TIP, and MTC staff actively seeks your feedback. MTC strives to employ best practices in metropolitan planning, and we constantly seek to refine and improve the analytical work that undergirds our planning processes.

## About the 2011 TIP

The Bay Area’s 2011 TIP includes nearly 1,000 transportation projects, and a total of approximately \$11.1 billion in committed federal, state and local funding over the four-year TIP period through Fiscal Year 2014. Figure 1 below illustrates the relative share of the 2011 TIP fund sources, with local sources comprising the largest share at nearly one-half of total funding. See Attachment A for a map of projects with costs greater than \$200 million.

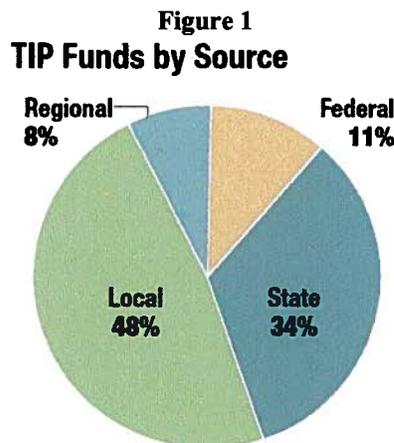
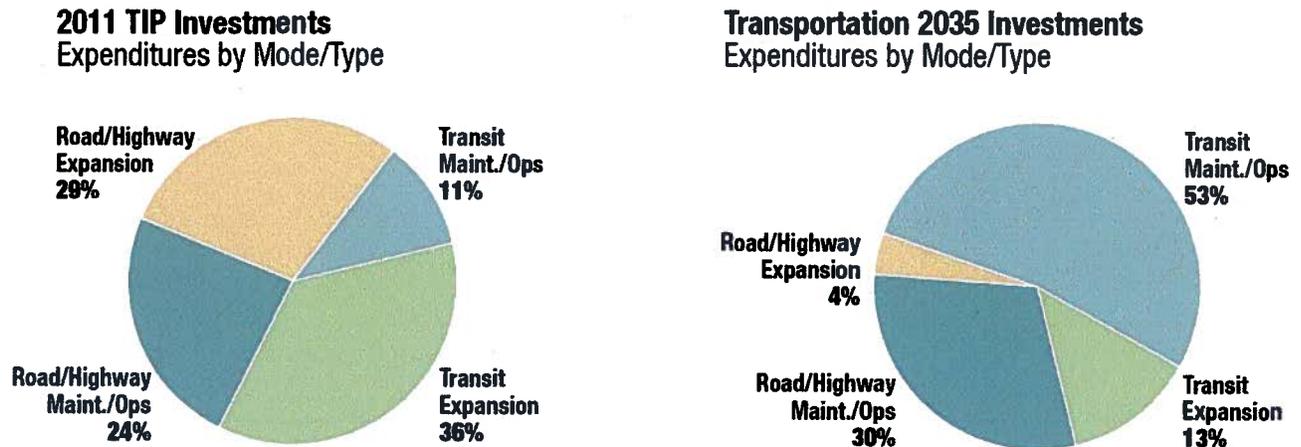


Figure 2 below at left shows the planned investments in the 2011 TIP by transportation mode (road/highway or transit) and type of expenditure (maintenance/operations or capital expansion). As a frame of reference, the Transportation 2035 Plan expenditures by mode and function are shown as well at right.

Figure 2



The most striking difference is that the share of capital expansion for both transit and roads/highways is much greater in the 2011 TIP than is the case for the Transportation 2035 Plan. Also, the share of road/highway investments in the 2011 TIP is substantially larger than the counterpart share in the Transportation 2035 Plan.

The main reason for this difference is that the TIP represents only a fraction of Bay Area transportation investments and is only a four-year snapshot. The 2011 TIP accounts for roughly 50 percent of all planned investments captured in Transportation 2035 over the four-year period. Because the TIP is focused on projects that have federal funds, will require a federal action, or are regionally significant, it tends by its nature to be more heavily weighted toward capital projects – such as roads, transit extensions and replacement of transit vehicles. The majority of funds that go to operate and maintain the region’s transportation system – both for transit and streets and roads – are not a part of the TIP. For this reason, the TIP investments are not representative of the broader funding picture in Transportation 2035, the region’s long-range plan.

Another feature of the TIP that distinguishes it from the region’s long-range plan is that it tends to be a more dynamic document – meaning that it is amended frequently to reflect changing fund sources and project changes, and on-going programming efforts. For example, the current 2011 TIP does not yet reflect over \$1 billion in Federal Transit Administration (FTA) formula funds because the Commission has not yet adopted a final program. These funds have historically been directed to transit rehabilitation. Once the action occurs, the 2011 TIP will be amended to include the projects and funding. As context, the 2009 TIP has been amended over 50 times since its adoption two years ago.

### Equity and Environmental Justice Considerations

As the federally designated MPO, MTC is responsible for developing a long-range regional transportation plan and the TIP. The legal, regulatory, and policy framework for addressing equity and environmental justice as it relates to the long-range transportation planning process is included in Appendix A and

includes: 1) Title VI of the Civil Rights Act; 2) Federal Guidance on Environmental Justice; and 3) MTC’s Environmental Justice Principles.

These laws, regulations, and policies form the basis of analyzing MTC’s Transportation 2035 Plan for equity and inform the 2011 TIP Investment Analysis. However, no specific federal standard, policy or guidance exists related to how an environmental justice assessment or equity analysis should be performed for a long-range plan, nor are there identified standards against which MTC can measure its findings. Similarly, for the 2011 TIP, there is no federal guidance on completing an investment analysis. Therefore MTC is building on the work undertaken in the Transportation 2035 analysis and seeking feedback from stakeholders on the methodology and future enhancements to the methodology.

**Bay Area – Demographic Context**

Before embarking on a discussion of the analysis, it is important to understand demographic and travel patterns for the Bay Area. In terms of overall demographics, roughly 25 percent of the region’s households are low-income, defined as households with incomes that fall below 200 percent of the federal poverty level. Also, the Bay Area is now a “majority minority” region with 54 percent of the households in the racial/ethnic minority category. Table 1 provides summary information on demographics.

**Table 1. Population Distribution by Income and Race/Ethnicity**

Population Distribution by Household Income		
	Population	% of Total
<b>Low-Income (≤ \$50,000)</b>	1,753,180	25%
<b>Not Low-Income (&gt; \$50,000)</b>	5,155,599	75%
<b>Total</b>	6,908,779	100%
Share of Share of Population by Race/Ethnicity		
	Number of Households	% of Total
<b>Minority</b>	3,721,079	54%
<b>White Non-Hispanic</b>	3,176,804	46%
<b>Total</b>	6,897,883	100%

Sources: American Community Survey (ACS): Public Use Microdata Sample 2008 and 2005-2007 ACS

Most notably in terms of travel patterns, Figure 3 illustrates that trips by all Bay Area residents are overwhelmingly made by motor vehicle (80 percent) by the population at large, followed by non-motorized trips (12 percent), and transit (7 percent). While there are real differences for travel patterns for minority and low-income populations, motor vehicles are still the primary mode for trips at 65 percent or greater for both groups (see Figure 4).

**Figure 3**

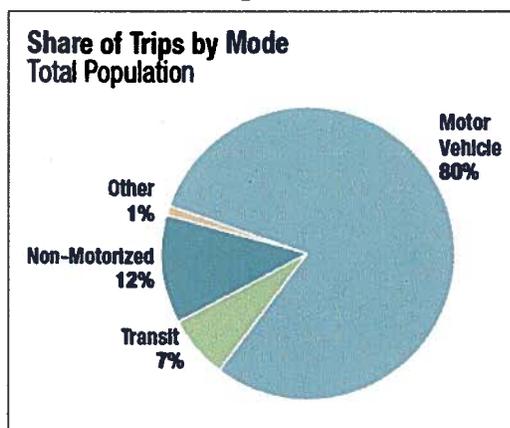
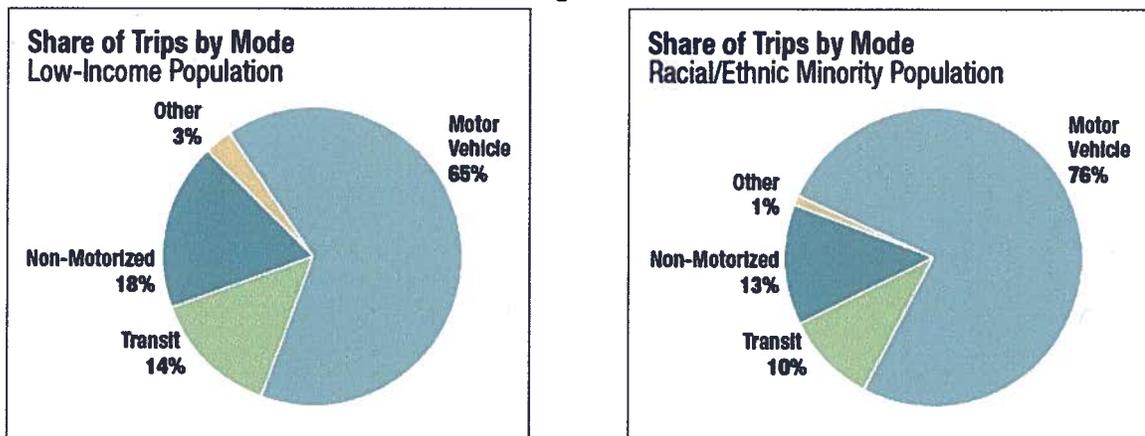


Figure 4



### Investment Analysis Overview and Results

The 2011 TIP Investment Analysis uses two different methodologies to compare how low-income and minority communities may be affected by the proposed investments in the 2011 TIP:

1. **Population Use-Based Analysis:** This analysis is use-based. It compares the estimated percent of investment for low-income and minority populations to the percent of use of the transportation system (both roadways and transit) by low-income and minority populations. In the aggregate, the analysis measures transit and motor vehicle trips using the 2000 Bay Area Travel Survey (2000 BATS). In drilling deeper into the slice of roadway investment alone, the analysis uses vehicle miles traveled (VMT) as the measure of system use from the 2000 BATS. Similarly, for a more refined look at transit investment alone, transit trips are measured using data from MTC's 2006 Transit Passenger Demographic Survey.
2. **Geographic-Based Analysis:** This analysis is location and access-based; it does not take into account system use. It compares the estimated percent of investment in communities of concern (CoCs) to the percent of population or infrastructure located within communities of concern. The analysis relies on MTC geographic information system (GIS) data to assign investments either within or outside of communities of concern. For a local project, the entire investment is either assigned within or outside of a CoC based on its location. For a network/system project, a share of the investment is assigned based on the percent of route miles/stations (transit) or lane miles (state highway, bridge, and local roads) in communities of concern.

Before undertaking this analysis, MTC staff reviewed TIPs prepared by Metropolitan Planning Organizations (MPOs) around the United States for best practices. Most TIPs were not accompanied by an investment or equity analysis. In the few examples found that included an analysis, only a geographic approach was followed. In the interest of broadening the analytical framework for this TIP analysis, staff has undertaken two approaches to better inform decision-makers and the public. The methodologies for each approach and the results are discussed below. Appendix B includes definitions and data sources used in this analysis.

### **Population Use-Based Analysis**

The population-based analysis was conducted as follows:

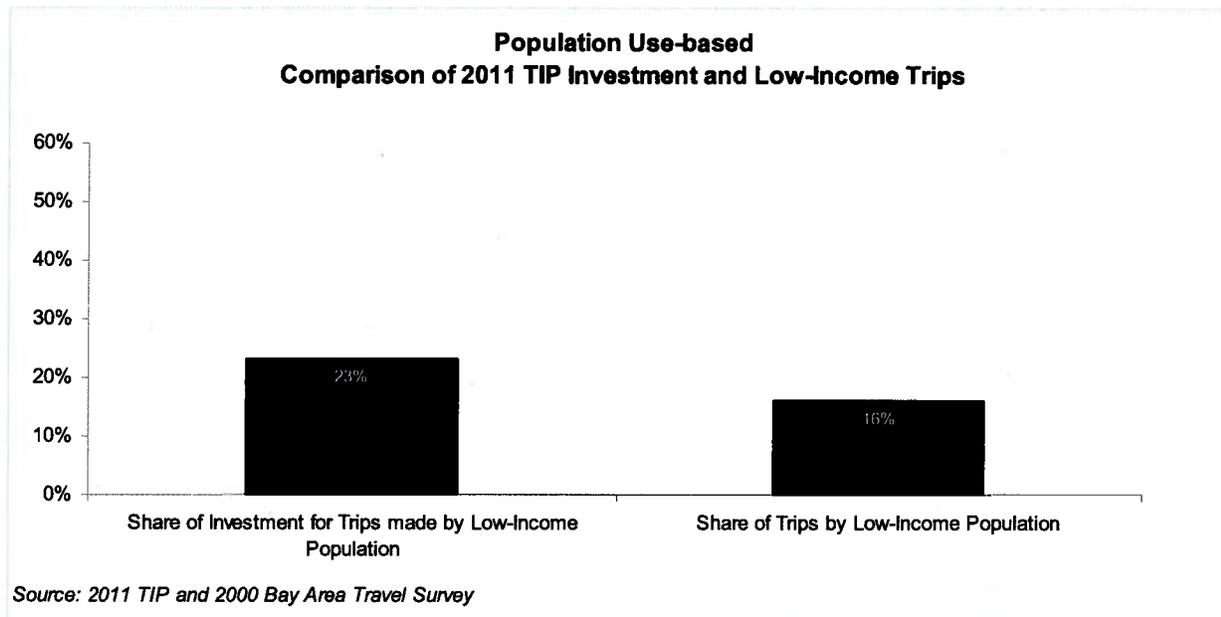
- The 2011 TIP investments were separated into two modes: transit and road/highway.
- Investments were allocated in each category to low-income and minority populations, and other populations according to each groups' usage share of each mode at the county or transit operator level.
  - First, to analyze what share of each mode (transit and roads/highways) low-income and minority populations utilize, the following definitions were used:
    - *Low-Income Households*: Low-income households were defined as households earning \$50,000 or less. This is roughly equivalent to 200 percent of the federal poverty level.
    - *Minority Households*: For this analysis, minority households were defined using U.S. Census Bureau definitions.
  - Second, the assignment of investment by usage was performed by multiplying the percent of use of the mode by the investment in that particular mode. This analysis was conducted at the county level for highways and roadways and at the transit-operator level for transit. As an illustrative example, for a \$50 million state highway project in Alameda County, 18 percent or \$9 million, would have been assigned as a financial benefit to low-income populations and the remaining 82 percent or \$41 million to other populations because 18 percent of Alameda County motor vehicle trips are made by low-income populations based on the 2000 BATS. A similar approach was followed for transit investment allocations. For multimodal, aggregate analysis, trip data from the 2000 BATS were used. For the in-depth transit analysis, data came from MTC's 2006 Transit Passenger Demographic Survey. For the focused roadway analysis, vehicle miles traveled (VMT) and 2000 BATS data were used.
- Lastly, the investments by mode (from county or transit operator data) were summed for low-income and minority populations and for all other populations based on each group's usage share of each mode. The percent of usage of the system by the target and other populations was then compared to the percent of investment for trips supporting that population.

As a regional-level analysis, this assessment is quite coarse, and has several limitations. The most significant shortcoming is that the analysis does not directly assess the benefit and burden of specific projects or programs. With respect to assigning investment benefit from expansion projects to households, this analysis is limited to assuming that existing usage demographics apply, since current demographic and travel surveys do not include future riders or drivers who will be attracted to the areas served by these expansions either as origins and destinations. Moreover, the roadway-usage share does not account for the benefit to the region's transit vehicles that share the roads with private automobiles. Also, for simplicity, pedestrian and bicycle projects were assigned to local streets and roads and not specifically assigned based on usage by low-income or minority populations of these facilities, or walk/bike mode share.

**Population Use-Based Results**

Table 2. Population Use-Based Comparison of 2011 TIP Investment and Trips by Low-Income Population			
	2011 TIP Investments	% of Investment	% of Trips
Low-Income Population	\$2,586,489,148	23%	16%
Not-Low Income Population	\$8,525,706,550	77%	84%
Total	\$11,112,195,698	100%	100%

Figure 5

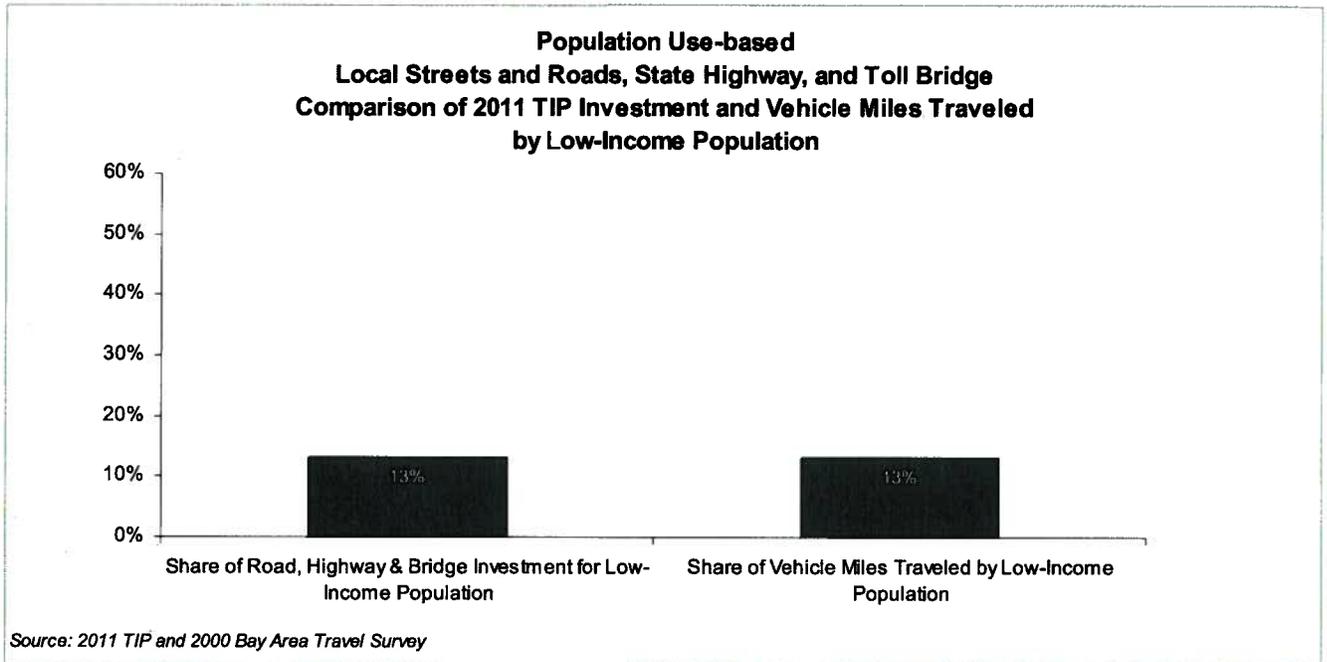


**Observations**

- The share of investment in projects that support trips made by the low-income population (23%) is greater than trips made by the proportion of the population that earns \$50,000 or less (16%).
- While the low-income population makes up 25% of the population of the Bay Area, this population accounts for only 16% of all trips.

Table 3. Population Use-Based Local Streets and Roads, State Highway, and Toll Bridge Comparison of 2011 TIP Investment and Vehicle Miles Traveled by Income Distribution			
	Road, Highway & Bridge Investment	% of Investment	% of Vehicle Miles Traveled
Low-Income Drivers (<\$50k/yr)	\$847,197,350	13%	13%
Not Low-Income Drivers (>\$50k/yr)	\$5,606,524,473	87%	87%
<b>Total</b>	<b>\$6,453,721,823</b>	<b>100%</b>	<b>100%</b>

Figure 6

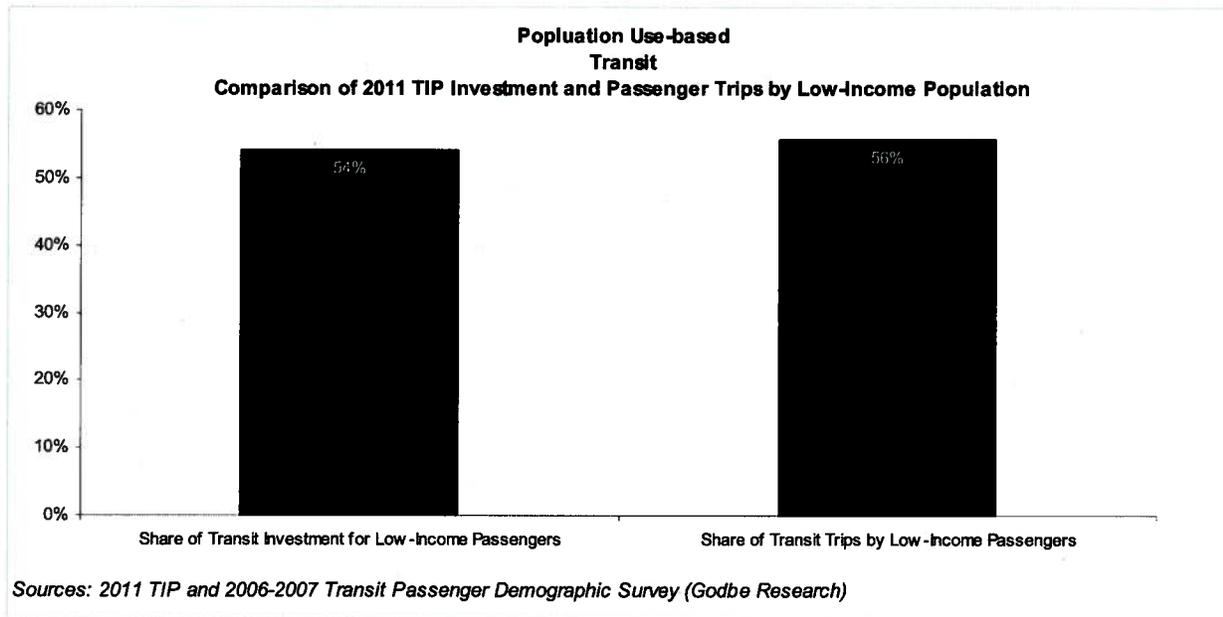


**Observations**

- The share of investment in local road, state highway and toll bridge systems that benefit the low-income population is equal to the share of total vehicle miles traveled by the low-income population on those systems.
- While the low-income population accounts for 25% of the total population in the Bay Area, this population accounts for 13% of the driving done in the region.

Table 4. Population Use-Based Transit Comparison of 2011 TIP Investment and Passenger Trips by Income Distribution			
	Transit Investment	% of Investments	% of Passenger Transit Trips
Low-Income Passengers (≤\$50k/yr)	\$2,521,638,084	54%	56%
Not Low-Income Passengers (>\$50k/yr)	\$2,136,835,791	46%	44%
<b>Total</b>	<b>\$4,658,473,875</b>	<b>100%</b>	<b>100%</b>

Figure 7

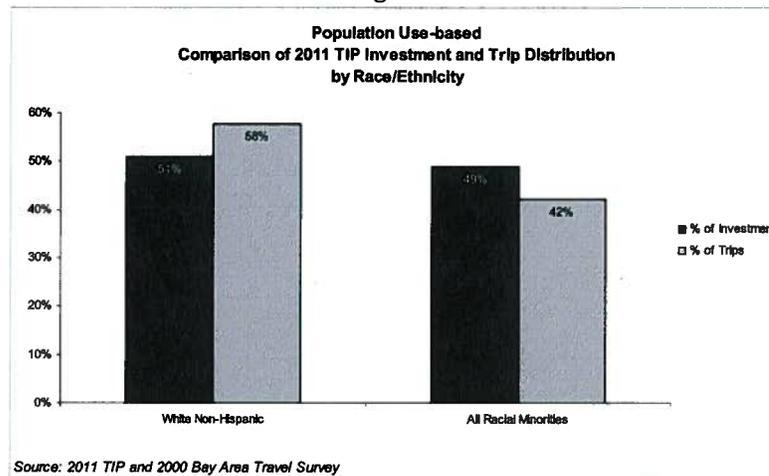


**Observations**

- The share of transit investment for low-income passengers (54%) is slightly less than the share of transit trips taken by low-income passengers (56%).
- While the share of the total population that is low-income is 25%, low-income passengers account for 56% of transit trips in the Bay Area.

Table 5. Population Use-Based Comparison of 2011 TIP Investment and Trip Distribution by Race/Ethnicity			
Race/Ethnicity	Investment by Trips	% of Investment	% of Trips
<b>White Non-Hispanic</b>	<b>\$5,673,464,310</b>	<b>51%</b>	<b>58%</b>
<b>All Racial Minorities</b>	<b>\$5,438,731,388</b>	<b>49%</b>	<b>42%</b>
<i>Black/African-American</i>	\$1,075,939,122	10%	6%
<i>Asian or Pacific Islander</i>	\$2,035,565,264	18%	16%
<i>Hispanic/Latino</i>	\$1,618,662,659	15%	14%
<i>Other/Multiple Races</i>	\$708,564,343	6%	6%
<b>Total</b>	<b>\$11,112,195,698</b>	<b>100%</b>	<b>100%</b>

Figure 8



**Observations**

- While the white, non-Hispanic population of the Bay Area is 46% of the total population, this population’s share of trips is 58% of the total.
- Minority households make up 54% of the population in the Bay Area, but take only 42% of all trips.
- The share of transportation investment in the Bay Area that supports minority population trips is greater than the share of trips taken by these communities (see Figure 8 above), and this is a uniform result among all racial minority populations (see Figure 9 below).

Figure 9

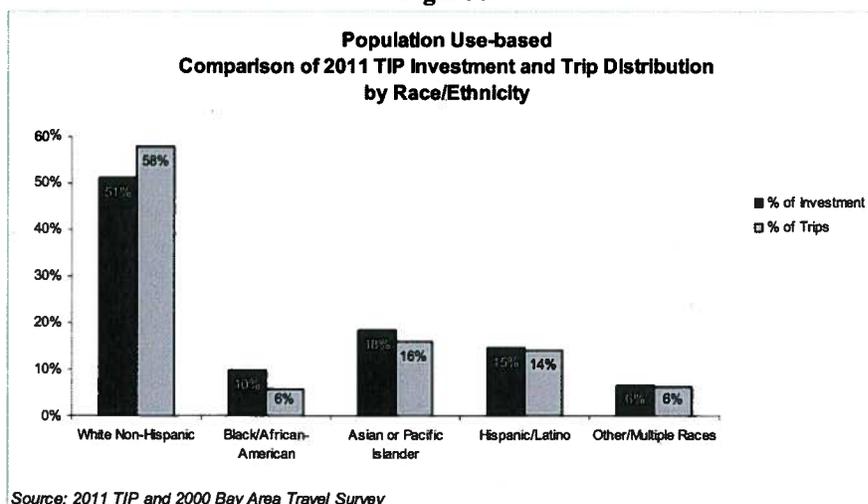
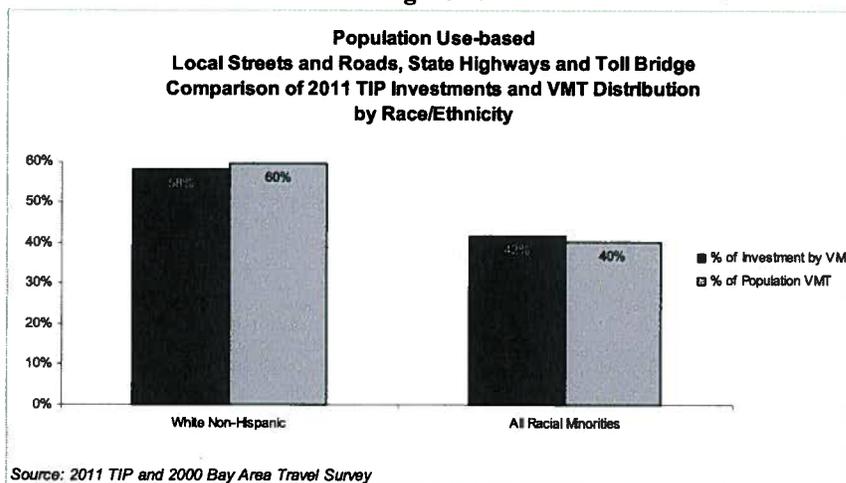


Table 6. Population Use-Based Local Streets and Roads, State Highways and Toll Bridge Comparison of 2011 TIP Investments and VMT Distribution by Race/Ethnicity			
Race/Ethnicity	Investment by Trips	% of Investment	% of VMT
White Non-Hispanic	\$3,761,895,184	58%	60%
All Racial Minorities	\$2,691,826,639	42%	40%
<i>Black/African-American</i>	\$337,650,593	5%	5%
<i>Asian or Pacific Islander</i>	\$1,132,463,028	18%	16%
<i>Hispanic/Latino</i>	\$870,477,102	13%	14%
<i>Other/Multiple Races</i>	\$351,235,915	5%	5%
<b>Total</b>	<b>\$6,453,721,823</b>	<b>100%</b>	<b>100%</b>

Figure 10



**Observations**

- While the white, non-Hispanic population of the Bay Area is 46% of the total population, this population’s share of vehicle miles traveled is 60% of the total.
- Minority households make up 54% of the population in the Bay Area, but account for only 40% of the vehicle miles traveled in the Bay Area.
- The share of local streets and roads, state highway, and toll bridge investment that supports trips by minority communities in the Bay Area at 42% is slightly greater than the share of vehicle miles traveled by minority populations at 40% (see Figure 10 above), and this holds true for nearly all minority groups (see Figure 11 below).

Figure 11

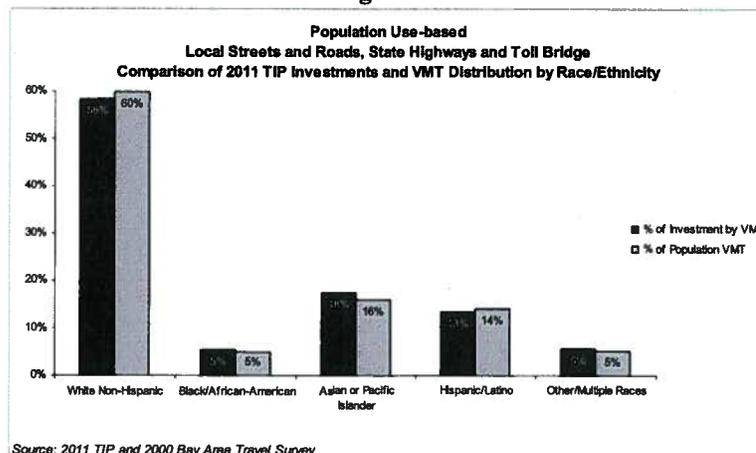
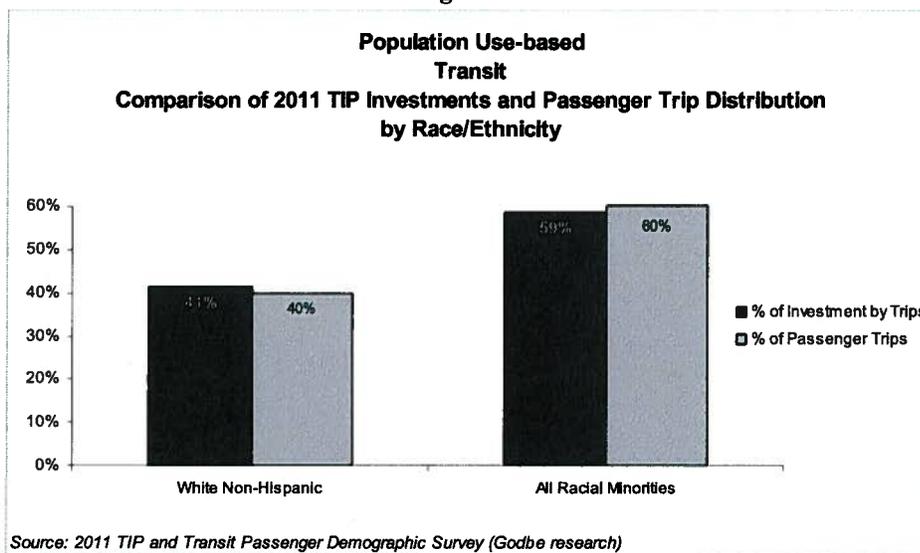


Table 7. Population Use-Based Transit			
Comparison of 2011 TIP Investments and Passenger Trip Distribution by Race/Ethnicity			
Race/Ethnicity	Investment by Trips	% of Investment	% of Passenger Trips
<b>White Non-Hispanic</b>	<b>\$1,924,343,073</b>	<b>41%</b>	<b>40%</b>
<b>All Racial Minorities</b>	<b>\$2,734,130,802</b>	<b>59%</b>	<b>60%</b>
<i>Black/African-American</i>	<i>\$652,360,591</i>	<i>14%</i>	<i>18%</i>
<i>Asian or Pacific Islander</i>	<i>\$812,963,001</i>	<i>17%</i>	<i>14%</i>
<i>Hispanic/Latino</i>	<i>\$1,065,715,287</i>	<i>23%</i>	<i>23%</i>
<i>Other/Multiple Races</i>	<i>\$203,091,923</i>	<i>4%</i>	<i>5%</i>
<b>Total</b>	<b>\$4,658,473,875</b>	<b>100%</b>	<b>100%</b>

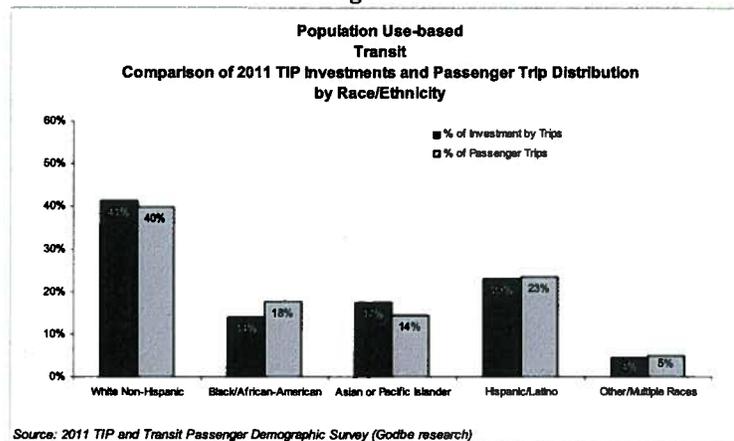
Figure 12



**Observations**

- While minority groups make up 54% of the Bay Area population, this population accounts for 60% of all transit trips.
- The share of investment in minority transit trips at 59% is slightly less than the share of transit trips made by minority populations (see Figure 12 above).
- The share of investment in minority transit trips is not uniform among different minority groups (see Figure 13 below).

Figure 13



### Geographic-Based Analysis

The geographic-based analysis was conducted as follows:

- The 2011 TIP investments were assigned as either “in” communities of concern (CoCs) or “outside” of CoCs based on the approach below. By communities of concern, we mean Bay Area communities that have concentrations of either minority or low-income residents. For a more detailed definition of “communities of concern,” see Appendix B, “Definitions and Data Sources.”
  - All projects in the analysis were classified into two groups: 1) Local mapped projects; and 2) Network/system projects. Table 8 shows the relative split with the majority of both dollars (74 percent) and projects (69 percent) associated with network/system projects.

**Table 8. Summary of TIP Investments**

Project Type	TIP Investment Only		# of Projects	
	(\$Billions)	%	Projects	%
<b>Local Mapped Projects</b>	\$2.9	26%	187	31%
<b>Network/System Projects</b>	\$8.2	74%	407	69%
<b>Total</b>	<b>\$11.1</b>	<b>100%</b>	<b>594</b>	<b>100%</b>

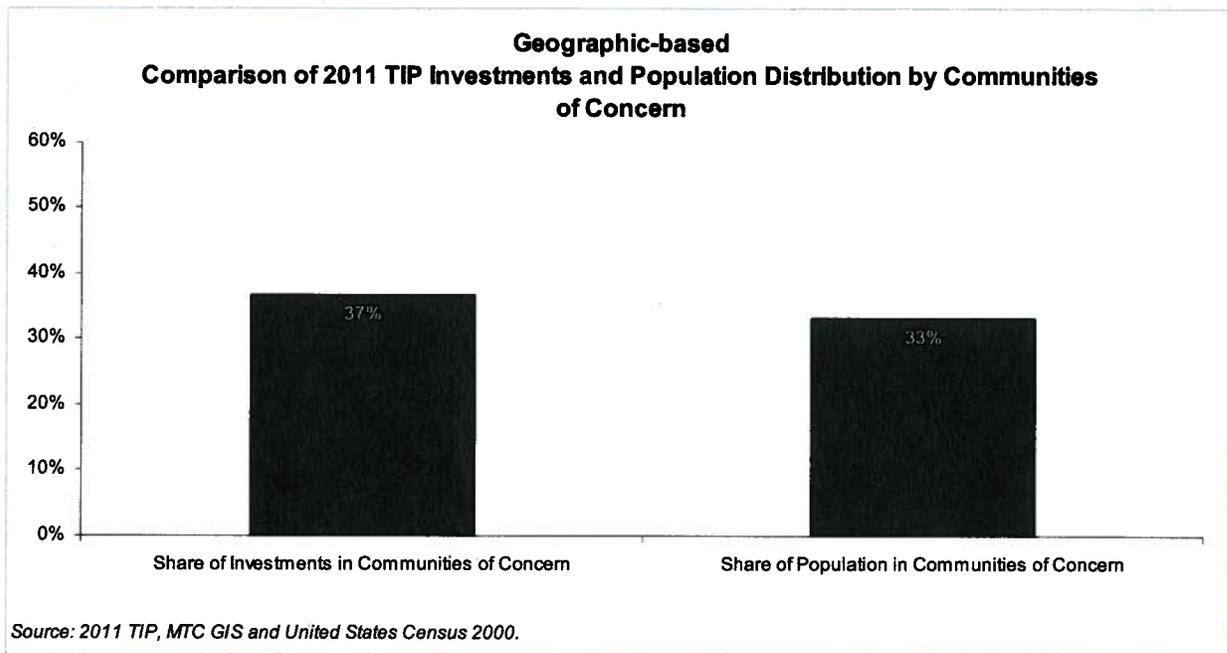
- Local mapped projects are compared against the physical locations of the CoCs. Funding for projects that are located in a CoC boundary have their funding amounts assigned to CoCs; those that do not intersect a community of concern are assigned to outside of communities of concern.
- Projects that are network or system-based are subdivided by mode (state highways, local roads, and transit) and have a share of funding assigned either in or outside of CoCs using percentages derived from MTC’s geographic information system (GIS) as follows:
  - a. State highway projects: based on the percentage of *each county’s total state highway lane-miles* in or outside of CoCs.
  - b. Local streets and roads projects: based on the percentage of *each county’s total local streets and roads lane-miles* in or outside of CoCs.
  - c. Transit projects: For rail and ferry, based on the percentage of *each operator’s total number of stations and terminals* in or outside of CoCs. For bus and multi-modal systems, based on the percentage of *each operator’s total route-miles* in or outside of CoCs.
  - d. Regional projects (freight/toll bridge): based on the regional aggregate of either state highway miles or road miles in or outside of CoCs.

The approach described above is used to partially address some of the limitations of a geographic analysis. Of the limited examples of TIP investment analysis found around the country, most MPOs used a geographic framework. However, in first applying a similar geographic methodology to the 2011 TIP, the findings suggested an over-weighting of investment benefit to communities of concern based on the location of several large infrastructure projects in the 2011 TIP. The hybrid approach taken here for the Bay Area is meant to more accurately portray the broader effect projects can have beyond just the immediate community, especially when the investment is to a state highway or road network, or regional transit system.

**Geographic-Based Results**

Table 9. Geographic-Based Comparison of 2011 TIP Investments and Population Distribution by Communities of Concern				
	2011 TIP Investments	% of Total	2000 Population	% of Total
<b>In Communities of Concern</b>	\$4,088,709,142	37%	2,253,155	33%
<b>Outside Communities of Concern</b>	\$7,023,486,556	63%	4,530,607	67%
<b>Total</b>	\$11,112,195,698	100%	6,783,762	100%

Figure 14

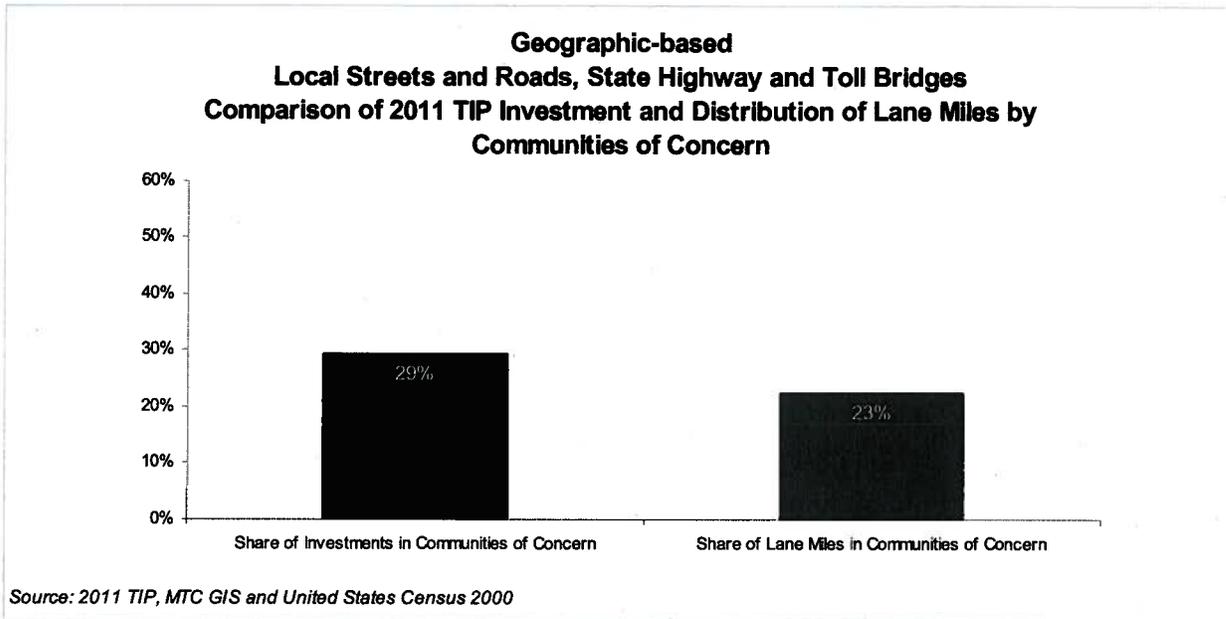


**Observations**

- The share of TIP investments attributed to Communities of Concern (37%) is greater than the share of the population living in Communities of Concern (33%).

Table 10. Geographic-Based Local Streets and Roads, State Highways and Toll Bridges Comparison of 2011 TIP Investment and Distribution of Lane Miles by Communities of Concern				
	2011 TIP Investments	% of Total	Lane Miles	% of Total
<b>In Communities of Concern</b>	\$1,895,889,381	29%	7,071	23%
<b>Outside Communities of Concern</b>	\$4,550,061,623	71%	24,238	77%
<b>Total</b>	\$6,445,951,004	100%	31,310	100%

Figure 15



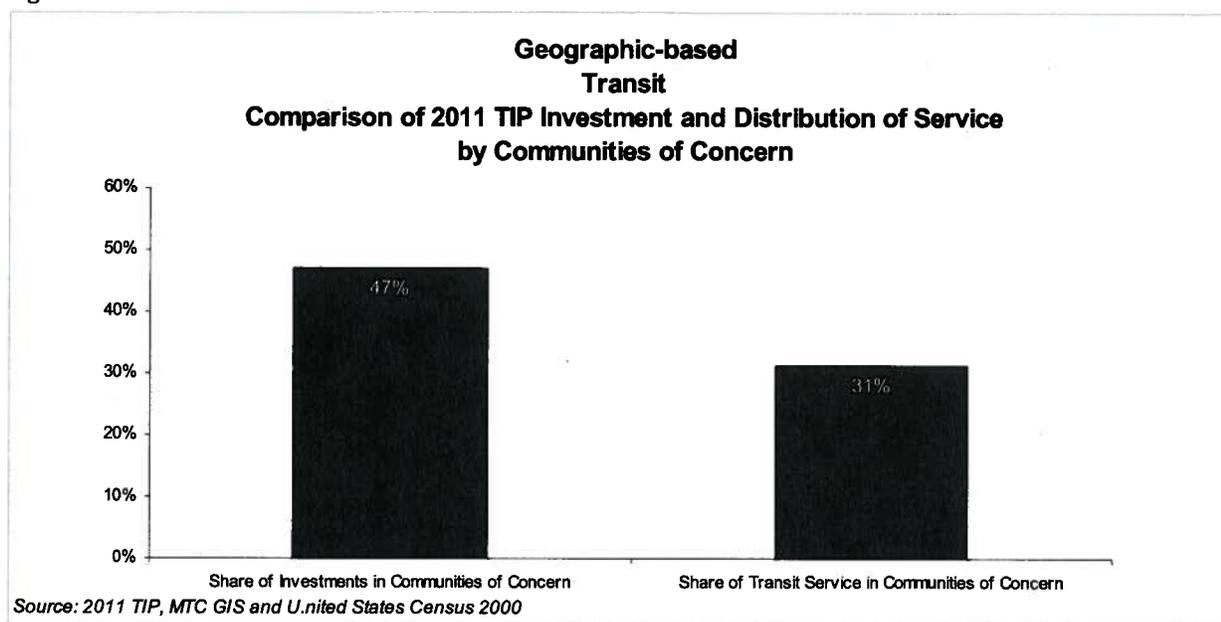
**Observations**

- The share of local streets and roads, state highway and toll bridge investments attributed to Communities of Concern (29%) is greater than the share of existing lane miles in Communities of Concern (23%).
- The share of existing lane miles in Communities of Concern (23%) is less than the share of the population living in Communities of Concern (33%).

Table 11. Geographic-Based Transit Comparison of 2011 TIP Investment and Distribution of Stops and Route Miles in Communities of Concern			
	2011 TIP Investments	% of Total	% of Transit Service*
<b>In Communities of Concern</b>	\$2,192,819,761	47%	31%
<b>Outside Communities of Concern</b>	\$2,473,424,933	53%	69%
<b>Total</b>	\$4,666,244,694	100%	100%

\* Bus and light-rail service is measured by share of route miles, heavy-rail and ferry service is measured by share of stops

Figure 16



**Observations**

- The share of transit investment attributed to Communities of Concern (47%) is significantly greater than the share of existing transit service in Communities of Concern (31%).
- The share of existing transit service in Communities of Concern (31%) is somewhat less than the share of the population living in Communities of Concern (33%).

**Key Findings**

The purpose of this investment analysis is to compare the allocation of 2011 TIP investments between low-income and minority and all other populations. The key question addressed is: “Are low-income and minority populations sharing equitably in the TIP’s financial investments?”

This analysis attempts to take a relatively conservative approach to assigning investments (or “benefit”) to low-income households given some of the limitations of the analysis. The results suggest that according to several indices, the 2011 TIP invests greater public funding to the benefit of low-income and minority communities than their proportionate share of the region’s population or trip-making as a whole.

- The two approaches both concluded in the aggregate that there is a relatively higher proportional investment in the 2011 TIP than either the proportionate share of trips taken by minority and low-income populations, or communities of concern populations. Table 12 summarizes these results.

	<b>Share of 2011 TIP Investment</b>	<b>Share of Total Trips/Population</b>
<b>Population Use-Based</b>		
<i>Low-Income</i>	23%	16% (total trips)
<i>Minority</i>	49%	42% (total trips)
<b>Geographic-Based</b>	37%	33% (population - community of concern)

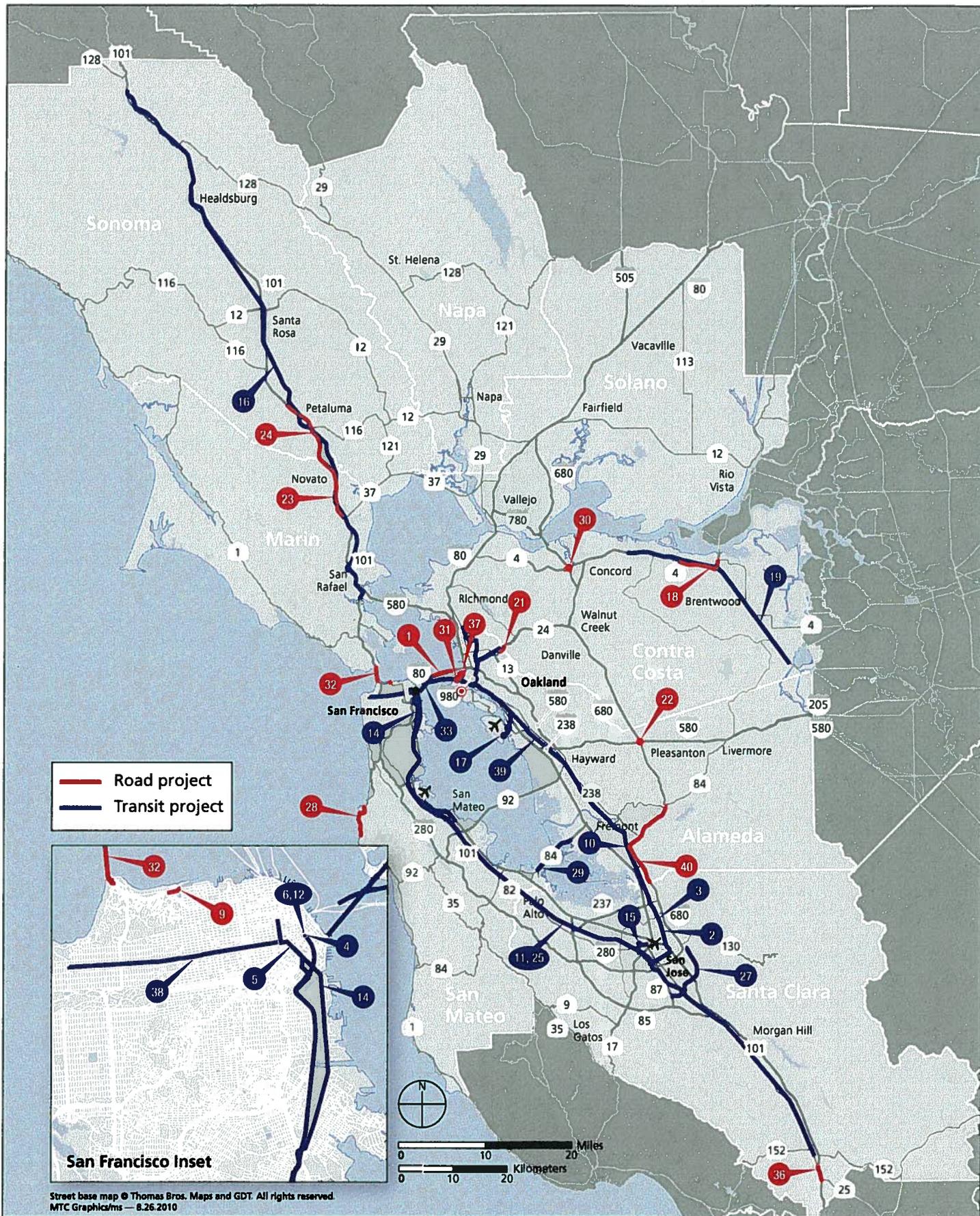
- In delving deeper into the investments by mode, one finds that the results are more mixed. For example, within the population use-based analysis for transit, the results showed that for low-income populations, the share of investment (54 percent) was slightly lower than the share of trips (56 percent). The share of investment in minority transit trips (59 percent), while greater than the minority share of the total population, was also slightly less than the share of transit trips made by minority populations (60 percent). The results were not uniform across all racial minority groups. For streets and road investments, the findings were generally reversed, with a greater or equal share of investment as compared to trips for both low-income and minority populations. In no case, however, do the results appear to demonstrate a systematic disbenefit to low-income or minority populations.

**Next Steps**

As this is the first time out the gate for an analysis that has few national models, we expect that future iterations of the investment analysis for the 2013 TIP and its successors can improve on some of the limitations encountered in both the population use-based and geographic-based approaches. Among the improvement areas for consideration:

- Continue to research and identify best practices in the field;
- Improve mapping of GIS data;
- Update and make more consistent available survey data sets for Bay Area travel behavior and demographics; and
- Improve the analytical framework for assessing benefits and burdens to low-income and minority populations for a set of planned infrastructure investments.

# Projects in the 2011 TIP With Costs Greater Than \$200 million



# List of Projects in the 2011 TIP Over \$200 Million

**BLUE** Transit Project  
**RED** Road Project

- |  |  |   |   |
|--|--|---|---|
| <p><b>1.</b> San Francisco-Oakland Bay Bridge East Span Replacement<br/>Alameda County<br/><b>\$5.66 billion</b></p> <p><b>2.</b> BART – Berryessa to San Jose Extension<br/>Santa Clara County<br/><b>\$5.01 billion</b></p> <p><b>3.</b> BART – Warm Springs to Berryessa Extension<br/>Santa Clara County<br/><b>\$2.57 billion</b></p> <p><b>4.</b> Transbay Terminal/Caltrain Downtown Extension – Ph.1<br/>San Francisco County<br/><b>\$1.58 billion</b></p> <p><b>5.</b> SF Muni Third St LRT Ph. 2 Central Subway<br/>San Francisco County<br/><b>\$1.57 billion</b></p> <p><b>6.</b> Transbay Transit Center – TIFIA Loan Debt Service<br/>San Francisco County<br/><b>\$1.18 billion</b></p> <p><b>7.</b> BART Seismic Retrofit Program**<br/>Multiple Counties<br/><b>\$1.06 billion</b></p> <p><b>8.</b> BART Railcar Replacement Program**<br/>Multiple Counties<br/><b>\$1.02 billion</b></p> <p><b>9.</b> US-101 Doyle Drive Replacement<br/>San Francisco County<br/><b>\$954.8 million</b></p> <p><b>10.</b> BART – Warm Springs Extension<br/>Alameda County<br/><b>\$890 million</b></p> | <p><b>11.</b> Caltrain Electrification<br/>Multiple Counties<br/><b>\$785 million</b></p> <p><b>12.</b> Transbay Terminal/Caltrain Downtown Extension – Ph. 2<br/>San Francisco County<br/><b>\$637 million</b></p> <p><b>13.</b> BART Car Exchange (Preventive Maintenance) **<br/>Multiple Counties<br/><b>\$618.5 million</b></p> <p><b>14.</b> 3rd St LRT: Ph. 1 &amp; Metro E. Rail Facility<br/>San Francisco County<br/><b>\$595 million</b></p> <p><b>15.</b> San Jose International Airport People Mover<br/>Santa Clara County<br/><b>\$508 million</b></p> <p><b>16.</b> Sonoma Marin Area Rail Corridor<br/>Sonoma County/Marin County<br/><b>\$490.8 million</b></p> <p><b>17.</b> BART Oakland – Airport Connector<br/>Alameda County<br/><b>\$484.3 million</b></p> <p><b>18.</b> SR-4 East Widening from Somersville Rd. to SR-160<br/>Contra Costa County<br/><b>\$464.4 million</b></p> <p><b>19.</b> E-BART – East Contra Costa County Rail Extension<br/>Contra Costa County<br/><b>\$463.25 million</b></p> <p><b>20.</b> Valley Transportation Authority: Preventive Maintenance**<br/>Santa Clara County<br/><b>\$430.9 million</b></p> | <p><b>21.</b> SR-24 – Caldecott Tunnel 4th Bore<br/>Alameda County/<br/>Contra Costa County<br/><b>\$420.3 million</b></p> <p><b>22.</b> I-580/I-680 Improvements<br/>Alameda County<br/><b>\$392.5 million</b></p> <p><b>23.</b> US-101 HOV Lanes — Marin-Sonoma Narrows (Marin)<br/>Marin County<br/><b>\$372.7 million</b></p> <p><b>24.</b> US-101 Marin-Sonoma Narrows (Sonoma)<br/>Sonoma County<br/><b>\$372.7 million</b></p> <p><b>25.</b> Caltrain Express: Ph. 2<br/>Multiple Counties<br/><b>\$368.5 million</b></p> <p><b>26.</b> AC Transit: Preventive Maintenance Program**<br/>Alameda County<br/><b>\$346.5 million</b></p> <p><b>27.</b> Capitol Expressway LRT Extension<br/>Santa Clara County<br/><b>\$334 million</b></p> <p><b>28.</b> SR-1 Devils Slide Bypass<br/>San Mateo County<br/><b>\$322.8 million</b></p> <p><b>29.</b> Dumbarton Rail Service<br/>Alameda County/San Mateo County<br/><b>\$301 million</b></p> <p><b>30.</b> I-680/SR-4 Interchange Reconstruction – Phases 1-5<br/>Contra Costa County<br/><b>\$297.5 million</b></p> | <p><b>31.</b> Outer Harbor Intermodal Terminals<br/>Alameda County<br/><b>\$274.3 million</b></p> <p><b>32.</b> Golden Gate Bridge Seismic Retrofit, Ph. 1-3A<br/>Marin County/San Francisco County<br/><b>\$274 million</b></p> <p><b>33.</b> BART Transbay Tube Seismic Retrofit<br/>Multiple Counties<br/><b>\$265.3 million</b></p> <p><b>34.</b> Freeway Performance Initiative (FPI)**<br/>Multiple Counties<br/><b>\$243.9 million</b></p> <p><b>35.</b> El Camino Real Bus Rapid Transit**<br/>Santa Clara County<br/><b>\$233.4 million</b></p> <p><b>36.</b> SR-25/Santa Teresa Blvd/US-101 Interchange<br/>Santa Clara County<br/><b>\$233 million</b></p> <p><b>37.</b> 7th Street Grade Separation and Roadway Improvement<br/>Alameda County<br/><b>\$220.5 million</b></p> <p><b>38.</b> Geary Bus Rapid Transit<br/>San Francisco County<br/><b>\$219.8 million</b></p> <p><b>39.</b> Enhanced Bus – Telegraph/International/ East 14th<br/>Alameda County<br/><b>\$209.2 million</b></p> <p><b>40.</b> I-680 Sunol Grade – Alameda SB HOV, Final Phase<br/>Alameda County<br/><b>\$203 million</b></p> |
|--|--|---|---|

\*\* These projects not shown on map

## **Appendix A: Regulatory and Policy Context for Environmental Justice in Long-Range Transportation Planning**

The legal, regulatory, and policy framework for environmental justice as it relates to the long-range transportation planning process is below:

Title VI of the Civil Rights Act: The federal Civil Rights Act of 1964 has two key provisions that are the basis of environmental justice. Section 601 of Title VI states: *“No person in the United States shall, on the grounds 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.”* Section 602 also empowers federal departments and agencies (such as the Department of Transportation and its various agencies) to promulgate rules and regulations that implement this provision.

Federal Guidance on Environmental Justice: In 1994, President Clinton signed Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which states, *“Each Federal agency shall 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.”* The identification of low-income populations is an additional distinction to the provisions of the Civil Rights Act, which prohibits discrimination on the basis of race, color, or national origin only.

The U.S. Department of Transportation incorporated all these populations into its guidance on environmental justice. In particular, DOT directs its agencies to adhere to three environmental justice principles outlined by the Executive Order:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Furthermore, in addition to these directions required of all DOT agencies, in 1998 the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), two agencies within DOT, jointly issued guidance specifying responsibilities for metropolitan planning processes, which includes MTC’s development of the region’s long-range transportation plan (other directives apply to activities carried out by state DOTs and public transit agencies). Under this FHWA/FTA guidance, MPOs must:

- Enhance analytical capabilities to ensure that the long-range transportation plan and transportation improvement program comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations, identify and address needs, and assure that benefits and burdens of transportation investments are fairly distributed.

- Improve public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision-making.

MTC carries out each of these directives by (a) continually gathering and analyzing regional demographic and travel data and refining its analytical capabilities; (b) supporting locally based needs assessments in low-income and minority communities through the Community Based Transportation Planning program, funding projects targeting low-income communities through the Lifeline Transportation Program, and conducting an equity analysis of each long-range Regional Transportation Plan (which this report summarizes); and (c) examining and refining the agency's public involvement process to ensure full and fair participation in decision-making. The 2011 TIP investment analysis is an expanded effort related to these directives.

**MTC'S Environmental Justice Principles:** As noted at the outset, in 2006, MTC adopted two Environmental Justice Principles advanced by its Minority Citizens Advisory Committee to serve as the environmental justice framework for the Commission's activities. They are:

- 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.
- 2. Collect accurate and current data essential to defining and understanding the presence and extent of inequities, if any, in transportation funding based on race and income.

## Appendix B: Definitions and Data Sources

### Definitions

#### Minority

MTC uses the U.S. Census Bureau's definitions of different racial and ethnic populations to determine minority status among the Bay Area population. Minority persons are those who identify as Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, some other race or multiple races, or Hispanic/Latino of any race. The "non-minority" population includes those persons who identify as white and not Hispanic or Latino. The white, non-Hispanic population is no longer a "majority" in the Bay Area, but at 46% of the region's population it remains the largest racial/ethnic group in terms of total population share.

#### Low-Income

Defining individuals, households, populations, or communities as "low-income" is challenging. A person or a household can be "low-income" in the sense that they do not earn enough money to meet a basic standard of living, or they can be "low-income" in relation to other people or households that earn more money. Either determination is subjective to some extent, which makes it more difficult to characterize the low-income population as a whole than, for example, the minority population. In this report, two different definitions of "low-income" are used. While they are not strictly equivalent, they both represent roughly the lowest 20 to 25% of the region's population/households in terms of income.

#### *Persons living below 200% of the Federal Poverty Level*

This definition is used in the poverty-concentration threshold to identify "communities of concern," where at least 30% of residents have incomes below 200% of the federal poverty level. The population this definition represents is based on an *individual-level* determination of poverty status in relation to family income, family size, and a basic standard of living defined by the Census Bureau each year. Poverty status is not forecast, since there is no regionally established method of accounting for changing standards of living; defining a basic standard of living implies the consumption of a wide variety of goods to meet one's needs, and it is difficult to forecast the future costs of all these various goods. As a reference, for a single-person household 200% of the poverty level in 2007 was \$21,180. For a two-adult, two-child household, the 200% threshold was \$42,054. By way of comparison, a full-time worker earning California's minimum wage would have earned \$15,600 in 2007.

#### *Households with Income Less Than \$40,000*

The other low-income definition used in some of the equity indicators in this analysis is for *households* rather than individuals, and is based on household income level regardless of household size; ABAG does forecast the number of households by income group for the horizon year 2035, and thus it is the definition used in this report for forecast data for "low-income households" in the accessibility and affordability analyses. In addition, some indicators also account for a broader grouping of all low plus moderately low income households, creating a group of households earning less than \$75,000.

### Communities of Concern

MTC defines communities that have concentrations of either minority or low-income residents (below 200% of the federal poverty level) as communities of concern for the purpose of analyzing regional equity.

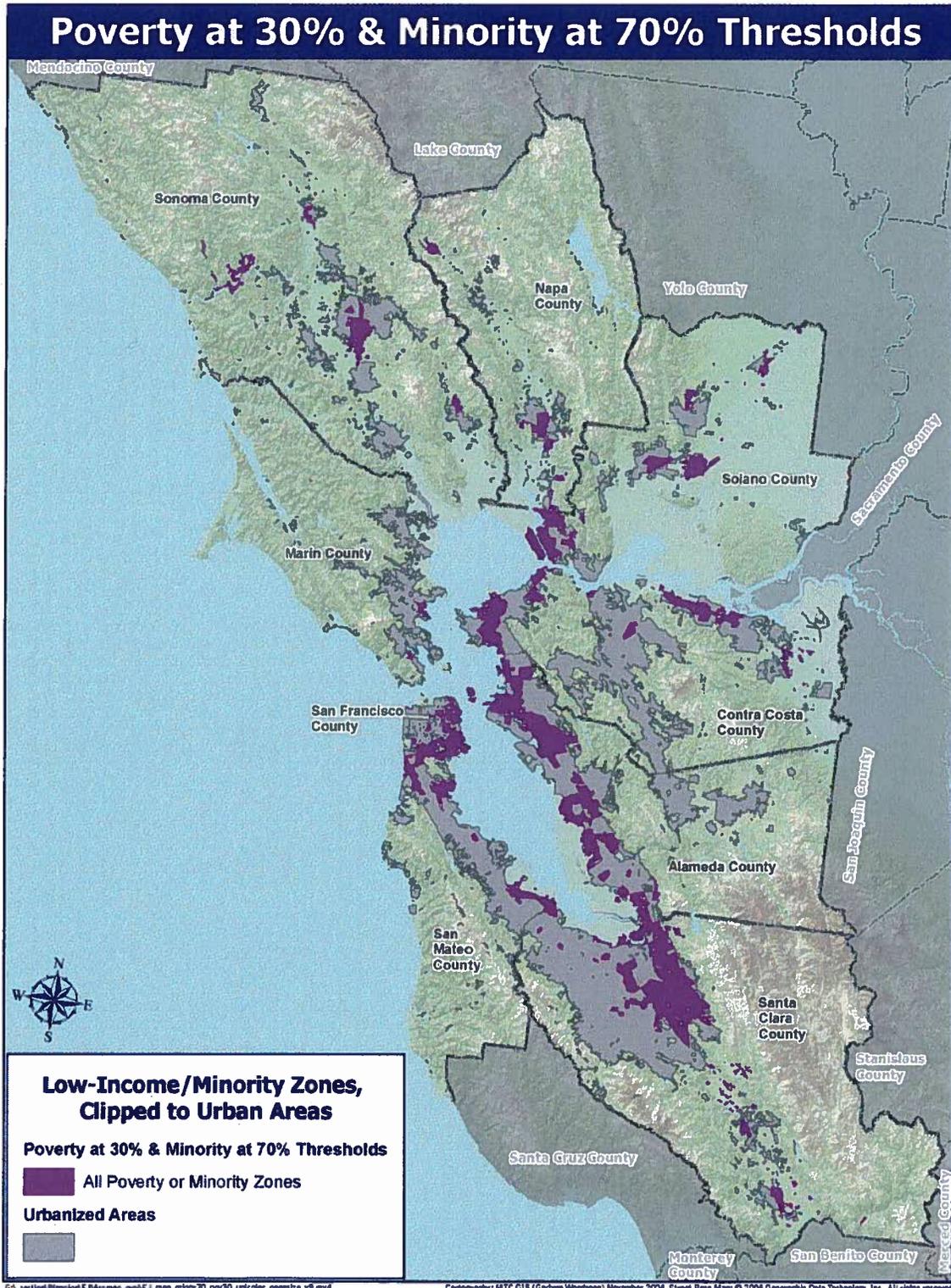
Residents of all communities of concern together were 76.9% minority and 34.5% low income in 2000. By comparison, the region as a whole in 2000 was 50.1% minority and 20.6% low-income. (At the region-wide level, for which MTC has more recent 2007 data available from the Census Bureau, these shares had grown to 54.5% minority and 22.2% low-income.)

As a whole, residents of communities of concern represented 33.2% of the region's 2000 population and 33.7% of the region's travel analysis zones. These totals include the entire populations living in communities of concern, including those who are non-minority and not defined as low-income. For the purposes of analyzing equity at a regional scale, this analysis compares all communities of concern to the remainder of the region's communities. Figure B-1 shows the location of MTC's communities of concern within the region.

While the identification of communities of concern emphasizes regional *concentrations* of poverty, most residents of communities of concern (65.5% of the total) are *not* defined as low-income. Moreover, nearly half of the region's low-income residents live *outside* communities of concern. In terms of 2000 population, 777,000 low-income people lived in communities of concern (55.4% of the region's total low-income population of 1.4 million), while 625,000 lived in the remainder of the region (44.6% of the region's total low-income population). This finding raises a relevant question as to what impacts of the Transportation 2035 Plan are being experienced by the remaining low-income population outside of communities of concern, a point this equity analysis attempts to address in several ways.

The location of most of the region's communities of concern notably ring the San Francisco Bay's cities and inner suburbs, including where the region's road and transit networks are densest. Farther out in the region, locations of communities of concern become more scattered, with fewer connections to the region's transportation network.

Figure B-1



## **Data Sources**

This section describes the various data sources used to perform the 2011 TIP 2035 Equity Analysis.

### Decennial Census

The decennial Census provides a complete count of all persons in the United States, including age and race/ethnicity, every 10 years. In addition, past Censuses have surveyed one in six households to produce sample socioeconomic characteristics such as household income, poverty status, vehicle availability, employment characteristics, and commute mode, which are available down to the block group level of geography. As explained in the preceding section, data from the 2000 Census was used to identify MTC's low-income and minority communities of concern; it remains the most recent Census data available at the census tract/TAZ (i.e. neighborhood) level.

### American Community Survey

The American Community Survey (ACS) is a newer Census Bureau data product, which replaces the "long form" questionnaire used in previous decennial Censuses to sample household socioeconomic characteristics. Whereas the decennial Census long-form data was previously released once every 10 years, the American Community Survey data is an ongoing survey, updated annually. Currently, data is available for larger geographic areas of more than 65,000 population, including 2005, 2006, and 2007 data for all nine Bay Area counties and the region as a whole. The five-year accumulation of ACS data for 2005–2009 will be released at the census tract and block group level perhaps by fall 2010. This will be the soonest that updated socioeconomic data for people and households in designated communities of concern will be available.

### Bay Area Travel Survey (BATS)

The Bay Area Travel Survey is MTC's periodic regional household travel survey, the most recent of which was conducted in 2000. BATS2000 is an activity-based travel survey that collected information on all in-home and out-of-home activities, including all trips, over a two-day period for more than 15,000 Bay Area households. The survey provides detailed information on many trip characteristics such as trip purpose, mode, origins and destinations, as well as household characteristics.

### MTC Transit Passenger Demographic Survey

In 2006 MTC conducted a comprehensive survey of all Bay Area transit operators to collect consistent demographic and socioeconomic data for all the region's transit riders. Data collected included race/ethnicity, age, fare payment information, household income, and vehicle availability. Results for this survey were used in the financial analysis of RTP investments to determine transit-spending benefits to low-income households based on these households' share of transit use in the region.



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## *Memorandum*

TO: Ann Flemer, Deputy Executive Director, Policy

DATE: November 10, 2011

FR: Radiah T. Victor, Highway Arterial Operations, Sr. Program Coordinator

RE: Title VI Complaint Submitted by Mr. John Kennedy

This memo reports the results of an investigation of a Title IV complaint regarding MTC's Clipper® program submitted by Mr. John Kennedy on September 28, 2011 and supplemented by subsequent emails sent on October 2 and 19, 2011 (Attachment 1).

Mr. Kennedy's 9/28/11 complaint raises two distinct issues. (1) He describes the process for replacing his registered Clipper® card as "cumbersome and difficult". He states that he was directed by the Clipper® Customer Service Center (CSC) to go to any Walgreens to get a "free" card. However, Walgreens told him that there would be a \$5 "replacement fee", even though the Clipper® website indicates that cards are free and there is no charge for replacement cards that have the Autoload feature. (2) In his supplemental complaint filed on 10/2/11, Mr. Kennedy states that MTC's Title VI Summary Report regarding Clipper Fare Media Transitions (dated September 2, 2011) failed to discuss the \$5 Clipper card replacement fee and did not provide the analyses required by the FTA's Title VI Circular 4702.1A.

Specifically, Mr. Kennedy asserts that Clipper's draft Title VI Summary Report failed to include:

1. analysis regarding whether minority or low-income riders are more likely to use the Clipper card if it were subject to a replacement card fee;
2. analysis regarding what alternative fare payment media were available for people affected by this fare change; nor
3. discussion regarding mitigation measures or other means to minimize any adverse effects caused by the replacement card fee on minority or low-income populations.

In addition, Mr. Kennedy asks under what authority the Clipper program imposes a replacement fee prior to the approval of the final Clipper program Title VI Analysis by the MTC Board of Directors or Executive Director.

In investigating Mr. Kennedy's complaint, I reviewed the following: emails submitted by Mr. John Kennedy (dated September 28, 2011, October 2, 2011 and October 19, 2011); FTA's Title VI Circular 4702.1A (dated March 13, 2007); Clipper draft Title VI Summary Report: Clipper Fare Media Transitions (MTC Operations Committee item dated September 2, 2011); the Clipper webpage; and the Clipper Cardholder License Agreement (dated January 2011 posted to the Clipper webpage). I also contacted Clipper staff and a Clipper call-center customer service

representative to obtain clarification on current customer service and operational policies and procedures.

**BACKGROUND**

Clipper® is a multi-operator transit fare card system that provides users with a single method of payment for transit usage throughout the Bay Area region. Clipper is currently available on Muni, BART, AC Transit, VTA, SamTrans, Caltrain and Golden Gate Transit and Ferry. Policy governing the use of the Clipper card is established by the Clipper® Operating Rules and the Cardholder License Agreement (Attachment 2). The Clipper Operating Rules were jointly developed by MTC and the transit operators to provide guidance for the operation and management of the Clipper card program, and the Clipper Cardholder License Agreement establishes the terms and conditions associated with the use of the Clipper card by a customer.

According to the Clipper® Operating Rules, customers are charged a number of cardholder fees, any of which may be waived by MTC in its sole discretion. Table 1 describes the fees relevant to Mr. Kennedy’s complaint and their current status:

**Table 1**

Fee	Status
A card acquisition fee of \$5, waived if a customer registers for Autoload <sup>1</sup>	Waived by MTC since April 2010. A proposal to reinstate a \$3 card acquisition fee is included in the draft Title VI Report, and is currently released for public comment.
A card replacement fee of \$5 for lost, stolen or damaged cards	Waived by MTC since April 2010.
A balance restoration fee of \$5 when a card that is registered <sup>2</sup> is lost, damaged or stolen.	Charged at the time of card replacement by mail or through the Clipper® CSC or web site. Waived for Autoload and not charged at in-person CSCs.

Also relevant to this complaint is that MTC requires that a minimum of \$5 in fares be loaded onto new cards in order to curb abuse of the “negative balance” feature of the Clipper® card<sup>3</sup>.

According to Clipper® records and CSC phone records, MTC staff established that Mr. Kennedy receives his transit value through a transit benefit program offered by his employer through Wage Works, and that he is not registered for Autoload. When he phoned the CSC call-center to report his lost card, phone records confirm that he was instructed to go to a Walgreens or one of the two in-person CSCs located in downtown San Francisco. He was not told that Walgreens would require him to load a minimum \$5 on the card, followed by payment of a \$5 balance restoration fee through the call center CSC, or that he could have the card replaced at no cost at

<sup>1</sup> Autoload authorizes MTC to automatically reload value to a Card by means of a bank or credit card account whenever one of the following occurs: (1) the Cardholder's cash or BART High Value Discount balance falls below \$10; (2) the Cardholder's transit pass expires (e.g., the first of every month); or (3) the number of stored rides remaining on the Cardholder's Card falls below three.

<sup>2</sup> Card “registration” connects an individual with the serial number of a card and thus preserves a record of the card balance for that individual.

<sup>3</sup> The negative balance feature is a convenience to customers that allows them to complete a single trip when the remaining cash balance on a card is insufficient to pay the trip fare.

the two in-person CSCs. After he went to Walgreens and declined to pay the \$5 minimum load, he called the CSC to obtain a new card by mail. The CSC representative waived the \$5 balance restoration fee and mailed him a new card with his balance restored.

There are a number of ways that a Clipper® cardholder who has lost a registered Clipper® card can obtain a new card and restore his balance:

**Table 2**

Method of Card Recovery and Balance Restoration for Registered Cards	Fee
Contact CSC call center to request new card by mail	\$5 balance restoration fee
Contact Clipper® Web site to request a new card by mail	\$5 balance restoration fee
Go to one of two in-person CSCs in downtown SF (1) a kiosk in the Embarcadero BART Station, and 2) the Bay Crossings store in the San Francisco Ferry Building.	No cost
Obtain a new card at a retail vendor like Walgreens, then restore the lost card's balance through the CSC call center. <sup>4</sup>	\$5 minimum balance \$5 balance restoration fee

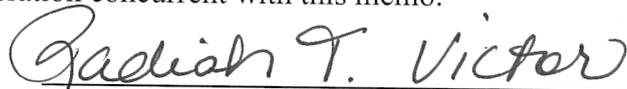
## FINDINGS

1. I find that inconsistencies in the way that the Clipper® card program is administered create customer confusion. First, the same customer with a registered card could pay \$0, \$5, or \$10 (including the minimum load requirement) to get a replacement card and have his/her balance restored. Second, I found it difficult to distinguish between a \$5 replacement card fee (waived), the \$5 balance restoration fee, and the \$5 minimum load, and would assume that a customer new to Clipper® would, as well. Although the discrepancies highlight some customer relations issues, I find that they do not have Title VI implications because the impact on customers is not based on race, color or national origin.
2. The draft Title VI analysis of the fare media transition from pre-paid paper fare media to Clipper-only analyzed the \$5 card acquisition fee as a fare change. The \$5 minimum load requirement and the \$5 card balance restoration fee were not considered to be fare changes and thus were not required to be included in Clipper's Title VI analysis. The \$5 required to be loaded at the time of acquiring a card is not a fee; these funds are directly placed on the card to be used for transit fare. The \$5 card balance restoration fee is an administrative cost associated with an optional customer service of providing the balance recovery benefits. I find that it was appropriate not to include either the \$5 minimum load fee or the \$5 balance restoration fee in the Title VI analysis submitted in draft to MTC in September. This finding addresses the following points in Mr. Kennedy's complaint:

<sup>4</sup> This is not a standard or recommended replacement option and cannot be used by customers with transit passes or ridebooks loaded on their old card. Clipper® can only restore a cash balance remotely, by mail or at an in-person CSC location. This method requires the customer to register the new card and make sure any pending orders are redirected to the new card. However, it is included here because this is the method recommended to Mr. Kennedy by the Clipper® CSC call center in order to avoid delay.

- There was no analysis regarding whether minority or low-income riders are more likely to use the Clipper card if it were subject to a replacement card fee
  - There was no analysis regarding what alternative fare payment media were available for people affected by this fare change
  - There was no discussion regarding mitigation measures or other means to minimize any adverse effects caused by the replacement card fee on minority or low-income populations
3. The \$5 balance restoration fee to restore the balance on a registered card is waived for customers who have Autoload set up on their cards, but not waived for customers like Mr. Kennedy whose cards are directly loaded<sup>5</sup> through an employee transit benefit program and who obtain their replacement card by mail. However, the fee is not charged if the customer goes to one of two Clipper in-person Customer Service Center (CSC) locations in San Francisco. I find that this inconsistency in the application of the balance restoration fee does have potential Title VI implications not addressed in the draft Title VI report because the locations of the two in-person CSCs, at which registered cardholders would not have to pay the \$5 balance restoration fee, are convenient only to those who live or work in downtown San Francisco. By illustration, Mr. Kennedy has identified himself as Latino, living in a Latino neighborhood, and when informed that he could obtain a replacement card at an in-person CSC in downtown San Francisco, he declined to do so. MTC should consider bringing the fees into alignment or determine whether these inconsistencies create potential for disparate impacts on minority or low-income Clipper<sup>®</sup> customers prior to finalizing the Title VI report.
4. In regards to Mr. Kennedy's question about MTC's authority to impose a replacement card fee prior to approval of the final Title VI Report, the Summary Title VI Report released to the MTC Operations Committee on September 2, 2011 is a draft document, and MTC is now soliciting general public comment on the draft report, which will include focus groups and receipt of written comments (Attachment 3). I understand that no changes to the current practice of waiving the \$5 acquisition and card replacement fees will be made prior to completion of the public review process and issuance of a final report. Therefore, I make no finding concerning this question.

Customer service recommendations that do not appear to be Title-VI related have been forwarded to Clipper Program staff consideration concurrent with this memo.



Radiah T. Victor, Title VI Staff Review Officer

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<sup>5</sup> Direct load is provided online through the benefit provider's website and the order is loaded directly to the Clipper card when the customer tags their card to a Clipper card reader at the beginning of the benefit month.

Attachment 1  
Kennedy Complaint

[From most recent to earliest]

>>> John Kennedy <[REDACTED]> 10/19/2011 3:58 PM >>>  
Ms. Flemer-

I've copied below the relevant portion of my email that I sent previously addressing how minority or low income riders have been adversely affected by the Clipper Card \$5 replacement (or card load) fee. Under FTA's Title VI Circular, it is your agency's burden to determine whether or not this fee has a discriminatory impact on minority or low-income riders - not the public's. The draft Title VI Summary Report does not address the \$5 fee or provide any analysis of any potential discriminatory impact of this fee. As a FTA grant recipient, MTC cannot impose a significant fare change without first conducting such an analysis. My complaint is that MTC has violated Title VI by authorizing the imposition of this \$5 fee. Thank you.

First, this appears to be a draft Title VI Summary Report. FTA's Title VI Circular 4702.1A dated May 13, 2007, requires grant recipients to evaluate significant fare changes and proposed improvements to determine whether the proposed changes have a discriminatory impact. In reviewing the MTC's draft report, pages 15-17 neither discusses a \$5 Clipper card replacement card fee nor does it provide the analysis required by the FTA's Circular. There is no analysis regarding whether minority or low-income riders are more likely to use the payment media that would be subject to the card fee. Further, there is no analysis regarding what alternative fare payment media are available for people affected by this fare change. Finally, there is no discussion regarding mitigation measures, or other means to minimize or offset any adverse effects caused by the card fee on minority or low-income populations.

>>> John Kennedy <[REDACTED]> 10/19/2011 3:30 PM >>>  
Ann-

I am Latino and live in a Latino neighborhood. The Walgreen's mentioned in my complaint is located at Potrero Avenue and 24th Street. Thank you.

--- On Wed, 10/19/11, Ann Flemer <AFlemer@mtc.ca.gov> wrote:  
Dear Mr. Kennedy:

Regarding your complaint filed on 9/28/11 and supplemented on 10/2/11, I am writing to request additional information concerning the Title VI basis for your complaint. In order that we might better understand this aspect of your complaint, please provide information concerning the Title VI-protected class that you believe has been adversely affected or subject to discrimination under the Clipper program, and the manner in which this class has been adversely affected, either by the \$5 card replacement fee cited in your complaint or in any other manner.

Sincerely,  
Ann Flemer  
Deputy Executive Director, Policy  
Metropolitan Transportation Commission

>>> John Kennedy <[REDACTED]> 10/2/2011 8:19 PM >>>

Melanie-

Thank you for forwarding this document to me. I have two comments:

First, this appears to be a draft Title VI Summary Report. FTA's Title VI Circular 4702.1A dated May 13, 2007, requires grant recipients to evaluate significant fare changes and proposed improvements to determine whether the proposed changes have a discriminatory impact. In reviewing the MTC's draft report, pages 15-17 neither discusses a \$5 Clipper card replacement card fee nor does it provide the analysis required by the FTA's Circular. There is no analysis regarding whether minority or low-income riders are more likely to use the payment media that would be subject to the card fee. Further, there is

no analysis regarding what alternative fare payment media are available for people affected by this fare change. Finally, there is no discussion regarding mitigation measures, or other means to minimize or offset any adverse effects caused by the card fee on minority or low-income populations.

Second, the attached Title VI is not a final document. If the MTC Board of Directors or Executive Director have not approved a final report, under what authority can a Clipper card replacement card fee be imposed if the required Title VI analysis is not complete?

I look forward to your response. In addition, please consider these further comments to be part of my Title VI complaint.

Thank you,  
John Kennedy

--- On Thu, 9/29/11, Melanie Crotty <MCrotty@mtc.ca.gov> wrote:  
Mr Kennedy,

I am writing to confirm that I received your email. Per your request #1, I have attached the draft Clipper Title VI Summary Report. Regarding your request #2, I have forwarded your Title VI complaint to our Deputy Director, Policy, which is the first step of our complaint procedure. She will be appointing a review officer. Regarding your request #3, my staff is researching the circumstances of your experience. I am sorry that you feel you have had a poor experience with your Clipper card. We will be back in touch.

Best,  
Melanie  
Melanie Crotty, Director  
Traveler Coordination and Information  
MTC

>>> John Kennedy <[REDACTED]> 9/28/2011 11:17 PM >>>  
Melanie-

I'd like to lodge a complaint regarding the MTC's Clipper Card program. My card was lost yesterday and it has been a nightmare to replace it. Not only is the Clipper Card website not helpful. (The company wanted to charge me a \$5 fee to replace the card even though the website indicated that the card was free and there was no charge for replacement cards with autoloads.)

When I called Clipper Card to request a replacement card, the company's staff person indicated that I could go to any Walgreens and get a replacement card for free and then call back to have it autoloaded. When I went to Walgreen's, I was informed that I could not get a replacement card unless I paid \$5 to load the card.

Since my card is autoloaded, I informed them that all I need was the actual card. The Walgreen's manager refused to give me a card.

I have several requests for the MTC:

1. I'd like to receive a pdf copy of the MTC's Title VI analysis regarding the Clipper Card program. It is my understanding that the FTA has raised multiple concerns regarding this analysis and as a result has not approved the document - including the MTC's proposed \$5 card fee. I'd like the MTC to explain to me why then the Clipper Card website and Walgreen's insist on some type of payment in order to receive a Clipper card.
2. I'd like you to consider this a formal Title VI complaint and request that the MTC investigate this accordingly.
3. I'd like the MTC to explain to me why the procedures for obtaining a replacement Clipper Card (which is autoloaded) is so cumbersome and difficult when the intent behind the Clipper Card program was to make transit riding more customer friendly.

I look forward to your response.

Thank you,

John Kennedy

Attachment 2  
Clipper® Cardholder License Agreement

## **CLIPPER<sup>SM</sup> CARDHOLDER LICENSE AGREEMENT**

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YOUR FIRST USE OF THE CLIPPER SMART CARD SIGNIFIES YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS CLIPPER<sup>SM</sup> CARDHOLDER LICENSE AGREEMENT.

### **1. DEFINITIONS**

- 1.1** The Card - The Card is the Clipper<sup>SM</sup> Card licensed to Cardholders to pay transit fares on participating transit systems. The Card is the property of MTC, the Card Issuer. Each Card is uniquely identified by a serial number printed on the back of the Card.
- 1.2** MTC - MTC means the Metropolitan Transportation Commission.
- 1.3** Cardholder - The Cardholder is the bearer of a Card.
- 1.4** Service Providers - Service Providers are transit agencies participating in the Clipper<sup>SM</sup> Fare Payment System (FPS). Current information on Service Providers is available at [clippercard.com](http://clippercard.com).
- 1.5** Clipper<sup>SM</sup> Customer Service Center - The Clipper<sup>SM</sup> Customer Service Center, an agent of MTC, is responsible for responding to Cardholder requests for information, adding value to Cards, registering a Card to a particular Cardholder, implementing Autoload (see Section 6.1 below), and managing reports of lost or stolen Cards. All communications between the Cardholder and MTC should be directed to the Customer Service Center.

### **2. CARD TYPES**

- 2.1** Four types of Clipper<sup>SM</sup> cards are available:
  - 2.1.1** Adult Cards – Adult cards are available for use on all Service Providers.
  - 2.1.2** Youth Cards – Youth cards are available for Cardholders eligible for youth discounts offered by Service Providers. Date of birth information will be encoded onto the Card.
  - 2.1.3** Senior Cards – Senior cards are available for Cardholders eligible for senior discounts offered by Service Providers. Date of birth information will be encoded onto the Card.

- 2.1.4 Senior/Disabled Cards** – Senior/Disabled cards are distributed in accordance with the Regional Transit Connection (RTC) Discount Card Program.

### **3. FARE TYPES**

- 3.1 The Cardholder can add or reload four kinds of value to the Card:
- (a) Cash - Cash is accepted on all participating Service Providers.
  - (b) BART High Value Discount – Cash value accepted only by BART and only available through Autoload.
  - (c) Transit pass value - The electronic equivalent of an existing time-limited transit pass (also called period pass) that can be loaded directly onto the Cardholder's Clipper<sup>SM</sup> card. A transit pass is only valid for use on a participating transit system(s).
  - (d) Stored rides - The electronic equivalent of discount ticket books (or tokens) that can be loaded directly onto the Cardholder's Clipper<sup>SM</sup> card. Stored rides are only valid for use on a participating transit system(s).

### **4. FARE PAYMENT TRANSACTIONS**

- 4.1 Each Service Provider determines the fares and other conditions for use of the Clipper<sup>SM</sup> Card on its transit system.
- 4.2 For cash transactions, the value of each ride is deducted from the Cardholder's cash balance when he/she uses his/her Card.
- 4.3 All fares, including promotional or discount fares of any kind available to a specific category of persons or at specific times or zone areas, are subject to change, review, and withdrawal by the relevant Service Provider at any time.
- 4.3.1 If the Cardholder is eligible for a discount based on age, date of birth information needs to be encoded onto the Card. The Cardholder's age, as calculated from date of birth, and the Service Provider's existing policy for cash discounts based on age shall determine whether a discount cash fare is deducted at the point of use.
- 4.4 If a ride costs more than the cash value on the Cardholder's Clipper<sup>SM</sup> card, Clipper<sup>SM</sup> will let the Cardholder complete the trip even if the fare exceeds the Card's remaining value so long as the fare does not exceed the Card's remaining value by more than \$11.25. Value must be added before the Card can be used again and the negative value is deducted from the Cardholder's Card balance at the time new value is added.

- 4.5 If, for any reason, the Card is not accepted for fare payment on a participating Service Provider, the Cardholder may be required by the Service Provider to pay the fare in cash.

## 5. ADD VALUE TRANSACTIONS

- 5.1 The minimum amount of cash value that can be added in a single transaction via the Clipper website is \$1.25, and the maximum is \$250. The maximum amount of cash value that can be added in a single transaction via a Clipper Add Value Machine is \$50. The maximum amount of cash value that can be stored on any Card is \$300. Cardholders are responsible for knowing their balance. If a Cardholder tries to load cash that causes the Card balance to exceed \$300, the entire transaction will not be processed.
- 5.2 The minimum amount of cash value that can be loaded by credit or debit card at Clipper Add Value Machines is \$20. At other distribution devices, the minimum may be lower depending on the policies of the distributor.
- 5.3 **Separate from the minimum add value amounts referred to in Section 5.1 and 5.2,** MTC may require a minimum add value amount when the Cardholder acquires the Card.

## 6. CARD LOSS AND DAMAGE

- 6.1 The Cardholder shall take all reasonable care of the Card to prevent it from damage, defacement, destruction, or loss of any kind.
- 6.2 The Cardholder shall not alter or interfere with the graphic or data of the Card and shall take all reasonable measures and care to ensure that the graphic and Card Data are not interfered or tampered with. Cards that have had holes punched in them will be considered damaged and not defective.
- 6.3 **Fees for Clipper<sup>SM</sup> Card Replacement and Balance Restoration**
- 6.3.1 A Cardholder who has damaged or lost a Registered Card, as described in Section 7.2, may apply to MTC for its cancellation and the issuance of a new Card subject to the payment of a \$5 card fee and a \$5 balance restoration fee. The balance restoration fee will be waived if the Cardholder is registered for Autoload, as described in Section 7.1, or if the Cardholder has a Senior/Disabled (RTC Discount) Card, as described in Section 6.3.2. Active period passes that are restored will have the same expiration date of the pass(es) that were on the original card.
- 6.3.2 A Cardholder with a lost or stolen Senior/Disabled (RTC Discount) Card distributed in accordance with the Regional Transit Connection (RTC)

Discount Card Program policies may apply for its cancellation and the issuance of a new Senior/Disabled (RTC Discount) Card in accordance with the policies of the RTC Discount Card Program and Section 11.5. The balance restoration fee will be waived if the cardholder has a Senior/Disabled (RTC Discount) Card. Active period passes that are restored will have the same expiration date of the pass(es) that were on the original card.

- 6.4** The Cardholder holds the Card at his/her own risk. If the Card malfunctions due to no fault of the Cardholder, he/she may return the Card to the Clipper<sup>SM</sup> Customer Service Center, and MTC shall refund any remaining cash value (except as provided in Section 8.3) or transfer any remaining Card value (e.g., cash, BART High Value Discount, transit pass and/or stored rides) to a new Card if the Card is returned within one year from the date that the Cardholder first used the Card. If the Clipper<sup>SM</sup> Customer Service Center determines that the card is not defective but has been damaged, the Cardholder may request a replacement card in accordance with Section 7.2.

## **7. OPTIONAL FEATURES**

### **7.1 Autoload**

- 7.1.1** By setting up Autoload, the Cardholder authorizes MTC to automatically reload value to his/her Card by means of a bank or credit card account whenever one of the following occurs: (1) the Cardholder's cash or BART High Value Discount balance falls below \$10; (2) the Cardholder's transit pass expires (e.g., the first of every month); or (3) the number of stored rides remaining on the Cardholder's Card falls below three.
- 7.1.2** The Cardholder can set up Autoload for any one of the four fare types (cash, BART High Value Discount, transit pass, or stored rides); OR the Cardholder can set up Autoload for a combination of Clipper<sup>SM</sup> cash, BART High Value Discount, a transit pass or stored rides.
- 7.1.3** The minimum amount of cash that can be loaded onto a Clipper<sup>SM</sup> card via Autoload is \$20.
- 7.1.4** The maximum amount of cash that can be loaded onto a Clipper<sup>SM</sup> card via Autoload is \$250.
- 7.1.5** The Cardholder may terminate Autoload at any time by mailing or faxing a written request to the Clipper<sup>SM</sup> Customer Service Center, or by editing the Autoload set-up via the Clipper<sup>SM</sup> website.
- 7.1.6** If an cash Autoload funding source is declined for any reason, the Clipper<sup>SM</sup> Customer Service Center will block the Card. The Card will

remain blocked until the Cardholder provides a new Autoload funding source. If Autoload for BART High Value Discount, a transit pass or stored rides is declined for any reason, that specific transit product will be blocked on the Card. The Clipper<sup>SM</sup> Customer Service Center may charge a fee, as indicated in Section 11.6, beginning on the second occasion that a funding source associated with the Cardholder's Card is declined and on every subsequent occasion.

## **7.2 Clipper<sup>SM</sup> Registration and Balance Restoration**

**7.2.1** To protect a Card's balance in the event that a Card is lost, stolen or damaged, the Cardholder can register his/her Card with the Clipper<sup>SM</sup> Customer Service Center. A card that has been registered to an individual (also referred to as a "Registered Card") is not transferable and can be used only by the person identified in the approved registration application.

**7.2.2** All Youth and Senior Clipper<sup>SM</sup> cards as well as Senior/Disabled cards issued in accordance with the Regional Transit Connection (RTC) Discount Card Program are automatically registered.

**7.2.3** Once the Cardholder reports a Registered Card lost or stolen, the Clipper<sup>SM</sup> Customer Service Center will restore the full value of the Registered Card's balance at the end of the day the Cardholder reports it lost, stolen or damaged and mail the Cardholder a new Card. The Clipper<sup>SM</sup> Customer Service Center will charge a fee as indicated in Section 11.

## **8. REFUNDS**

**8.1** A Cardholder may request a refund of the remaining cash value on a registered Clipper<sup>SM</sup> card with a minimum \$5 cash balance by mailing his/her Card to the Clipper<sup>SM</sup> Customer Service Center with a Refund Request Form. Refunds are subject to the fees in Section 11.

**8.2** Requests for refunds for transit passes or stored rides are subject to the policies of the individual Service Providers.

**8.3** Cards that have had value added through a pre-tax or tax-exempt transit benefit program established pursuant to the Internal Revenue Code Section 132 are ineligible for any refunds, regardless of when value was added or whether value was also added by other means.

## **9. CARD VALUE**

MTC's master record of the Clipper<sup>SM</sup> FPS shall be conclusive evidence of the amount of remaining value on any Card.

## 10. CARD EXPIRATION

The Cardholder's Card will not expire unless the Card is a Senior/Disabled (RTC) Clipper<sup>SM</sup> Card.

## 11. CARDHOLDER FEES

The following non-refundable fees will be charged to the Clipper<sup>SM</sup> Cardholder, unless waived by MTC:

- 11.1 Card Acquisition - \$5 (Not applicable when Autoload is set up for an Adult card at the same time the Card is acquired.)
- 11.2 Card Replacement of Adult, Senior or Youth Card - \$5
- 11.3 Balance Restoration for Adult, Senior or Youth Card - \$5
- 11.4 Renewal of Senior/Disabled (RTC Discount) Card - currently \$3, in accordance with the Regional Transit Connection (RTC) Discount Card Program policies
- 11.5 Card Replacement of Senior/Disabled (RTC Discount) Card - currently \$5, in accordance with the Regional Transit Connection (RTC) Discount Card Program policies
- 11.6 Failed Autoload Authorization - \$5 (assessed on the second occasion that an Autoload funding source associated with the Card is declined and on every occasion thereafter)
- 11.7 Refund Administrative - \$5 (see Section 15.2)

## 12. CONDITIONS FOR SERVICES AND FACILITIES

While using the services and/or facilities of a Service Provider, the Cardholder shall observe, perform, and comply with the terms and conditions, by-laws, rules, and regulations stipulated by that Service Provider in relation to such services and/or facilities.

## 13. RESERVATION

- 13.1 MTC does not warrant that any particular service and/or facility will be provided by any Service Provider at any time or place.
- 13.2 No warranty is given that operation of the Card or FPS will be available with any Service Provider at any time or place, and MTC shall not be liable for any loss or damage resulting there from, whether direct, indirect, special or consequential.

- 13.3** The authorized staff of MTC and the Service Providers shall have the right to inspect any Card and the Card Data therein at any time.
- 13.4 The authorized staff of MTC and the Service Providers shall have the right to confiscate a Youth, Senior or Senior/Disabled Clipper Card if it is determined that the individual using the Card is ineligible for the discounts granted therein or if it is determined that the Card is otherwise being used fraudulently.
- 13.5** MTC reserves the right to:
- 13.5.1** Recover any cost, expenses, loss, and damages incurred or suffered by MTC as a result of Card alteration or interfering with the Card Data.
- 13.5.2** Waive these conditions or any part thereof against any person.

## **14. CONFIDENTIALITY OF INFORMATION**

- 14.1** The collection, use and security of information obtained from Cardholders is subject to MTC's Clipper<sup>SM</sup> Privacy Policy, as amended. This policy is consistent with Federal and State laws governing an individual's right to privacy and may be amended from time to time, as deemed necessary by MTC. Any changes to the Privacy Policy will be posted on the Clipper<sup>SM</sup> website, clippercard.com, including the date of the amendment.
- 14.2** All information and data relating to the Cardholder collected by the Clipper<sup>SM</sup> FPS shall be used by MTC and the Service Providers for the purposes of the operation and management of the FPS and shall serve as a source of information and data for transit and/or related services in general but shall otherwise be dealt with in a confidential manner by MTC and the Service Providers unless:
- (a) The Cardholder's express written consent has been obtained; and/or
- (b) Otherwise required by law or ordered by a court of competent jurisdiction.
- 14.3** The Cardholder retains the right to review and edit all personal information pertaining to his/her account, whether stored electronically or on paper. Any inquiry or request to obtain information, in accordance with the above provisions, should be directed in writing to the Clipper<sup>SM</sup> Customer Service Center. The Clipper<sup>SM</sup> Customer Service Center is only able to provide transaction history data for the prior 60-day period. MTC may adopt procedures for the review of such information, including but not limited to charging a fee for processing requests for access to personal information.

## **15. TERMINATION**

- 15.1** MTC may terminate this Agreement at any time and for any reason. If MTC requests, or if the Cardholder wishes, to terminate this Agreement, the Cardholder shall return the Card in proper working condition to the Clipper<sup>SM</sup> Customer Service Center.
- 15.2** Upon termination and return of the Cardholder's Card, the cash balance will be refunded to the Cardholder, in accordance with Section 8, less any amounts owed to the Service Providers, any other outstanding charges, and an administrative fee of \$5, within thirty (30) days via check.
- 15.3** Following termination, the Cardholder will remain responsible for payment of amounts owed under this Agreement. If the Cardholder's cash balance is insufficient to cover outstanding charges, the Cardholder will remain liable for all such amounts. If such unpaid charges are not properly remitted, the Cardholder may become liable for additional service charges, fines, or penalties, in accordance with applicable law.

## **16. CHANGES TO THIS AGREEMENT**

MTC reserves the right to change the terms of this Agreement and any associated policies at any time by providing written notice on the Clipper<sup>SM</sup> website at [clippercard.com](http://clippercard.com). The Cardholder will be deemed to have received such notice thirty (30) days after posting of that notice on the Clipper<sup>SM</sup> website. The Cardholder signifies agreement with the changes when he/she uses the Card after that date.

## **17. RELEASE AND INDEMNITY**

The Cardholder hereby releases MTC from all loss, damage, or injury whatsoever, known or unknown, arising out of or in any manner connected with the use or performance of the Card issued to the Cardholder. Neither MTC, its officers, employees, nor its agents will have any obligation or liability with respect to the Cardholder use or the performance of the Card. The Cardholder's sole and exclusive recourse from MTC will be replacement of any defective Card(s). The Cardholder agrees to indemnify, protect, and hold harmless MTC, its officers, employees, and its agents from any and all liability for any loss, damage, or injury to persons or property arising from or related to the Card.

## **18. FAILURE TO COMPLY**

- 18.1** Failure to comply with any portion of this agreement may result in MTC's blocking the use of the Card.
- 18.2** When the Card is blocked in accordance with Section 18.1 above, the refund of any remaining value on the Card shall be at the absolute

discretion of MTC and subject to such conditions as MTC deems fit including surrender of the Card and deduction of any amount due or payable by the Cardholder to MTC and/or any Service Provider.

## **19. COMMUNICATION**

Please address all questions, notifications, and communications to:

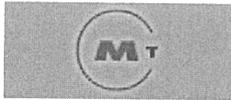
Clipper<sup>SM</sup> Customer Service Center  
P.O. Box 318  
Concord, CA 94522-0318

Tel: 877.878.8883; TTY/TDD: 711 or 800.735.2929 and type Clipper  
Fax: 925.686.8221

[clippercard.com](http://clippercard.com)

Attachment 3

Notice Soliciting Public Comment  
On Clipper® Title VI Report



SEARCH MTC SITE

GO

- Home
- About MTC
- News
- Jobs & Contracts
- Meetings & Events
- Get Involved
  - Advisory Council
  - Civil Rights and Accessibility
  - Contact Us
  - Public Participation Plan
- Services
- Library
- Maps & Data
- Funding
- Planning
- Projects
- Legislation
- Links

### Civil Rights and Accessibility

## MTC Seeks Comment on Clipper Title VI Report

While transitioning the region's transit agencies' paper tickets to the electronic Clipper® fare-payment system, MTC is working to ensure that customers with limited-English proficiency, minorities, and low-income residents who are protected by Title VI of the Civil Rights Act of 1964 or Environmental Justice principles are not adversely affected. MTC's *Clipper Title VI Draft Summary Report for Fare Media Transitions*, which summarizes the agency's approach to this issue, was released on September 2, 2011 for public review.

#### DOWNLOAD:

- [Clipper Title VI Analysis Summary Report for Fare Media Transitions \(PDF\)](#)
- [Memo: Clipper Title VI Summary Report \(PDF\) September 2, 2011](#)
- [MTC Solicita Comentarios Sobre el Reporte de Clipper del Título VI \(PDF\)](#)
- [中文信息 \(PDF\)](#)

The draft report outlines steps that MTC and transit agency staff have taken to ensure that individuals protected by Title VI and low-income persons have equitable access to Clipper program benefits and services. These steps include waiving the \$5 card acquisition fee since June 2010, holding more than 800 outreach events around the region to date, improving the multilingual capabilities at the Clipper Customer Service Center, running media campaigns in Chinese and Spanish languages, and widely distributing Clipper cards in communities of predominantly low-income, limited English, and minority residents.

The draft report then summarizes MTC's requirement that transit agencies transition selected paper passes and tickets to Clipper-only availability, the potential for reinstatement of a card acquisition fee, and how these changes may potentially impact Title VI-protected and low-income communities. The report describes MTC's efforts to mitigate four potential adverse impacts to these communities related to outreach enrollment opportunities for discount category patrons, Clipper vendor availability in specific census tracts, and the \$5 Clipper card acquisition fee.

The public is encouraged to provide feedback on MTC's efforts to mitigate these potential adverse impacts for Title VI-protected communities. MTC is particularly interested in public input regarding the proposal described on pages 15-18 of the draft report to reduce the card acquisition fee to \$3, accompanied by a \$2 minimum balance. Comments are due by 4 p.m. on **Thursday, December 22, 2011**. MTC also will be conducting a series of focus groups to hear more directly from residents in Title VI protected and low-income communities. Email written comments to [info@mtc.ca.gov](mailto:info@mtc.ca.gov), or mail them to MTC Public Information, 101 Eighth Street, Oakland, CA 94607-4700, fax: 510.817.5848.

- [More information on Title VI](#)

After receiving and addressing public feedback on this draft report, MTC's Operations Committee, which sets the policies of the Clipper program, will adopt any resulting changes to the Clipper Operating Rules.

Información en Español



#### CONTACTS

[info@mtc.ca.gov](mailto:info@mtc.ca.gov) • Report Web site comments • Accessibility Information • Site Help  
 Metropolitan Transportation Commission • 101 Eighth Street, Oakland, California 94607  
 Phone: 510.817.5700, Fax: 510.817.5848

This page was last modified Monday October 31, 2011



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700  
TEL 510.817.5700  
TTY/TDD 510.817.5769  
FAX 510.817.5848  
EMAIL info@mtc.ca.gov  
WEB www.mtc.ca.gov

*Amy Rein Worth, Chair*  
Cities of Contra Costa County

*Dave Cortese, Vice Chair*  
Santa Clara County

*Alicia C. Aguirre*  
Cities of San Mateo County

*Tom Asunbrado*  
U.S. Department of Housing  
and Urban Development

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Cities of Alameda County

*David Campos*  
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Napa County and Cities

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and Development Commission

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*Jake Mackenzie*  
Sonoma County and Cities

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Cities of Santa Clara County

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California State  
Transportation Agency

*James P. Spering*  
Solano County and Cities

*Adrienne J. Tissier*  
San Mateo County

*Scott Wiener*  
San Francisco Mayor's Appointee

*Steve Heminger*  
Executive Director

*Ann Flemer*  
Deputy Executive Director, Policy

*Andrew B. Premier*  
Deputy Executive Director, Operations

March 5, 2014

Ms. Jennifer Denise Washington

[Redacted]  
Oxford, MI [Redacted]

RE: Title VI Complaint

Dear Ms. Washington:

The Metropolitan Transportation Commission (MTC) received the attached Title VI complaint on February 20, 2014.

The complaint submitted relates to the Oxford Elementary School in Oxford, Michigan. MTC is the transportation planning, coordinating and financing agency for the nine-county San Francisco Bay Area in California, and MTC does not have any affiliation with, nor authority over, the Oxford Elementary School. Therefore, we are writing to inform you that the attached Title VI complaint was prepared on MTC's form and submitted to MTC in error.

Sincerely yours,

Ann Flemer  
Deputy Executive Director, Policy

AF: DR

J:\PROJECT\Title VI Report\Complaints\Washington 2.21.14\Washington Response\_final.docx

Attachments



RECEIVED

FEB 20 2014

MTC

METROPOLITAN  
TRANSPORTATION  
COMMISSION

Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, CA 94607-4700  
TEL: 510.817.5700  
TDD: 510.817.5700  
FAX: 510.817.5848  
E-MAIL: info@mtc.ca.gov  
WEB: www.mtc.ca.gov

Metropolitan Transportation Commission (MTC) Title VI Complaint Form

Complaints must be filed within 180 days of the alleged act of discrimination.

**Section I:**

Name: Jennifer Denise Washington

Address: [REDACTED], Oxford MI [REDACTED]

Telephone (Home): [REDACTED] Telephone (Work): [REDACTED]

Electronic Mail Address: [REDACTED] Cell: [REDACTED]

Accessible Format Requirements? Check all that apply.

	Large Print		Audio Tape
	TDD		Other

**Section II:**

Are you filing this complaint on your own behalf? Yes  No

\*If you answered "yes" to this question, go to Section III.

If not, please supply the name and relationship of the person for whom you are filing this complaint: Delois Washington & Gihon Maxwell my daughters

Please explain why you are filing for this person:  
Delois Washington and Gihon Maxwell are my minor daughters. As their mother I am filing.

Please confirm that you have obtained the permission of the complaining person if you are filing on their behalf.

Yes	Yes	No
-----	-----	----

**Section III**

I believe the discrimination I experienced was based on (check all that apply):

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Race	Color	National Origin

Date of Alleged Discrimination (Month, Day, Year): 10-23-2013

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses.

See attached sheet.

**Section IV**

Have you previously filed a Title VI complaint with this agency?	Yes		No	X
--	-----	--	----	---

**Section V**

Have you filed a complaint with any other Federal, State or local agency, or with any Federal or State Court?	Yes		No	X
---	-----	--	----	---

If yes, check all that apply?		Federal Agency		State Agency
		Federal Court		Local Agency
		State Court		

You may attach any written materials or other information that you think is relevant to your complaint.

Please sign here:   
 Date: \_\_\_\_\_

Note - MTC cannot accept your complaint without a signature.

Please mail your completed form to:  
 Metropolitan Transportation Commission  
 Deputy Executive Director, Policy  
 101 8<sup>th</sup> Street  
 Oakland, CA 94607  
 Fax (510) 817-5848  
 Email [aflemer@mtc.ca.gov](mailto:aflemer@mtc.ca.gov)

If information is needed in another language, contact (510) 817.5757 or (510) 817.5769 for TDD/TTY.

如需要透過其他語言查詢資訊，請致電(510)817.5757或TDD/TTY電話(510)817.5769。

Si necesita información en otro idioma, llame al (510) 817.5757 o al (510) 817.5769 para servicio de TDD/TTY.

I was told by the Academic Games Coach, Connie Ginste of Oxford Elementary School that my daughter [REDACTED] could not play on the team after her second practice of the 2013-2014 school year because she was in the second grade. After a week or so I found out that there were children in first and second grade playing on the team. I approached Connie (a conversation that I have recorded) about the younger children and she told me that those younger children were relatives of coaches so they were allowed to be on the team but my daughter could not. She explained that [REDACTED] wrote a number backwards (something she observed since she came to two practices) and said that she would possibly exclude her in the third grade if that continued. The principal Jeff Brown supported Connie's decision and said that she had no policies to follow.

After my inquires on the policies my oldest daughter began to also get discriminated against, bullied and singled out by Connie. I continually asked via email for this to stop but I only received responses threatening to kick [REDACTED] off the team.

This club is held after school in the school building.

It is featured on the district's web sight

The kids are given a pardon for school days and assignments missed when participating on this team.

The school district claims they will not discriminate in the student handbook.

Coach Connie Ginste email address [REDACTED]

Principal Jeff Brown Oxford Elementary School email address

[Jeff.Brown@oxfordschools.org](mailto:Jeff.Brown@oxfordschools.org)

09 Pontiac Street

Oxford, MI 48371

248.969.5075

District's Superintendent Dr. William C. Skilling email address: [william.skilling@oxfordschools.org](mailto:william.skilling@oxfordschools.org)

District's Assistant Superintendent Nancy Latowski email address: [Nancy.Latowski@oxfordschools.org](mailto:Nancy.Latowski@oxfordschools.org)

Board of Education Offices

10 N. Washington, Oxford, MI 48371

248.969.5000 / Fax: 248.969.5013

Witness: Mrs. [REDACTED]

Witness: Voice recording and emails