

## **Board Policy No. 32 Threshold for Disproportionate Burden**

### Summary

This policy sets forth North County Transit District's (NCTD) threshold for disproportionate burden.

### Background

The requirement of this policy comes from the Federal Transit Administration (FTA) Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," which became effective October 1, 2012. The Circular requires any FTA recipient that operates 50 or more fixed-route vehicles in peak service and serves a population of 200,000 or greater to evaluate any fare change and any major service change at the planning and programming stages to determine whether those changes have a discriminatory impact.

### Purpose

The purpose of this policy is to:

1. Establish a threshold for the occurrence of disproportionate burden in the event of a major service change; and
2. Identify the agency's corresponding process and actions to address the occurrence of disproportionate burden.

### Threshold

A disproportionate burden occurs when the low-income population adversely affected by a major service change as defined under NCTD Board Policy No. 30, Threshold for Major Service Change, is ten (10) percent or more than the average low-income population of the NCTD service area. A disproportionate burden may also occur when the non-low-income population benefits from a major service change by ten (10) percent or more than the average non-low-income population of the NCTD service area.

Disproportionate burden on routes with either span of service changes and/or frequency changes will be determined by analyzing all routes with such changes together. Disproportionate burden on routes with segment elimination, re-routing, or route elimination will be determined on a route by route basis.

### NCTD's Process


If NCTD finds a potential disproportionate burden, the agency will take steps to avoid, minimize, or mitigate impacts of the proposed change where practicable and provide alternatives available to low-income passengers affected by the service changes.


In the event a disproportionate burden is identified, NCTD will engage public participation to discuss less discriminatory alternatives or mitigation measures.

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To conduct the analysis for low-income populations, NCTD shall use the most recent 5-year estimate table for *Ratio of Income to Poverty Level in the Past 12 Months* from ACS. The U.S. Census Bureau explains that “people and families are classified as being in poverty if their income is less than their poverty threshold. NCTD defines a low-income person as an individual whose household income is below 200 percent of the poverty level, consistent with SANDAG’s definition. NCTD will consider using the most recent SANDAG Regional On-Board Transit Survey for the comparison population if the survey is statistically valid at the route level.

### Approvals

  
Board Chair 10/17/2019  
Date

  
Executive Director 10/17/2019  
Date

  
General Counsel 10/17/2019  
Date

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DATE	REVISION No.	RESOLUTION No.	COMMENTS
11/21/2013	ADOPTED	13-07	
10/16/2014	1	14-04	2014 REVISION
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10/19/2017	3	17-10	2017 REVISION
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