

Meeting Date: June 9, 2010

Committees:

Operations Committee
External Affairs Committee
Board of Directors

Planning Committee
Finance and Audit Committee
Financing Corporation

SUBJECT: Consider Receiving Report Regarding the Publication of On-Time Performance Information to Ensure Non-Disparate Treatment Under Title VI of the Civil Rights Act of 1964.

RECOMMENDED ACTION:

Information Only Briefing Item Recommended Motion

Fiscal Impact:

None anticipated

Background/Discussion:

On April 14, 2010, staff presented the on-time performance report and requested that the Board approve the publication of the on-time performance data on the District's external website. The Board directed staff to develop a plan to publish the data as well as respond to any feedback that may result.

In developing the plan to publish the data, staff has been considering any unintended consequences that could arise as a result of providing the public with such a rich data source.

As a result, staff has identified a potential Title VI consequence that is not directly related to the information per se, but rather what the District intends to do with the data once it is published. Specifically, in order to guard against the potential for disparate treatment within minority communities, the District needs to have a policy and procedure established to address both route and system-level performance evaluations that could lead to prioritizing corrective action.

The concern is that the District does not currently have a standard protocol to address poorly performing routes that may be highlighted as the result of the public review of on-time performance data. Nor does it have a set of evaluative criteria that it would use to establish priority for corrective action. Consequently, if service is corrected to address running time issues in an unsystematic fashion, the result may be that the routes in poor or minority neighborhoods are not given the same attention as those in other communities. Establishing and following an equitable policy and procedure that defines

how on-time performance issues will be prioritized and corrected would eliminate the concern that disparate treatment would occur.

It would also be useful for the District to establish performance standards associated with operational issues, (such as on-time performance) to demonstrate that the District evaluates and remediates issues within its control as a way to protect against disparate treatment claims. Currently, no operational standards exist for system-wide on-time performance.

As a result, staff is recommending that the following be developed prior to publishing the on-time performance data:

- 1) Clear standards and goals for both the on-time performance of AC Transit's system as well as the performance at the route level
- 2) Policies and procedures that explain how route and system level on-time performance will be monitored and what criteria will be applied to prioritize routes for corrective action

Staff will develop an on-time performance evaluation protocol and preliminary standard for Board review in August.

Prior Relevant Board Actions/Policies:

GM 10-073a: On-time performance report, April 14, 2010
GM 09-260: On-time performance update, December 9, 2009

Attachments:

None

Approved by: Mary V. King, Interim General Manager

Prepared by: Tina Spencer, Director of Service Development and Planning

Date Prepared: May 27, 2010