



Agenda Item No. (6)

To: Finance-Auditing Committee/Committee of the Whole
Meeting of October 22, 2020

From: Ron Downing, Director of Planning
Joseph M. Wire, Auditor-Controller
Denis J. Mulligan, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO ADOPTION OF A CLIPPER START
FARE FOR MARIN LOCAL RIDES ON GOLDEN GATE TRANSIT BUS
SERVICE, APPROVAL OF THE ASSOCIATED TITLE VI EQUITY
ANALYSIS, AND AMEND THE MASTER ORDINANCE**

Recommendation

The Finance-Auditing Committee recommends that the Board of Directors approve actions relative to adoption of an expansion of the means-based fares, known as “Clipper START” fares, to include local rides within Marin County on Golden Gate Transit buses as follows:

1. Adopt a Clipper START fare for local rides within Marin County on Golden Gate Transit buses;
2. Approve the associated Title VI Equity Analysis; and,
3. Amend the Master Ordinance accordingly.

This matter will be presented to the Board of Directors at its meeting on October 23, 2020, for appropriate action.

Summary

The Metropolitan Transportation Commission (MTC) on May 23, 2018 approved implementation of a pilot program lasting 12 to 18 months, to provide means-based fares for low-income persons on participating transit systems. Persons with incomes below 200% of the Federal Poverty Level (approximately \$75,000 per year for a family of four in the Bay Area) would be eligible to enroll in the program. The program would issue special Clipper cards to qualifying persons that provide discounts of 20% or 50% off current adult cash fares.

The Board voted on September 27, 2019 to participate in the means-based fare program with a 50% discount for primarily regional trips on Golden Gate Transit buses and regular (non-special event) Golden Gate Ferry service. The program, which was subsequently branded “Clipper START,” began on July 15, 2020. The Golden Gate Bridge, Highway and Transportation District (District), BART, Caltrain, and SFMTA are the initial participants in the program.

Several additional Bay Area transit agencies expressed an interest in implementing means-based fares subsequent to the initial MTC action, and earlier this year MTC offered to expand Clipper START to those agencies. As part of this expansion, Marin Transit will join the program starting in November 2020 and offer a 50% discount off the current adult cash fare for travel within Marin County.

The District charges fares set by Marin Transit for local travel within Marin County on Golden Gate Transit buses pursuant to the contract and the historical relationship between the two agencies. Therefore, in order to continue providing a seamless experience for eligible passengers who use Marin Transit and Golden Gate Transit interchangeably for local travel within Marin County, the District would need to match Marin Transit's Clipper START fare. However, the Clipper START fares for Golden Gate Transit bus service authorized by the Board in September 2019 exclude local travel in Marin County, so further Board action is required.

The current adult fare for local travel within Marin County for both Golden Gate Transit and Marin Transit is \$2.00 for cash and \$1.80 for Clipper. Clipper START would provide a 50% discount based on the cash fare to eligible participants, so the fare would be \$1.00 for local rides. If adopted, the Master Ordinance would be amended to reflect the new Clipper START fare through June 30, 2021. Should the means-based fare program continue beyond June 30, 2021, which is when the current Board-adopted Five-Year Fare Program ends, Clipper START fares would be included in the fare tables adopted as part of future fare programs.

Public Involvement Process and Comments Received

Public Notification

Outreach on the proposal to create a Clipper START fare for Marin local rides began on August 28, 2020, when the Board approved holding a public hearing on September 24, 2020. The public comment period closed at 4:30 p.m. on Friday, September 25, 2020.

Public notification activities included:

- Displays posted on board buses;
- Advertisements in local publications (*Marin Independent Journal* and *La Voz*);
- Press releases to local media;
- Social media postings on Facebook and Twitter; and,
- Email blast to customers and community-based organizations.

Translation of all printed materials and handouts in Spanish were available, per the District's Limited English Proficiency (LEP) Plan.

Public Comment Process

Public comments on the proposal to create a Clipper START fare for Marin local rides could be submitted in several different ways:

1. Attend the public hearing;
2. Email publichearing@goldengate.org; and/or,
3. Send written comments to the District Secretary.

The District's practice is to treat all comments equally without regard to the manner in which they are submitted or received. Therefore, individuals did not have to attend the public hearing to provide testimony if they commented through email or written forms. All comments received through the above methods were considered in the final recommendation so long as they were received by 4:30 p.m. on Friday September 25, 2020.

Comments Received

Nine (9) comments were received regarding the proposal to create a Clipper START fare for Marin local rides. Eight (8) comments supported this proposal, and one (1) comment was unrelated to the proposal.

Title VI Equity Analysis

A Title VI Equity Analysis is required to accompany the final recommendation to the Board, which is expected to occur on October 23, 2020, because this proposal creates a new fare. This analysis was completed after the public hearing in order to reflect any comments received on the proposal.

In accordance with the Federal Transit Administration regulations and guidance implementing Title VI of the Civil Rights Act of 1964, as well as the District's Title VI Policies, staff conducted a Title VI Equity Analysis to determine whether the proposed Clipper START fare would result in a disparate impact to minority populations or impose a disproportionate burden on low-income populations in the District's service area.

The analysis concluded that all of the benefits of the means-based fare program would accrue to low-income riders, so creating the new fare would not have a disproportionate burden on low income riders. Although many minority riders would benefit from the program, 5.74% more of the beneficiaries of the program would be non-minority riders. As the 5.74% discrepancy is within the District's 10% disparate impact threshold, the proposal to create a new Clipper START fare would also not result in a disparate impact on minority riders. Additionally, there are several substantial justifications for this action. Alignment of fares in Marin County between Marin Transit and GGT is necessary to maintain consistency between these two services, and participation in the Clipper START program increases transit access for low-income persons, many of whom have limited mobility options.

The detailed Title VI Equity Analysis of the proposed Clipper START fare for Marin local rides is included in Appendix A.

Fiscal Impact

The cost to expand Clipper START to include a Marin local fare on Golden Gate Transit bus service is dependent upon the participation rate of qualified persons. It is estimated that the annual cost of the proposed expansion would be between \$15,000 and \$44,000. The estimated annual cost

of the overall Clipper START program would be between \$230,000 and \$460,000. Regional funding between \$300,000 and \$500,000 is expected to be available to offset the lost revenue. By agreement between MTC and the region's operators, regional funding will offset up to half of a 20% fare discount. Since GGB is offering a 50% fare discount, regional funding will offset up to 10% of that 50% discount, or up to 20% of GGB's total revenue loss. The Board previously authorized the Clipper START program with an anticipated annual cost between \$500,000 and \$1,000,000 across the District's bus and ferry services. In sum, this action does not increase the cost of the Clipper START program beyond the amount previously authorized by the Board.

Attachments: Appendix A, Title VI Equity Analysis
Exhibit A, RESOLUTION NO. 2013-078
Exhibit B, GGT Disparate Impact-Disproportionate Burden Table- Marin Local Means-Based Fare

APPENDIX A
Title VI Equity Analysis: Clipper Start Marin local Fares
Presented to the Golden Gate Bridge, Highway and Transportation District
Finance-Auditing Committee
October 22, 2020

Staff proposes to implement a means-based fare reduction for Golden Gate Transit (GGT) trips within Marin County as part of the Regional Means-Based Fare Program being administered by the Metropolitan Transportation Commission (MTC), now known as Clipper START. This action constitutes the establishment of a new fare product.

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin by recipients of federal financial assistance. Before the Golden Gate Bridge, Highway and Transportation District's (District) Board of Directors (Board) can adopt the proposed fare change, the Board must consider whether the proposed change will disparately impact minority populations and/or disproportionately burden low-income populations in the District's service area. The required components of this Title VI Equity Analysis are set forth in the Federal Transit Administration's regulations and FTA Circular 4702.1B ("Title VI Requirements and Guidelines for Federal Transit Administration Recipients") implementing Title VI of the Civil Rights Act of 1964, and in the District's Title VI Policies.

This analysis indicates that implementation of the proposed fare product does not have a disparate impact on minority GGT riders or a disproportionate burden on low-income GGT riders.

I. Background

On May 23, 2018, the Metropolitan Transportation Commission (MTC) approved implementation of a pilot Regional Means-Based Fare Program as a way to provide greater mobility options for low-income persons on participating transit systems in the Bay Area. Persons with income below 200% of the Federal Poverty Level (approximately \$70,000 per year for a family of four in the Bay Area) would be eligible. MTC has funded the program for 12 to 18 months, depending on how quickly the available funds (which partially offset the cost of the program) are expended.

MTC requires each agency participating in the program to provide governing board approval. The District's Board approved a resolution of support of participating in the program on July 27, 2018.

On September 27, 2019, the Board of Directors approved the District's adoption of Clipper START, which was launched July 2020 for GGT regional bus trips and Golden Gate Ferry (GGF), along with BART, Caltrain, and SFMTA. Clipper START fares are only available through the use of a Clipper® card. The Clipper START program established a fifty percent reduction from regular cash fares for low income persons for all GGF trips and regional GGT trips, but not for local travel solely within Marin County. Fares on East Bay service operated by GGT for BART have already been reduced to accommodate BART's "Early Bird Express" service, as have fares for Oracle Park Special Event ferry service and Chase Center ferry service.

On November 1, 2020, Clipper START is expanding to include several additional North Bay transit agencies, including the Marin County Transit District (MT). In order to align GGT's Marin local fares with MT fares, staff proposes to implement a reduced Clipper START fare for Marin local travel on GGT buses effective November 1.

II. Adopted District Title VI Policies

The District adopted its Major Service Change, Disparate Impact and Disproportionate Burden Policies (together referred to as “Title VI Policies”) on August 9, 2013. The latter two policies set forth the standards used in fare equity analyses. The District’s Disparate Impact policy provides:

- The District defines its Disparate Impact Threshold for determining whether the burdens or benefits of a major service change or a fare adjustment are equitable to be 10%, based on the cumulative impact of the proposed service and/or fare changes. This threshold applies to the difference of the impacts borne by minority populations compared to the same impacts borne by non-minority populations.

The District’s Disproportionate Burden Policy provides:

- The District defines its Disproportionate Burden Threshold for determining whether the burdens or benefits of a major service change... or a fare adjustment are equitable to be 10%, based on the cumulative impact of the proposed service and/or fare changes. This threshold applies to the difference of the impacts borne by low-income populations compared to the same impacts borne by non-low-income populations.

The public outreach process, comments received and the resolution evidencing the Board’s discussion and approval of the policies is attached as Exhibit A.

III. Golden Gate Transit Bus Services

The fare change proposal concerns GGT services that make stops in Marin County, which are summarized below. GGT has traditionally sought to align its fares with MT for trips within Marin County. Both MT and GGT currently charge an adult Clipper fare of \$1.80. MT is planning to implement a discounted Clipper START fare of \$1.00. The proposed GGT fare change would continue to align GGT with MT for Clipper START trips within Marin County. This fare would be available to low-income passengers with a Clipper START card on all GGT trips that provide service within Marin County.

GGT Bus Services

GGT bus services are generally delineated as “Commute” and “Basic.” Generally, “Commute” bus service is peak-period, one-directional service between Sonoma or Marin County and San Francisco, plus shuttle-type routes designed specifically to take passengers from their places of origin to/from the primary Commute routes. “Basic” bus service, on the other hand, operates seven days a week over most of the day/night to provide basic mobility throughout the District’s service area. More specifically:

- *Transbay Commute Service* provides commute service during morning and afternoon peak-hour periods. Commute routes operate Monday through Friday, except designated

holidays, and serve San Francisco, Marin, and Sonoma counties. Starting in November 2020, commute routes that can potentially carry Marin local passengers include Routes 4, 18, 27, and 54. After December 14, 2020, only Routes 27 and 54 will have that potential, as Routes 4 and 18 will be suspended at that time.

- *Transbay Basic Service* provides daily service throughout the day and evening between San Francisco, Marin, Sonoma, and Contra Costa counties. All Basic routes carry Marin local passengers. Basic routes include Routes 30, 40, 70, and 101. Route 40 service, which operates between Marin and Contra Costa Counties, is supported by Regional Measure 2 (RM2) funds provided by MTC. Route 101 also receives some RM2 funding.

The below tables reflect Clipper START fares system-wide for Fiscal Year 2021 and 2022, including the newly proposed Marin local fare.

<u>BUS FY20-21</u>		San Francisco	Marin County			Sonoma County		East Bay
	Bus Zone	1	2	3	4	5	6	7
San Francisco	1	\$2.25	\$3.75	\$3.75	\$4.50	\$6.75	\$6.75	\$3.50
Marin County	2	\$3.75	\$1.00			\$4.50	\$4.75	\$3.25
	3	\$3.75				\$4.25	\$4.50	
	4	\$4.50				\$3.50	\$3.50	
Sonoma County	5	\$6.75	\$4.50	\$4.25	\$3.50	\$2.25		\$6.00
	6	\$6.75	\$4.75	\$4.50	\$3.50			\$6.00
East Bay	7	\$3.50	\$3.25			\$6.00	\$6.00	\$2.00

FERRY FY20-21

Larkspur	\$6.50
Sausalito	\$6.75
Tiburon	\$6.75

<u>BUS FY21-22</u>		San Francisco	Marin County			Sonoma County		East Bay
	Bus Zone	1	2	3	4	5	6	7
San Francisco	1	\$2.50	\$4.00	\$4.00	\$4.50	\$7.00	\$7.00	\$3.50
Marin County	2	\$4.00	\$1.00			\$4.50	\$4.50	\$3.25
	3	\$4.00				\$4.50	\$4.50	
	4	\$4.50				\$3.75	\$3.75	
Sonoma County	5	\$7.00	\$4.50	\$4.50	\$3.75	\$2.50		\$6.25
	6	\$7.00	\$4.50	\$4.50	\$3.75			\$6.25
East Bay	7	\$3.50	\$3.25			\$6.25	\$6.25	\$2.00

FERRY FY21-22

Larkspur	\$6.75
Sausalito	\$7.00
Tiburon	\$7.00

Map 1. Golden Gate Transit and Ferry Service Area



IV. The Proposed Clipper Start Program Outreach

Public Notification

Outreach on the proposal to offer Clipper START fares to Marin local riders began after the Board authorization to hold this public hearing on August 27, 2020, and continued into mid-September prior to the public hearing on September 24, 2020.

Public notification activities included:

- Advertisements in local publications (*Marin Independent Journal* and *La Voz*);
- Posters placed onboard buses;
- Social media postings on Facebook and Twitter;

- Post a news item on the District's website and,
- Email blast to customers.

Translation of all printed materials and handouts in Spanish were made available per the District's Limited English Proficiency (LEP) Plan.

Public Comment Process

Public comments on this proposal to establish a Clipper Start fare for Golden Gate Transit Bus Marin local riders could be submitted in several different ways:

1. Attend the public hearing;
2. E-mail publichearing@goldengate.org; and/or,
3. Send written comments to the District Secretary.

The District's practice is to treat all comments equally without regard to the manner in which the comments are submitted or received. Therefore, individuals do not have to attend the public hearing and provide testimony in person if they have commented through e-mail or written forms. All comments received through the above methods will be considered in the final recommendation, provided that they were received by close of business, at 4:30 p.m. on Friday September 25, 2020.

Comments Received

Nine comments were received regarding the proposal to adopt means-based fares. Eight commenters supported the proposal, stating that they were in favor of it because of the benefit that would be made available to low-income riders. One comment was received that was unrelated to the proposal.

V. Title VI Equity Analysis Methodology

Implementation of the Clipper START fare for trips within Marin County constitutes a new fare product under Title VI. Based on FTA Circular 4702.1B, the District must analyze available information generated from ridership surveys that indicates whether minority and low-income passengers are more likely to use the payment types subject to the proposed fare changes. As a result, the District is required to conduct a Title VI Equity Analysis to determine whether the new fare product will result in a disparate impact to minority populations or a disproportionate burden on low-income populations riding locally within Marin County on GGT, based on the District's Title VI Policies.

The FTA Circular states that for fare changes the appropriate comparison for a disproportionate burden analysis is whether low-income riders are disproportionately more likely to use the fare product that would be subject to the change. Similarly, the appropriate comparison for a disparate impact analysis is whether minority riders are disproportionately more likely than non-minority riders to use the fare product that would be subject to the change.

Staff developed and applied the following methodology:

1. Identify Ridership Data Sources

Data: 2018 District System-wide Survey

In 2018, the District participated in the MTC's region-wide survey. The consultant selected by MTC and by District Staff surveyed all of the District's services, including GGT and GGF. Data was collected on board a sample of bus and ferry trips. Questionnaires were in Spanish and English and included questions about the trip being taken and demographics.

2. Analyze the percent change of the proposed fare adjustment for each fare payment method.

As described above, terms of the District's proposed participation in the program would establish a reduction from \$1.80 to \$1.00 for the regular Clipper fares for low income persons applied to GGT Marin local fares. The proposed Clipper START fare would only be available through the use of a Clipper card.

Accordingly, all fare payment media and fare types for Marin local trips on GGT were examined for the level of use by low-income and minority patrons. The media and fare types examined were: Adult Cash fare, Adult Clipper fare, and Senior/Youth/Disabled ("Discount") fare. Clipper Discount fares were not analyzed separately, but were grouped with cash Discount fares, as the Discount fare amounts are the same whether the customer pays with cash or Clipper, and are not subject to further discount with the program. The Clipper START fare was added as a category in order to determine what percentage of patrons of each type (low-income, non-low-income, minority, and non-minority) would benefit from its introduction.

For the most conservative analysis, it was assumed that no cash-paying customers would convert to Clipper usage to take advantage of the discount.

3. Define the term "low-income" as those with an annual household income at or below \$50,000, which is approximately 90% of the median for the service area.

Marin County and Sonoma Counties, which are included in the District's service area, have a comparatively high income (median income was \$97,815 for Marin County and \$60,430 for Sonoma County as of the 2012-2016 American Community Survey). In the District's most recent Title VI Program, District staff used \$54,387 for the annual income cut-off for defining low income for Marin County and Sonoma County. This figure is derived by taking 90% of the median annual income by census tract using the most recent statistics available. For this equity analysis, staff decreased the low-income threshold to \$50,000, which is the closest income strata break in the survey data, and which provides a more protective assessment of disproportionate burden for lower-income earners.

4. Define the term “minority” to mean those who self-identified as any ethnicity other than “white” alone in the 2018 District System-Wide Survey.

5. Determine the usage of each fare product by minority, non-minority, low-income and non-low-income riders.

This analysis uses low-income passengers as a proxy for potential Clipper START users. As eligibility for Clipper START depends on both income and household size, persons with relatively high incomes can qualify if their household is also large. For example, a user with an eight person household could have a household income of up to \$88,240. However, the 2018 District System-wide Survey did not collect information on household size. The Census indicates that the average persons per household in Marin County is 2.4. \$50,000 is an appropriate proxy because it is the next highest income strata break to the qualifying income for a family of three (\$43,440).

6. Derive the differential between the usage of the means-based fare for minority riders relative to riders overall, and low-income riders relative to riders overall.

8. Compare the differential between minority and riders overall to the disparate impact threshold, and the differential between low-income and riders overall to the disproportionate burden threshold.

VI. Title VI Equity Analysis Findings

GGT has a complex fare structure with a total of seven zones with varying fares between each zone pair, but this fare change only impacts riders traveling between Zones 2, 3 and 4. These Marin local fares vary based on two characteristics:

1. The fare category (Adult Cash, Adult Clipper, Discount, and Clipper Start fares);
2. The fare media (Cash vs. Clipper).

Adult category passengers receive a discount when using the Clipper card, so Clipper and cash fares are different. As referenced above, because Senior, Youth, and Disabled category riders are already receiving a discount, the Clipper fare for these categories is not discounted further and is the same as the cash fare. Accordingly, the Discount fare group represents those receiving a Senior, Disabled, or Youth discount whether using cash or Clipper.

First, using data from the 2018 District System-Wide Survey, staff compared percentages of minority riders to non-minority riders by fare media and fare payment category. For the 2018 District System-Wide Survey, 176 Marin local bus passengers provided responses to the income question, and 174 Marin local riders provided an answer to the race and ethnicity questions on the survey. As demonstrated in Table 1, 81 out of 174 Marin local GGT riders (46.6%) self-identified as belonging to an ethnic minority, and 93 (53.4%) identified as non-minority. The far right column in Table 2 shows that the most frequently used fare payment type for those riding locally

in Marin on GGT is an adult Clipper fare, used by 39.1% of all customers. As previously discussed, low-income passengers have been assigned to the “Clipper Start Fare” category. Following that are Clipper Start fares, used by 28.2%, and Adult Cash, used by 21.8%, and then Discount fares (Senior, Disabled, and Youth combined), at 10.9%.

Table 1: Bus Fare Product Usage Survey Data—Minority vs. Non-Minority

Payment Type	Minority	Non-Minority	Total
Cash Adult	25	13	38
Discount	8	11	19
Clipper Adult	28	40	68
Clipper START	20	29	49
Total	81	93	174

Table 2: Bus Fare Product Usage by Percentage—Minority vs. Non-Minority

Payment Type	Minority	Non-Minority	Total
Cash Adult	14.4%	7.5%	21.8%
Discount	4.6%	6.3%	10.9%
Clipper Adult	16.1%	23.0%	39.1%
Clipper START	11.5%	16.7%	28.2%
Total	46.6%	53.4%	100%

Applying the same type of analysis to income status as to minority status, Tables 3 and 4 show that of 176 Marin local riders responding to the income question on the survey, 81 or 46% identified themselves as having a household income of \$50,000 or less and are considered low-income. Further, 95 riders (54%) responded as having an annual income over \$50,000.

Table 3: Bus Fare Product Usage Survey Data—Low-Income vs. Non-Low Income

Payment Type	Low-Income	Non-Low-Income	Total
Cash Adult	21	9	30
Discount	11	9	20
Clipper	0	77	77
Clipper START	49	0	49
Total	81	95	176

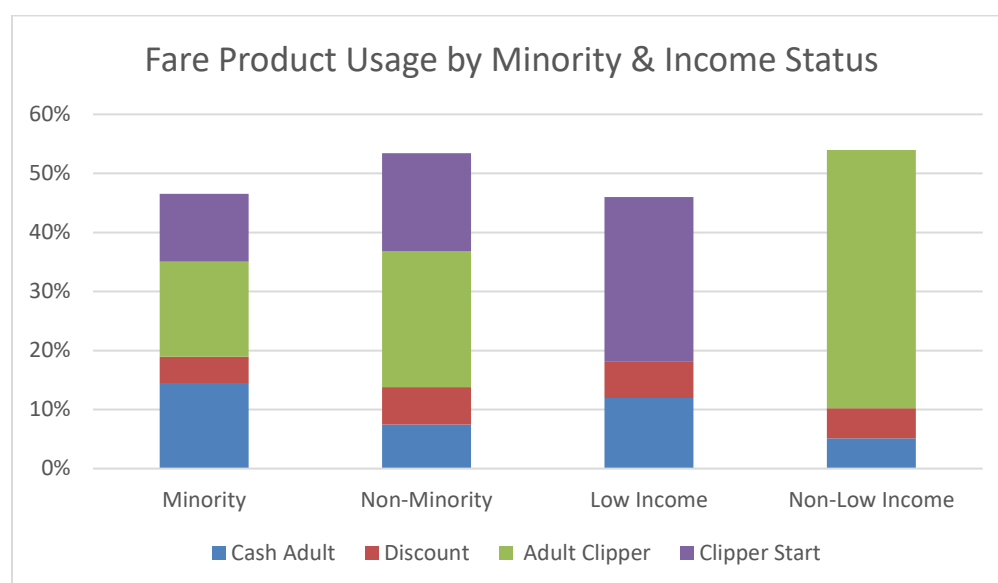
Table 4: Bus Fare Product Usage by Percentage— Low-Income vs. Non-Low Income

Payment Type	Low-Income	Non-Low-Income	Total
Cash Adult	11.9%	5.1%	17%
Discount	6.3%	5.1%	11.4%
Clipper	0%	43.8%	43.8%
Clipper START	27.8%	0%	27.8%
Total	46%	54%	100%

Next, staff compared the percentage of minority riders vs. non-minority riders and of low-income vs. non-low-income riders using all fare products.

Graph 1 shows the use of each fare payment type for each category of riders: minority, non-minority, low-income, and non-low-income. Note that for the purposes of this analysis, all low-income riders who use Clipper were assumed to use the Clipper START fare discount, and so the graph shows no low-income riders paying the Adult Clipper fare. Similarly, no non-low-income customers will use the Clipper START fare.

Graph 1: Marin local Fare Product Usage Comparison



As a last step, the Golden Gate Transit Disparate Impact and Disproportionate Burden Table-Means-Based Fare, attached at the end of this report, illustrates the methodology for calculating effects of the Clipper START proposal on GGT passengers. Based on the charts above, the disparate impact analysis compares the percentage of low income users anticipated to use the Clipper START fare against the usage as a percentage of all Marin local riders.

Disproportionate Burden Analysis

Table 5: Bus Fare Impact Summary—Low Income and Non-Low Income

% Low Income in Overall Ridership	% of Means Based Fare Users Who Are Low Income	% of Non-Low-Income in Overall Ridership	% of Means Based Fare Users Who Are Non-Low Income	Difference between Low-Income Riders and Overall Riders	Exceeds Disproportionate Burden Threshold? (>10%)
46.02%	100%	53.98%	0%	-53.98%	No

As expected, the positive impact of this fare proposal will be enjoyed by a greater proportion of low-income riders than their share of the overall ridership. While low-income riders are 46.02% of Marin local ridership, they are anticipated to constitute 100% of the riders using the Clipper START Program. This is a differential of -53.98%, which is less than the District's disproportionate burden threshold of 10%. Therefore the proposal does not constitute a disproportionate burden on low-income riders.

Disparate Impact Analysis

Table 6: Bus Fare Impact Summary—Minority and Non-Minority

% Minority in Overall Ridership	% Means-Based Fare Users Who Are Minority	% Non-Minority in Overall Ridership	% of Means-Based Fare Users Who Are Non-Minority	Difference between Minority Riders and Overall Riders	Exceeds Disparate Impact Threshold? (>10%)
46.55%	40.82%	53.45%	59.18%	5.74%	No

Minority riders are 46.55% of the ridership, and are anticipated to constitute 40.82% of Clipper START fare users. Accordingly, the Clipper START fare will disproportionately benefit non-minority riders by 5.74%. However, since the disparate impact threshold is 10%, this proposal does not constitute a disparate impact on minority riders. Additionally, there are several substantial justifications for this action. Alignment of fares in Marin County between Marin Transit and GGT is necessary to maintain consistency between these two services. Further, participation in the Clipper START program increases transit access for low-income persons, many of whom have limited mobility options.

C. Conclusion

As can be seen on Tables 5 and 6 immediately above, the proposed Clipper START fares for Marin local riders of GGT will have a positive impact on low-income customers, and their impact on minority customers, though slightly less than their positive impact on non-minority customers, is within the 10% threshold established by the District. This demonstrates that there is neither a disparate impact on minority GGT riders nor a disproportionate burden on low-income GGT riders resulting from the proposed program.

EXHIBIT A: Public Outreach Process, Comments Received and the Resolution Adoption of Title VI Policies (Attached)

Public Outreach on the District's Proposed Title VI Policies (2013)

Prior to Board adoption of the District's Title VI Policies, public outreach regarding the policy proposals included:

- Informational meetings on July 8, 9 and 10, 2013, in Marin City, Novato and Rohnert Park, respectively, between 4:30 p.m. and 6:30 p.m.
- Legal notices published in the *Marin Independent Journal*, the *San Francisco Examiner* and the *Santa Rosa Press Democrat* on June 18 and 25, 2013
- Signage posted onboard the ferryboats, at the Ferry Terminals, at transit hubs in Marin and Sonoma counties, at major bus stops and at the Customer Service Center at the San Rafael Transit Center
- Display boards, staff report and comment forms, including Spanish translations
- A press release issued and posted to the District's web site on June 17, 2013, including links to the staff report in both English and Spanish
- A public hearing agenda and an associated staff report posted to the District's web site on July 8, 2013
- Information e-blasted to the Bus and Ferry Subscriber's list on June 20 and July 2, 2013
- Information posted to transit-specific social media channels on July 2 and July 8, 2013
- A public hearing agenda mailed to organizations and individuals on the District's mailing list on July 8, 2013, and posted on District bulletin boards.

Comments Received on the District's Proposed Title VI Policies (2013)

Of the comments received by the District, one alerted the District to the need to apply Title VI principles to the allocation of resources between bus and ferry services; one commented on the inconvenience of the time and location of the public hearing, service reliability, and driver attitudes; and another urged the District to reach out to community partners and agencies to get the word out about Title VI-related public hearings.

Resolution No. 2013-078 Adoption of Title VI Policies (Attached)

EXHIBIT A

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

RESOLUTION NO. 2013-078

APPROVE ADOPTION OF POLICIES FOR GOLDEN GATE TRANSIT AND GOLDEN GATE FERRY SERVICE AND FARE CHANGES, UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED

August 9, 2013

WHEREAS, the Board of Directors (Board) of the Golden Gate Bridge, Highway and Transportation District (District) operates Golden Gate Transit (GGT) bus service and Golden Gate Ferry (GGF) service, both of which are public transportation services that occasionally receive federal funding to maintain or improve service scope and quality; and,

WHEREAS, on November 15, 2012, staff presented the Transportation Committee (Committee) with an overview of Title VI as applied to federal funding recipients, such as the District, subject to the new Circular Order issued by the Federal Transit Administration (FTA); and,

WHEREAS, on February 22, 2013, the Board approved the first action required by the new FTA Circular by adopting the required service standards and policies; and,

WHEREAS, to further comply with the new FTA Circular, the District must establish the following three policies: a Major Service Change Policy, a Disparate Impact Policy and a Disproportionate Burden Policy (Three Policies); and,

WHEREAS, the Three Policies will guide when and how the District analyzes the effects of potential future fare and service changes on minority and low-income populations and, in the event the District finds disparities, the District must evaluate whether there is an alternative that has a more equitable impact; and,

WHEREAS, the new FTA Circular requires transit providers, such as the District, to solicit and consider public input before establishing such policies; and,

RESOLUTION NO. 2013-078
BOARD OF DIRECTORS MEETING OF AUGUST 9, 2013
PAGE 2

WHEREAS, staff presented the Three Policies to the Committee on June 13, 2013, and the Committee recommended and the Board, by Resolution No. 2013-054 at its meeting of June 14, 2013, authorized the setting of a public hearing on a proposal to establish policies for Golden Gate Transit and Golden Gate Ferry Service and for fare changes under Title IV of the Civil Rights Act of 1964 as amended; and,

WHEREAS, the District conducted outreach relative to this proposal, as follows: (1) a press release was issued on July 17, 2013; (2) information was posted on the District's website, emailed to District's opt-in subscription lists and community-based organizations, posted on District's social media sites, and published as advertisements and legal notices in several periodicals including *San Francisco Chronicle*, *Marin Independent Journal* and the *Santa Rosa Press Democrat*; (3) Public Outreach Meetings were held on July 8, 2013 in Marin City, on July 9, 2013 in Novato, and on July 10, 2013 in Rohnert Park; and, (4) Spanish translations of printed materials, website information, and community meetings were available at all public outreach meetings and at the public hearing; and,

WHEREAS, public comments on the Three Policies could be submitted by either attending the public hearing or the public outreach meetings, emailing publichearing@goldengate.org or sending written comments to the District; and,

WHEREAS, due to concerns about Marin City residents not having received sufficient advance notice of the opportunity to comment on the Three Policies, the District extended the comment period by two weeks and held an additional public outreach meeting at the Marin City Library on July 25, 2013; and,

WHEREAS, seven public comments were received by the District as of July 25, 2013, and while several comments were related to the overall topic of Title VI, none of the comments were specific to the Three Policies; and,

WHEREAS, complete copies of the Three Policies and staff's underlying analysis, as well as a summary of the comments received and staff responses, are included herein as Attachments; and,

WHEREAS, the Transportation Committee at its meeting of August 2, 2013, has so recommended; now, therefore, be it

RESOLVED that the Board of Directors of the Golden Gate Bridge, Highway and Transportation District hereby approves adoption of policies for Golden Gate Transit and Golden Gate Ferry Service and fare changes, under Title VI of the Civil Rights Act of 1964, as amended, and attached hereto.

RESOLUTION NO. 2013-078

BOARD OF DIRECTORS MEETING OF AUGUST 9, 2013

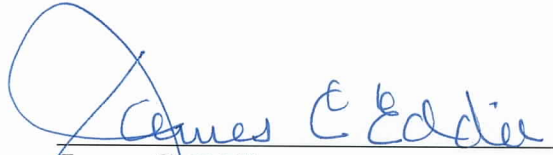
PAGE 3

ADOPTED this 9th day of August 2013, by the following vote of the Board of Directors:


AYES (15): Directors Arnold, Belforte, Breed, Cochran, Fredericks, Moylan, Pahre, Rabbitt, Reilly, Sears, Snyder, Sobel and Theriault; Second Vice President Stroeh; President Eddie

NOES (0): None

ABSENT (4): Directors Campos, Wiener and Yee; First Vice President Grosboll


James C. Eddie
President, Board of Directors

ATTEST:


Janet S. Tarantino
Secretary of the District

Attachment 1 - Three Policies and Analysis

Attachment 2 - Summary of Comments Received and Staff Responses

ATTACHMENT 1

Proposed Title VI Policies Pertaining to Major Service Changes, Disparate Impacts, and Disproportionate Burdens

Major Service Change Policy

The District must ensure that its services are provided equitably, without discrimination based on race, color, national origin or socio-economic status. To that end, the District must evaluate potential “major” service changes and all fare changes (except for those specifically exempt in the FTA Title VI Circular, such as Spare-the-Air Days and short-term promotional service demonstrations or fare decreases) for their impact on low-income and minority populations in its service area. Before this can occur, the District must adopt a Major Service Change policy to provide a concrete basis for determining which service changes need to be analyzed for equity.

Staff proposes the following for the District’s Major Service Change Policy:

- A major service change is defined as a reduction or increase of 25 percent (25%) or more in total vehicle revenue miles in service on any specific route, with the change(s) occurring at one time or over any twenty-four month period.

Staff further proposes the following exemptions such that these changes would not be subject to a Title VI Equity Analysis:

- Changes to service on a route with fewer than 10 total trips in a typical service day are not considered “major” unless service on that route is eliminated completely on any such day.
- The introduction or discontinuation of short- or limited-term service (such as promotional, demonstration, seasonal or emergency service, or service provided as mitigation or diversions for construction or other similar activities) is not considered “major,” as long as the service will be/has been operated for no more than twelve months.
- If District-operated transit service is replaced by a different mode or operator providing a service with the same or better headways, fare, transfer options, span of service, and stops served, the change is not considered “major.”

The following examples will assist the public in understanding the impact of the proposed policy.

- Example 1: If Route 11 has 20 trips a day, and the District proposes to cancel six of those trips (30%) in January 2014, then that is a major service change, and a Title VI Equity Analysis must be completed. However, if only four trips are proposed for cancellation (20%), then no analysis is required. If the District cancels these four trips and then decides to cancel two more trips in January 2015 on this same Route 11, then the percentage will again be 30% over a twenty-four month period, and an analysis will be required.
- Example 2: If Route 12 has eight trips per day and four trips are proposed for cancellation, then under the proposed policy, a Title VI Analysis is not required because the route has fewer than ten total trips per day. However, if the entire route is proposed for cancellation, then an analysis is required.
- Example 3: If Route 13 is introduced in January 1, 2014 as a demonstration service, and the District proposes to discontinue it effective December 31, 2015, then no analysis

is required when the service is introduced or discontinued. However, if the District proposes to continue the service beyond January 1, 2015, then an analysis is required for it to continue, and for it to be discontinued thereafter.

- Example 4: If Route 14 operated four times a day from Corte Madera to Petaluma, and the District planned to cease operating this trip while another transit system planned to operate the same route four times a day at the same times, with the same or better fares and transfer options, then no analysis would be required.

Disparate Impact and Disproportionate Burden Policies

When a fare change or major service change is proposed, the District must analyze whether the change will result in a fair distribution of both negative effects (such as service cuts or fare increases) and positive effects (service expansions or fare reductions, such as new discounts).

In the case of the Disparate Impact Policy, the analysis focuses on whether minority riders or residents bear a disproportionately greater burden – or receive a disproportionately lesser benefit – than non-minority riders or residents.

Similarly, in the case of the Disproportionate Burden Policy, the analysis focuses on whether low-income riders or residents bear a disproportionately greater burden – or receive a disproportionately lesser benefit – than non-low-income riders or residents.

Disparate Impact Policy

In conducting equity analyses, the Disparate Impact policy provides the threshold used to determine whether greater negative impacts – or lesser positive impacts – on **minority** riders and residents are significant.

If a proposed action would have a negative impact that affects minorities more than non-minorities with a disparity that exceeds the adopted Disparate Impact Threshold, or a benefit that would be available to non-minorities more than minorities with a disparity that exceeds the adopted Disparate Impact Threshold, the District must evaluate whether there is an alternative that has a more equitable impact. If no option with a less disparate effect exists, the District must take measures to mitigate the impact of the proposed action on the affected minority population **and** demonstrate that a legitimate business purpose cannot otherwise be accomplished.

Staff proposes the following for the District's Disparate Impact Policy:

1. The District defines its Disparate Impact Threshold for determining whether the burdens or benefits of a major service change (as defined in the first part of this document) or a fare adjustment are equitable to be 10%, based on the cumulative impact of the proposed service and/or fare changes. This threshold applies to the difference of the impacts borne by minority populations compared to the same impacts borne by non-minority populations.

The question that must be answered for every major service change and every fare change is: are minority riders more negatively affected (or less positively affected) by this change than riders as a whole? This is determined primarily by calculating the percentage of minority riders on

Golden Gate buses (or ferries, for a ferry service or fare change) and by calculating the percentage of minority riders affected by the change. If minorities represent a higher percentage in the impacted group than in the general ridership as a whole, the question is, how much higher? If the difference is ten percent or higher, then there is a disparate impact. As a secondary aspect of, and important precursor to, this comparative analysis, the District must define the adverse effects and/or benefits being measured for the change in question.

Some hypothetical examples of how the policy could be applied follow:

- Example 1: The District proposes to discontinue Route 16. Fifty percent of Route 16's riders belong to a minority group. If ridership on the District's bus service as a whole is 35% minority, the difference in the percentage of affected riders who are minorities and the percentage of all bus riders who are minorities is 15 percentage points. That indicates that there is a disparate impact on minority riders, and in this situation, the District would be required to evaluate whether there is an alternative with a less disparate impact on minority riders. If there is no other alternative, the District would need to mitigate the negative impact of the service cancellation on minority riders **and** demonstrate that the service reduction serves a legitimate business purpose that cannot be accomplished with less impact on minority riders.
- Example 2: The District proposes to raise fares from Zone 4 to Zone 1 by 10% and the rest of the fares only 5%. Whereas the overall ridership is 35% minority, if Zone 4 to Zone 1 riders is, for example, 46% minority, then the difference between the two groups is 11 percentage points, exceeding the 10% threshold, and there would be a disparate impact. The District would have to seek alternatives with a more equitable impact. If no such alternatives are available, then the District would have to mitigate the impact on minority riders **and** demonstrate that this fare increase serves a legitimate business purpose that cannot be accomplished in another less-discriminatory way.

Disproportionate Burden Policy

As with the Disparate Impact Policy, the Disproportionate Burden Policy comes into play when a fare change or major service change is analyzed for its equity. In this case, staff determines whether **low-income** riders and residents bear a disproportionate burden of the negative effects of – or enjoy a disproportionately low benefit from – the proposed change.

The proposed Disproportionate Burden Policy is very similar to the proposed Disparate Impact Policy and reads as follow:

2. The District defines its Disproportionate Burden Threshold for determining whether the burdens or benefits of a major service change (as defined in the first part of this document) or a fare adjustment are equitable to be 10%, based on the cumulative impact of the proposed service and/or fare changes. This threshold applies to the difference of the impacts borne by low-income populations compared to the same impacts borne by non-low-income populations.

If, in the course of performing a Title VI Equity Analysis, the District finds that a proposed fare or major service change has a negative impact that affects low-income riders as compared to

non-low-income riders with a disparity that exceeds the adopted Disproportionate Burden Threshold, or that benefits non-low-income riders more than low-income riders with a disparity that exceeds the adopted Disproportionate Burden Threshold, the District must evaluate whether there is an alternative that has a more equitable impact. Otherwise, the District must take measures to mitigate the impact of the proposed action on the affected low-income population.

Again, illustrative examples can make the uses of the policy more transparent:

- Example 1: The District proposes to discontinue Route 16. The ridership of Route 16 is 66% low-income. If ridership on the District's bus service as a whole is 50% low-income, then the difference between the low-income ridership of the Route 16 and the overall bus ridership is 16 percentage points, which means this change exceeds the threshold for disproportionate burden, or in other words, that low-income riders are bearing a disproportionate burden of this service change. In this situation, the District would be required to take measures to mitigate or lessen the impact of this change on the low-income riders of Route 16.
- Example 2: The District proposes to cut four trips on Route 21. The ridership of Route 21 is 45% low-income. If the ridership on the District's bus service as a whole is 50% low-income, then the difference is negative five percentage points (meaning the affected ridership is five percent less low-income than the overall ridership), and the burden of this change does not fall more on low-income riders than on riders as a whole.
- Example 3: The District proposes to add a new route. The residents of the areas served are 25% low-income. If the District's ridership as a whole is 50% low-income, those benefiting from the service addition are 25% less low-income than the overall ridership. There is a disproportionate benefit, and the District would be required to consider options for mitigating this disproportion.

ATTACHMENT 2

Summary of Comments Received and Staff Responses

1. **Comment:** Special fares for minorities?? Racism of the worst order.

Staff response: The public comment process is not about setting special fares for minorities but instead setting a framework for evaluating the impacts of future service or fare changes on disadvantaged communities.

2. **Comment:** I have been advocating for Title VI populations in Marin City. In order to get proper notification to minority and low-income populations adequate communication must be provided as an outreach mechanism to ensure against a community not being left out. Inasmuch as this did not happen in Marin City, where both low-income and minority residents were left out with no notification of an Open House on July 8 at the Senior Center, there is a violation of Title VI. I noticed an 8 1/2 by 11 inches poster (only one hour before the meeting) at the Marin City Hub. This was another disappointment to me and others in our community. Our shuttle service is inadequate for serving our community because of the hilly terrain.

Staff response: Given concern about the adequacy of the notification process for Marin City residents, the public comment period was extended by two weeks, additional communications were sent out, notices were posted at all bus stops in that community, and leaflets were handed out to bus riders advising that an additional public outreach meeting was scheduled in Marin City. The proposed policies are specific to regional bus and ferry services operated by the Golden Gate Bridge Highway and Transportation District. Shuttle and other fixed route and demand responsive service operated by Marin Transit and policies related to those services are the responsibility of Marin Transit.

3. **Comment:** I'm glad that you're having an additional comment period for Marin City, but in the future it's important that more advertising and outreach is implemented. Many residents were unaware about the meeting and the comment period.

Staff response: See response to Comment #2. Future outreach efforts in Marin City will include more extensive communication efforts.

4. **Comment:** It appears the proposals brought to the hearing are all about raising fares and arguing about whether or not the District can raise some and not others without discrimination. The point should be THERE SHOULD BE NO FARE INCREASES, BUT FARE DECREASES.

Staff response: The proposed policies provide a framework to evaluate future potential service and fare changes. No fare changes are proposed at this time.

5. **Comment:** The District's Allocation of resources between bus and ferry services needs to be re-evaluated in view of Title VI. There is a disproportionate amount of resources going to wealthy ferry riders and not to low-income bus riders.

Response: Duly noted. The proposed policies do not address specific to the District's allocation of transit resources between modes. The District plans to analyze the demographic characteristics of its ferry and regional bus riderships.

6. **Comment:** The job of the Golden Gate Transit District is to provide public transportation, in order to reduce automobile traffic and provide a reasonable-cost alternative to driving. The job of the District is transportation, NOT social justice, affirmative action or welfare. All this would do is raise the cost of transportation due to the additional resources needed to determine, implement and monitor these Title VI items. It is ridiculous to put the Transit District into this situation. The \$5,000 to conduct this initial public hearing will be pocket change to the cost of implementation. The bottom line is stick to your primary objective and tell the feds to make their own determinations that the Transit District is discriminatory, and make them prove it. Focus on serving the communities you service, while keeping costs down, and not on Washington D.C's social justice schemes.

Response: The proposed policies and overall compliance with Title VI is a condition of the District continuing to receive federal financial assistance for its public transportation programs.

7. **Comment:** I oppose any fare increases for the Golden Gate transit ferries, buses and bridge. The fares are exorbitant as they are now and are a huge burden on the average person's finances. This is supposed to be PUBLIC transportation, not ELITE transportation. It is only affordable to the rich.

Response: The proposed policies are not specific to any fare increase at this time. They will be used to evaluate future fare increase proposals.

EXHIBIT B: GGT Disparate Impact-Disproportionate Burden Table for Clipper Start for Marin Local Fares (Attached)

GGT Disparate Impact-Disproportionate Burden Table- Marin Local Means-Based Fare

							Usage by Group (number)					Usage by Group (percent)					Cumulative Current fare				Cumulative Proposed Fare				Fare Change Experienced by Group								
Zone to Zone	Payment Method	Pax Category	Cost 7/20	Proposed 11/20	Change Absolute	Percent	Low Income	Non-Low Income	Minority	Non Minority	Overall	Low Income	Non-Low Income	Minority	Non-Minority	Overall	Low Income	Non-Low Income	Minority	Non Minority	Low Income	Non-Low Income	Minority	Non Minority	Low Income	Non-Low Income	Minority	Non Minority					
Zone 2,3,4 AND Zone 2,3,4	Cash	Adult	\$2.00	\$2.00	\$0.00	0.00%	21.00	9.00	25.00	13.00	30.00	25.9%	9.5%	30.9%	14.0%	17.0%	\$42.00	\$18.00	\$50.00	\$26.00	\$42.00	\$18.00	\$50.00	\$26.00	\$0.00	\$0.00	\$0.00	\$0.00					
		Discount*	\$1.00	\$1.00	\$0.00	0.00%	11.00	9.00	8.00	11.00	20.00	13.6%	9.5%	9.9%	11.8%	11.4%	\$11.00	\$9.00	\$8.00	\$11.00	\$11.00	\$9.00	\$8.00	\$11.00	\$0.00	\$0.00	\$0.00	\$0.00					
		Other											0.00	0.0%	0.0%	0.0%	0.0%																
Zone 2,3,4	Clipper	Adult	\$1.80	\$1.80	\$0.00	0.00%	0.00	77.00	28.00	40.00	77.00	0.0%	81.1%	34.6%	43.0%	43.8%	\$0.00	\$138.60	\$50.40	\$72.00	\$0.00	\$138.60	\$50.40	\$72.00	\$0.00	\$0.00	\$0.00	\$0.00					
		Means	\$1.80	\$1.00	-\$0.80	-44.44%	49.00	0.00	20.00	29.00	49.00	60.5%	0.0%	24.7%	31.2%	27.8%	\$88.20	\$0.00	\$36.00	\$52.20	\$49.00	\$0.00	\$20.00	\$29.00	-\$39.20	\$0.00	-\$16.00	-\$23.20					
TOTALS							81.00	95.00	81.00	93.00	176.00	100%	100%	100%	100%	100%																	
Total Cumulative Current Fare																	\$141.20	\$165.60	\$144.40	\$161.20													
Average Cumulative Current Fare																	\$1.74	\$1.74	\$1.78	\$1.73													
																	Total Cumulative Proposed Fare				\$102.00	\$165.60	\$128.40	\$138.00									
																	Average Cumulative Proposed Fare				\$1.26	\$1.74	\$1.59	\$1.48									
*Discount includes Senior, Youth, and Disabled fares paid both in cash and by Clipper																																	
"Other" is generally a non-cash fare such as a transfer or an employee's free ride																																	
																								Total Change in Fare per Group			-\$39.20	\$0.00	-\$16.00	-\$23.20			
																								Average Change in Fare per Group			-\$0.48	\$0.00	-\$0.20	-\$0.25			
																								Percent Change in Fare per Group			100.00%	0.00%	40.82%	59.18%			
																								Percentage Ridership of each Group (Based on all 2018 Survey Respondents)			46.02%	53.98%	46.55%	53.45%			
																								Difference from Exact Proportional Impact of Fare Change			53.98%	-53.98%	-5.74%	5.74%			
																						Findings		No disproportionate burden		No disparate impact							

*Discount includes Senior, Youth, and Disabled fares paid both in cash and by Clipper
"Other" is generally a non-cash fare such as a transfer or an emoloyee's free ride

*Threshold for Disparate Impact and Disproportionage burden is 10%.
As expected, positive impact on low-income riders is 53.98% higher than on riders in general. Positive impact on minorities is 5.74% lower than on riders in general.
Therefore finding is no disparate impact and no disproportionate burden.

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