



Agenda Item No. (10)(B)
Special Order of Business

To: Board of Directors
Meeting of February 24, 2023

From: Denis J. Mulligan, General Manager

Subject: **ACTION TO TERMINATE THE SUSPENSION OF BOARD PROCEDURAL RULES AND POLICIES FOR COVID-19 RELATED EMERGENCY ACTIONS, AND TO DELEGATE TO THE GENERAL MANAGER THE AUTHORITY TO MAKE TRANSIT SERVICE LEVEL ADJUSTMENTS THROUGH MARCH 1, 2024**

Recommendation

It is recommended that the Board of Directors approve the following actions:

1. Terminate the suspension of all Board Procedural Rules and Policies for COVID-19 related emergency actions, effective March 1, 2023;
2. Temporarily waive Board Procedural Rules and Policies that would otherwise apply to transit service level adjustments, through March 1, 2024; and,
3. Delegate to the General Manager authority to make transit service level adjustments as necessary and appropriate to address shifting ridership demand and community needs, consistent with federal and state laws, and the Golden Gate Bridge, Highway and Transportation District's approved annual budget.

Background

Resolution 2020-017 authorized the temporary suspension of all Board procedural rules and policies to allow the timely execution of emergency actions during the COVID-19 pandemic, consistent with federal, state, regional and local public health mandates. Resolution 2020-017 provided that the Board would review and consider at each subsequent regularly scheduled meeting, whether to terminate the suspension of Board procedural rules and policies.

On October 17, 2022, Governor Newsom announced that the COVID-19 State of Emergency will end on February 28, 2023. On February 3, 2023, the California Division of Occupational Safety and Health's (Cal/OSHA) Emergency Temporary Standards (ETS) were superseded by COVID-19 Prevention Non-Emergency Regulations. As a result of these actions, it is appropriate for the Board to terminate the delegation of authority to the General Manager to take emergency actions during the COVID-19 pandemic as provided for in Resolution No. 2020-017, as of March 1, 2023.

However, there continues to be tremendous uncertainty regarding how travel might return in the Golden Gate Corridor as businesses and community activities continue to revise their reopening plans. On a daily basis, the Golden Gate Bridge, Highway and Transportation District (District) must respond to changing conditions and modify its operations as circumstances warrant. It is crucial for the District to be nimble and responsive to ever-changing needs during this period.

During the State of Emergency, District staff continuously monitored ridership levels by adding trips to both Golden Gate Transit Bus (GGT) and Golden Gate Ferry services in response to increasing demand. During the worst stages of the pandemic, social distancing capacity limits were in force and particularly on GGT Bus, trips were added to insure that passengers were not left behind. As ridership shifted, and ultimately capacity limits were rescinded, many of the added trips were deleted because they were no longer needed to satisfy ridership demands. These service additions and deletions on a trip by trip basis did not constitute a major service change under Board-adopted policy. They did, however, represent staff collaborating and making decisions very quickly to redeploy resources. As some ridership returned on a more modest level, it became necessary to consider restoring service in areas that it was terminated during the early stages of the pandemic. Restoring service would be considered “new” service, and typically would be brought to the Board for approval as “demonstration service” for a period of up to one year under Federal Transit Administration (FTA) guidelines. The FTA allows a deferral of a Title VI analysis until such time that a decision was made to make the service permanent, extend the demonstration beyond one year, or discontinue it due to a lack of ridership. In the former case, a Title VI Equity Analysis would be completed by staff and approved by the Board. In the latter case, the Board would be advised that the service did not attract sufficient riders and the demonstration would end, with no Title VI analysis needed.

In order to quickly respond to ridership demand and shifting community needs, it is therefore recommended that the Board delegate to the General Manager the authority to make transit service level adjustments as necessary and appropriate to address shifting ridership demand and community needs, consistent with federal and state laws, including Federal Transit Administration requirements and Title VI of the Civil Rights Act of 1964, and the District's approved annual budget; and temporarily waive Board Procedural Rules and Policies to effect such delegation of authority.

The General Manager will provide periodic reports to the Board of Directors, at each regularly scheduled Board meeting, regarding any transit service level adjustments.