



Agenda Item No. (4)

To: Transportation Committee/Committee of the Whole  
Meeting of February 24, 2023

From: Emily DelRoss, Senior Planner  
Ron Downing, Director of Planning  
Kellee J. Hopper, Deputy General Manager, Administration and Development  
Denis J. Mulligan, General Manager

Subject: **ADOPT TITLE VI EQUITY ANALYSIS FINDINGS RELATIVE TO  
GOLDEN GATE TRANSIT ROUTE 114, AND ADOPTING THE  
CURRENT SERVICE ON A PERMANENT BASIS**

### **Recommendation**

The Transportation Committee recommends that the Board of Directors approve the following actions relative to Golden Gate Transit Route 114, and adopting the current service on a permanent basis:

1. Adopt the findings of the attached Title VI equity analysis for the establishment of Route 114 as regular service; and,
2. Adopt the Route 114 as regular Golden Gate Transit service.

This matter will be presented to the Board of Directors at its February 24, 2023, meeting for appropriate action.

### **Background**

On March 21, 2022, the Golden Gate Bridge, Highway and Transportation District (District) began pilot service on Route 114. This commuter bus service between Mill Valley and San Francisco closely replicates the Route 4 alignment, which was discontinued via emergency action in December 2020 in response to low ridership resulting from the COVID-19 pandemic. Route 114 service was implemented in response to requests from the public to reinstate Mill Valley to San Francisco commute service. The Route 114 alignment includes service to Marin City, which was not served by Route 4, to provide greater transit access to the low-income and minority populations of this area. Route 114 has been well utilized with 231 average daily boardings in the fall of 2022. The success of Route 114, as indicated by its ridership during the one-year demonstration period, supports establishing the route as a permanent part of Golden Gate Transit bus service.

To comply with Federal Transit Administration (FTA) regulations and the District's Title VI policies, the District is required to conduct a Title VI equity analysis for any demonstration or pilot

project lasting longer than one year that qualifies as a major service change under the District's Major Service Change Policy. March 21, 2023 will mark the one-year anniversary of service operation on the Route 114.

### **Title VI Findings**

Under the District's Title VI Policies and the equity analysis attached, it appears that the establishment of Route 114 as regular service may result in a disparate impact on minority riders and a disproportionate burden to low-income riders. However, staff has concluded that this analysis, which was conducted using Route 4 demographic data from 2018 and Route 114 ridership data from 2022, has limited predictive value because the routing of the new Route 114 service extends into a higher-minority and lower-income area of Marin City, which was not served by Route 4.

Nonetheless, when the District finds that a service change is expected to have a disparate impact on minority riders or a disproportionate burden on low-income riders, it must show that there are no alternatives that would have a less disparate impact on minority riders or a less disproportionate burden on low-income riders but would still accomplish the transit provider's legitimate program goals.

In this case, staff expects Route 114 actually will improve service equity when compared with either not offering Route 114 or aligning the new route exactly with the discontinued Route 4, as Route 114 gains market-share, particularly among newly served minority and low-income riders boarding and disembarking at the Marin City Hub at Donahue Street and Terners Drive. This conclusion is based on the experiences of well-established Golden Gate Transit routes serving this same Marin City area, which have higher minority and low-income ridership than Golden Gate Transit service as a whole (whereas Route 4 minority and low-income ridership was lower).

In sum, the inclusion of Marin City in the Route 114 routing, with its significant minority and low-income populations, illustrates the District's commitment to enhancing transit services for disadvantaged populations within its service area.

In addition, the District has a legitimate business justification for continuing to provide Route 114 service as it supports the organization's goal of managing traffic in the Golden Gate Corridor and providing regional mobility by offering commuters in Mill Valley an alternative to single occupancy vehicles. Further, continuation of Route 114 service supports the public interest as requests for commute service from Mill Valley to San Francisco were higher than for any other city in Marin and Sonoma counties.

### **Fiscal Impact**

There is no fiscal impact associated with adoption of the findings of this Title VI equity analysis. There also is no anticipated fiscal impact associated with making the piloted Route 114 bus service permanent as this service is included in the FY 22/23 operating budget.

Attachment: Appendix A – Title VI Equity Analysis

**Appendix A**  
**Title VI Equity Analysis: The Establishment of Route 114 as Regular Service**

**Presented to the Golden Gate Bridge, Highway and Transportation District**  
**Transportation Committee of the Board of Directors**  
**February 24, 2023**

***I. Background***

In 1972, Golden Gate Transit (GGT) launched Route 4, providing commuter bus service between Mill Valley and San Francisco. For decades, Route 4 was the Golden Gate Bridge, Highway and Transportation District's (District) highest-ridership commuter route with 1,404 average daily boardings in the fall of 2019. When stay-at-home orders took effect on March 17, 2020 in response to the COVID-19 pandemic, ridership system-wide drastically declined as many commuters transitioned to telework. In the Fall of 2020, Route 4 had an average of 42 daily boardings. Through emergency action in December 2020, service on Route 4 was temporarily discontinued along with commuter routes 2, 8, 18, 24, 25, 38, 56X, 58, 74, 76, and 92 due to lack of ridership.

As the pandemic progressed over the next year, the number of commuters gradually increased as many employers switched to hybrid or fully in-office work models. During this time, the District received more requests to reinstate service from Mill Valley to San Francisco than any other discontinued commute route. Service on Route 114 went into effect on March 21, 2022 on a pilot basis in response to these requests. Since its implementation, Route 114 has been well-utilized with 231 average daily boardings in the Fall of 2022.

Route 114 closely replicated the routing of Route 4, with the only differences being the addition of service to Marin City and the removal of service on Tiburon Boulevard between Tower Drive and East Strawberry Drive. The added service via the bus stop at the Marin City Hub at Donahue Street and Terners Drive provides access to commuter service for the predominantly high-minority and low-income population of this unincorporated area bordering Mill Valley and Sausalito. Previously, service on Tiburon Boulevard between Tower Drive and East Strawberry Drive acted as a mid-day reverse peak turn-around for Route 4; it has not been included in the renumbered Route 114 as midday service has not been reintroduced.

Under the current Federal Transit Administration (FTA) regulations and Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," implementing Title VI of the Civil Rights Act of 1964 (Title VI guidelines), transit agencies are required to perform a Title VI service equity analysis if a demonstration project lasts longer than one year and it otherwise qualifies as a major service change under the transit agency's Major Service Change Policy. Accordingly, the District is required to conduct a service equity analysis before it can decide to operate Route 114 after March 21, 2023.

One of the cornerstones of the Title VI equity analysis is the use of demographic data to demonstrate how the service addresses the transportation needs of disadvantaged communities. The required components of Title VI equity analyses are set forth in the Title VI regulations and guidelines, and the District's Title VI Policies.

In compliance with FTA regulations and the District's Title VI Policies, the below Title VI service equity analysis of Route 114 assesses potential impacts to minority and low-income riders.

## ***II. Title VI Policies (Adopted August 2013)***

The District adopted its Major Service Change, Disparate Impact and Disproportionate Burden Policies (together referred to as “Title VI Policies”) on August 9, 2013. These policies set forth the standards used in service equity analyses. The District’s Major Service Change Policy reads in relevant part:

- 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.

The following are exemptions to the Major Service Change Policy:

- 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 (e.g., 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 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.

### ***Public Outreach on 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 County, 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 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 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 the other urged the District to reach out to community partners and agencies to get the word out about Title VI-related public hearings.

The resolution evidencing the Board’s discussion and approval of the policies is attached as Exhibit A.

***III. Golden Gate Transit Services***

GGT bus services are generally delineated as “Commute” and “Regional.” Generally, “Commute” bus service is express, peak-period one-directional service between Sonoma or Marin County to/from San Francisco, plus shuttle-type routes designed specifically to take passengers from their places of origin to/from the primary Commute routes. “Regional” 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. Before COVID-19-related service reductions, commute routes included Routes 2, 4, 4C, 8, 18, 24, 24C, 24X, 27, 38, 44, 54, 54C, 56, 58, 72, 72X, 74, 76, 92, and 101X. In addition to the cancellation of most of the commute routes, most GGT routes were renumbered effective December 12, 2021, and current commute routes are comprised of Routes 114, 132, 154, and 172.
- Transbay Regional Service provides daily service throughout the day and evening between San Francisco, Marin, Sonoma, and Contra Costa counties. Current Regional routes include Routes 101, 130, 150, and 580. Route 101 receives moderate funding from the MTC’s Regional Express Bus (REB) program.

The following map shows the location of both Golden Gate Ferry (GGF) and GGT services relative to major destination and boarding locations.



***IV. The Establishment of Route 114 as Regular Service Proposal and Public Outreach***

The District performed the following outreach regarding the proposed establishment of Route 114 as regular Service:

- Press release sent to local news media and stakeholders
- Article in the Golden Gate Gazette newsletter
- E-blasts sent to customer database
- Promotion of service on social media (Facebook, Instagram, and Twitter)

Since the Route 114 service was implemented on a temporary basis, the District has received many positive comments related to the service.

***V. Title VI Service Equity Analysis for the Establishment of Route 114 as Regular Service***

***Equity Analysis Methodology***

In accordance with the District's Title VI Policies, disparate impact is measured by comparing the percentage of minority riders on the GGT system as a whole to the percentage of minority riders on affected routes, and disproportionate burden is measured by comparing the percentage of low-income riders in the GGT system as a whole to the percentage of low-income riders on affected routes. With introduction of new service, as is the case here, the focus is on ensuring that protected communities receive equitable access to the benefits of new service as opposed to bearing disparate impacts or disproportionate burdens as a result of service cuts.

***Data Sources***

All data on minority and low-income ridership percentages by route was derived from the District's 2018 system-wide passenger survey, conducted as part of the Metropolitan Transportation Commission's (MTC) region-wide passenger survey. The consultant selected by MTC and by District staff to conduct this study surveyed all of the District's services, including GGT and GGF. Questionnaires were produced in Spanish and English, and included questions about the trip being taken and demographics.

For the purpose of the disproportionate burden analysis, staff determined riders with a household income of less than \$75,000 per year to be low-income. Marin County, where riders on most of GGT's service reside, has a comparatively high median income (\$97,815, from the 2012-2016 American Community Survey). In order to reflect the high cost of living in the San Francisco Bay Area, District staff uses 90% of the median income – \$88,034 – for the service area as the low-income cut-off. Federal poverty standards are not a good fit for an area where the cost of living is so much higher than in most localities. To compare, in 2021, the California State Income Limits that are used to determine eligibility for low-cost housing and other programs gave a range of \$63,950 for a single-person household to \$120,600 for an 8-person household for the “very low income” designation for Marin County. (There are also “low income” and “extremely low income” categories.) As data was collected in fixed groupings during the District's most recent passenger survey, and \$75,000 is the closest grouping to \$88,034, this analysis uses household incomes of \$75,000 or less as the definition of low-income.

Average daily ridership counts are based on Clipper card reader data and on farebox data. For the purposes of this analysis, we have used data from September, October, and November of 2022. The data is kept in District databases and accessed by staff via District-created software.

***Methodology***

To determine whether the establishment of Route 114 as regular service results in a disproportionate burden on low-income passengers, or a disparate impact on minority passengers, we:

- i. Multiply (a) the average daily ridership numbers for each route by (b) the percent of low-income and minority passengers on the same routes, to find (c) the estimated number of impacted low-income/non-low-income and minority/non-minority passengers affected by each service change.
- ii. Calculate what percentage of all affected passengers are low-income and what percentage are minority. For purposes of this analysis, the GGT system as a whole includes all active bus routes at the time of the 2018 system-wide passenger survey.

- iii. Compare the percentage of low-income and minority passengers on the affected routes to the percentage of low-income and minority passengers for the GGT system as a whole.

In this case, we have conducted this analysis using ridership data from Route 114 and demographic data from Route 4. As described above, Route 4 was the predecessor route to Route 114 in the years before the COVID-19-related service cuts. Though not identical, the routing is sufficiently similar to serve as the starting point of our analysis.

**Disproportionate Burden Analysis and Findings**

**Table 1: Disproportionate Burden Analysis**

	Daily Ridership 09/2022-11/2022*	Low-Income**	Non-Low-Income**	Refused to Answer**	Est. Low-Income Ridership	Est. Non-Low-Income Ridership
<b>Route 4</b>	231	28.00%	56.00%	16.00%	65	130
<b>GGT System</b>	4,198	52.10%	32.89%	15.01%	2,187	1,381

Sources:

\*Route 114, *Bus Route Performance Report*, Transtat.

\*\*Route 4, *Golden Gate Transit Route-Specific Results, 2018 Golden Gate Transit and Golden Gate Ferry On-Board Survey*.

Table 1 shows the percentages of low-income and non-low-income riders on the Route 4 when multiplied with the average daily ridership for the period from September 1, 2022 through November 30, 2022, giving an estimated low-income and non-low-income ridership numbers. Under the District's Title VI Policies, disproportionate burden is defined as a difference of 10% or more (with the higher proportion on the side of the affected group of riders) based on the cumulative impact of the service changes. Using the cut-off of \$75,000 to define “low-income,” the percentage of low-income riders on Route 4 (28.00%) was 24.10% lower than the percentage of low-income riders on the GGT system as a whole (52.10%). Therefore, establishing Route 114 as regular service appears to provide a disproportionately lesser benefit to low-income riders.

**Disparate Impact Analysis and Findings**

**Table 2: Disparate Impact Analysis**

	Daily Ridership 09/2022-11/2022*	Minority**	Non-Minority**	Refused to Answer**	Est. Minority Ridership	Est. Non-Minority Ridership
<b>Route 4</b>	231	29.00%	70.00%	1.00%	67	162
<b>GGT System</b>	4,198	40.60%	58.80%	0.60%	1,705	2,469

Sources:

\*Route 114, *Bus Route Performance Report*, Transtat.

\*\*Route 4, *Golden Gate Transit Route-Specific Results, 2018 Golden Gate Transit and Golden Gate Ferry On-Board Survey*.

Table 2 shows the percentages of minority and non-minority riders on Route 4, multiplied by the average daily ridership, giving an estimated minority and non-minority ridership numbers. Under the District’s Title

VI Policies, disparate impact is measured by comparing the percentage of minority riders on the GGT system as a whole to the percentage of non-minority riders on affected routes. Minority riders made up 29.00% of Route 4 riders, compared to 40.60% on the GGT system as a whole. As the proportion of minority riders on Route 4 was 11.60% lower than the proportion of minority riders on the GGT system as a whole, establishing Route 114 as regular service appears to provide a lesser positive impact on minority riders compared to non-minority riders, thereby indicating a potential disparate impact on minority riders.

Based on this analysis, the District must describe its legitimate business justification for the service change and any mitigation measures it will take to minimize potential adverse effects.

***Legitimate Business Justification***

Under the District’s Title VI Policies, establishing Route 114 as regular service appears to result in a disproportionate burden to low-income riders and a disparate impact to minority riders.

However, staff believes that the 2018 survey data used for the analysis (looking at Route 4) is unlikely to be fully indicative of the current use of Route 114 over time because Route 4 did not serve Marin City, which has a higher minority and low-income population than the service area as a whole. This belief is supported by the survey data of Routes 30 and 70 (now numbered 130 and 150), each of which served Marin City at the time of the 2018 customer survey.

**Table 3: Minority and Low-Income Ridership on Route 4 Compared to Commute Routes Servicing Marin City in 2018**

	<b>Minority</b>	<b>Non-Minority</b>	<b>Low-Income</b>	<b>Non-Low-Income</b>
<b>Route 4</b>	29.00%	70.00%	28.00%	56.00%
<b>Route 30</b>	55.00%	46.00%	62.00%	26.00%
<b>Route 70</b>	58.00%	42.00%	56.00%	24.00%
<b>GGT System</b>	40.60%	58.80%	52.10%	32.89%

Source: *Golden Gate Transit Route-Specific Results, 2018 Golden Gate Transit and Golden Gate Ferry On-Board Survey.*

This analysis shows that Routes 30 and 70 were used disproportionately by minority and low-income riders, possibly due to the route’s service in Marin City.

Staff also has considered boarding and alighting data from September 2022, comparing Route 114 (which replaced Route 4), Route 130 (which replaced Route 30) and Route 150 (which replaced Route 70).

**Table 4: Boardings and Alightings on Commute Routes Servicing Marin City in September 2022**

	<b>Total Monthly Ridership</b>	<b>Boardings at Marin City</b>	<b>% of Total Ridership</b>	<b>Alightings at Marin City</b>	<b>% of Total Ridership</b>
<b>Route 114</b>	5,475	142	2.59%	107	1.95%
<b>Route 130</b>	32,587	2,914	8.94%	2,117	6.50%
<b>Route 150</b>	18,792	2,144	11.41%	2,190	11.65%
<b>Total</b>	56,854	5,200	9.15%	4,414	7.76%

Source: *Passenger Counts by Stop by Month, MobileStatistics.*

This data shows that Routes 130 and 150 have had substantially greater market penetration in Marin City. This difference is expected to diminish and possibly be eliminated entirely over time.

Taking into account the two different sources of data, staff anticipates that, as Route 114 becomes more well-known and the Marin City community adjusts to using Route 114 as a commute option, we will see a higher proportion of minority and low-income riders boarding and alighting from Route 114, as with Routes 130 and 150.

In addition, the District also has a substantial legitimate business justification for establishing Route 114 as regular service. Over the past year, passengers have become dependent upon it to commute to San Francisco. If the District were to terminate Route 114 service, commuters would be forced to utilize other modes of travel, including single occupancy vehicles. It is estimated that Route 114 commute services keeps 60,060 annual vehicle trips off the Golden Gate Bridge, supporting the District's mission to manage Golden Gate Corridor traffic.

There also is a strong public interest in maintaining Route 114 service. Many commuters rely on traveling by bus from Mill Valley to San Francisco, which was made evident by the number of requests for service reinstatement after December 2020 when the route was temporarily discontinued in response to the pandemic. As noted above, the District received more requests to reinstate service from Mill Valley to San Francisco than any other discontinued route. Since reinstatement of service, Route 114 has been well utilized with 231 average daily boardings in the fall of 2022, further exemplifying the public's interest and support of the route.

### ***Mitigation Efforts***

While the District has a legitimate basis to anticipate rising minority and low-income use of Route 114, and a legitimate business justification for establishing Route 114 as regular service, it also will continue its mitigation efforts to reduce any disproportionate burdens borne by low-income passengers and any disparate impact borne by minority passengers within its service area. The District provides an extensive network of bus and ferry services for communities throughout the North Bay Area. Board-adopted Strategic Visions for both the bus and ferry services guide the District's decisions about implementing new and expanded service. The District has been following these policy statements since 2012, methodically adding and adjusting service to meet changing travel needs in the region, with particular attention to providing equitable service to low income, minority, and other disadvantaged passengers.

In the post-pandemic era, the District's services are focused more than ever on providing regional mobility to transit-dependent riders, who are overwhelmingly low-income and substantially minority. In determining routing for Route 114, the District decided to include the Marin City Hub at Donahue Street and Terners Drive to provide access to commuter service for the predominantly high minority and low-income population of the unincorporated area bordering Mill Valley and Sausalito. As discussed above, Route 4, the predecessor to Route 114, did not serve the Marin City Hub. This routing change exemplifies the District's commitment to improving transit access for disadvantaged populations.

Through marketing and public outreach efforts, the District will continue to promote Route 114 as a service to low-income populations, especially from Marin City. Further, the District will utilize its Language Assistance Plan as a guide to effectively disseminate information about the service to non-English speakers.

### ***Conclusion***

Under the District's Title VI Policies, it appears that the establishment of Route 114 as regular service may constitute a disparate impact on minority riders and a disproportionate burden to low-income riders, as these

populations are using the service at disproportionately lower rates. However, Route 114 is available to minority and low-income riders via the Marin City Hub at Donahue Street and Terners Drive, while Route 4 (on which statistical analysis was based) did not.

Despite the apparent disparate impact and disproportionate burden findings, the District has a legitimate business justification for continuing to provide Route 114 service as it supports the organization's goal of managing traffic in the Golden Gate Corridor and providing regional mobility by offering commuters in Mill Valley an alternative to single occupancy vehicles. Further, continuation of Route 114 service supports public interest as requests for commute service from Mill Valley to San Francisco were higher than for any other city in Marin and Sonoma counties. Finally, the inclusion of Marin City in the Route 114 routing, with its large minority and low-income populations, illustrates the District's commitment to enhancing transit services to more equitably serve disadvantaged populations within its service area.

**ATTACHMENT:**

EXHIBIT A: Resolution 2013-078: Approve Adoption of Title VI Policies for Golden Gate Transit and Golden Gate Ferry Service and Fare Changes

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**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,

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**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](mailto: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.

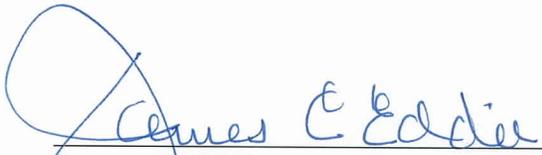
**RESOLUTION NO. 2013-078**  
**BOARD OF DIRECTORS MEETING OF AUGUST 9, 2013**  
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**ADOPTED** this 9<sup>th</sup> day of August 2013, by the following vote of the Board of Directors:

**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

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## 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.