



Agenda Item No. (4)

To: Transportation Committee/Committee of the Whole
Meeting of July 21, 2022

From: Ron Downing, Director of Planning
James P. Swindler, Deputy General Manager, Ferry Division
Denis J. Mulligan, General Manager

Subject: **ADOPT TITLE VI EQUITY ANALYSIS FINDINGS RELATIVE TO
COVID-19 PANDEMIC-RELATED ADJUSTMENTS TO GOLDEN GATE
FERRY SERVICE**

Recommendation

The Transportation Committee recommends that the Board of Directors (Board) adopt the findings of the Title VI equity analysis for Golden Gate Ferry (GGF) service changes related to the COVID-19 pandemic. Changes include service reductions on Larkspur, Sausalito, and Tiburon ferries. The equity analysis concludes that the changes do not have a disparate impact on minority passengers nor impose a disproportionate burden on low-income passengers.

This matter will be presented to the Board at its July 22, 2022, meeting for appropriate action.

Background

Due to the COVID-19 pandemic and the associated precipitous drop in travel in the Golden Gate Corridor, the Golden Gate Bridge, Highway and Transportation District (District) was compelled to reduce GGF service to levels commensurate with ridership and revenues between March 2020 and February 2022. Because of the flexibility of ferry scheduling, the Ferry Division was able to reduce service quickly in response to declining ridership during the week of March 16, 2020, including suspension of all weekend ferry service. Further reductions were made on all three ferry routes in the first week of April 2020. Total GGF trips per weekday on the Larkspur, Sausalito, and Tiburon routes declined from 72 to 39 and then to 22 over the period from February to April 2020. Larkspur and Sausalito service, combined, declined from 14 trips per weekend day to zero trips in April 2020. In March of 2021, Sausalito weekday service was temporarily replaced by bus service during dock repairs at the Sausalito landing, but weekday Sausalito ferry service resumed effective June 23, 2021. Weekend service from Larkspur and Sausalito was restored in July 2021. Weekend service was added to the Tiburon route in February 2022. Currently, both weekday and weekend service operate on all three routes being analyzed. However, weekday service on Larkspur remains greatly reduced compared to pre-pandemic levels.

The State of California lifted nearly all pandemic-related restrictions on June 15, 2021, and the District has begun to see a modest return of riders to its ferries, so the District has added back ferry service commensurate with this return.

Title VI guidelines issued by the Federal Transit Administration (FTA) require the District to conduct service equity analyses to consider whether contemplated major service changes will disparately impact minority riders and/or disproportionately burden low-income riders. The Title VI policy approved by the District's Board of Directors in August 2013, attached as Exhibit A, defines major service changes (in relevant part) as service increases or decreases which affect 25% or more of revenue service miles per route and which will be in effect for more than 12 months.

Reductions of ferry service between March 2020 and February 2022 meet the District's major service change threshold and are the subject of the Title VI equity analysis attached as Appendix A. This analysis also presents the GGF service levels as of June 1, 2022, which may be used to establish a new baseline for GGT service against which future potential service changes will be evaluated for Title VI purposes.

It should be noted that, though staff presented the equity analysis for bus service reductions during the pandemic in July 2021, there was some question of whether the same type of analysis was required for ferry service. Staff waited to present this ferry service equity analysis until FTA confirmed that it was appropriate to conduct a retroactive service equity analysis of pandemic-related major services changes to GGF service since March 2020.

Action to adopt the findings of the attached equity analysis does not preclude the restoration of service or implementation of new service as demand warrants, so the District will continue to restore ferry service incrementally and in a measured way as we see the return of our customers travelling in the Golden Gate Corridor. Service restoration and other service changes will continue under the General Manager's emergency authority, and any public hearings and Title VI equity analyses required for future service changes will be performed in accordance with the District's major service change policy and FTA Title VI guidelines at such time as these services are deemed to be permanent; generally in nine months to one year after their inception.

Title VI Findings

Service reductions on the Larkspur, Sausalito, and Tiburon ferries were determined to constitute major service changes based on Title VI guidelines issued by the FTA and the Title VI policy approved by the Board. An equity analysis was performed, and it was determined that these changes constitute neither a disparate impact on minority riders nor a disproportionate burden on low-income riders.

Fiscal Impact

There is no fiscal impact associated with adoption of the findings of this Title VI equity analysis.

Attachments: Appendix A – Title VI Equity Analysis
Exhibit A – Title VI policy approved by the District's Board of Directors in August 2013

Appendix A
Title VI Equity Analysis: COVID-19 Pandemic-Related
Golden Gate Ferry Service Adjustments

Presented to the Golden Gate Bridge, Highway and Transportation District
Transportation Committee of the Board of Directors
July 21, 2022

With the advent of COVID-19 in California and the San Francisco Bay Area, and the resulting drastic decreases in ridership on Golden Gate Ferry (GGF), the Golden Gate Bridge, Highway and Transportation District (District) was compelled to reduce service to a level commensurate with ridership and revenues between March 2020 and February 2022. GGF service levels have changed several times during the pandemic; the District now desires to establish new baseline service levels for its ferry system, against which future changes will be measured.

Title VI guidelines issued by the Federal Transit Administration (FTA) require the District to conduct service equity analyses to consider whether contemplated major service changes will disparately impact minority populations and/or disproportionately burden low-income populations in the District's service area. The Title VI policy approved by the District's Board of Directors (Board) in August 2013 defines major service changes (in relevant part) as service increases or decreases which affect 25% or more of total vehicle revenue service miles per route and which will be in effect for more than 12 months.

Effective February 5, 2022, when Tiburon Ferry weekend service was restored, the total reduction in service miles for Larkspur, Sausalito, and Tiburon ferries was under 25% (24.39%). However, interim reductions to all three ferry routes occurring between March 2020 and February 2022 exceeded the 25% threshold. FTA has determined that service equity analysis must be performed based on those interim service reductions. Accordingly, this service equity analysis retroactively evaluates the GGF service levels that existed in April 2020, which is the point at which the total reduction in GGF service miles exceeded 25% and service levels were the lowest. This analysis also presents the GGF service model being operated at this time, which may be used to establish a new baseline for GGF service against which future service changes will be evaluated for Title VI purposes.

The required components of this analysis are set forth in 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 and the District's Title VI Policies.

I. Golden Gate Ferry Services

The District's Golden Gate Ferry service currently includes six routes between Marin County and San Francisco: Sausalito, Larkspur, Tiburon, Angel Island, Special Event service to Oracle Park, and Special Event service to the Chase Center. Under normal circumstances, ferry service operates daily except Thanksgiving, Christmas, and New Year's Day.

- Sausalito Ferry Service provides daily connections between the Golden Gate Ferry landing in Sausalito and the San Francisco Ferry Terminal. This 5.5 nautical-mile route has been

in operation since 1970. Before the pandemic, the service provided 18 crossings on weekdays and 12 crossings on weekends and holidays. The service operated between 7:10 am and 8:20 pm on weekdays, and between 10:40 am and 7:15 pm on weekends and holidays. Currently, weekday service consists of seven southbound trips, two of which operate during the morning commute period, and six northbound trips, two of which operate during the evening commute period. On weekends, five round trips operate between the hours of 10:30 a.m. and 7:45 p.m. Prior to the pandemic, Sausalito Ferry Service was heavily oriented toward tourists, many of them from outside the region, particularly on middays and weekends.

- Larkspur Ferry Service features an 11.25 nautical-mile route between the Larkspur Ferry Terminal and the San Francisco Ferry Terminal. Before the pandemic, the 40 weekday and eight weekend/holiday crossings required a fleet of five vessels. Services operated between 5:45 am and 10:05 pm on weekdays, and between 9:40 am and 8:10 pm on weekends and holidays. Currently, nine southbound trips and ten northbound trips are operated on weekdays between the hours of 6:30 a.m. and 8:30 p.m. Five round trips are operated on weekends, between the hours of 8:00 a.m. and 9:00 p.m.
- Tiburon Ferry weekday commute service features a 5.94 nautical-mile route between the Tiburon Ferry dock and the San Francisco Ferry Terminal. Pre-pandemic service provided four round trips daily, restricted to the commute period. Currently, the service offers seven round trips between the hours of 6:45 a.m. and 7:00 p.m. Weekend service was added in February 2022, which consists of three southbound and four northbound trips, between the hours of 9:15 a.m. and 5:30 p.m.
- Angel Island service was offered starting in April 2022. There are a total of four round trips seven days a week, with half the service in the morning and half in the afternoon. It should be noted that this service was not in operation before the beginning of the pandemic and is not included in this analysis.
- Special Event Service to Oracle Park was suspended for most of the pandemic but now has returned and will be offered during all San Francisco Giants' home games and a number of other special events. The 13.1 nautical-mile route between the Larkspur Ferry Terminal and the dock at Oracle Park takes approximately 60 minutes. One round trip is offered for each event served, which typically totals between 80 and 90 round trips per year.
- Special Event Service to the Chase Center was suspended for the duration of the pandemic and has not yet resumed.
- Special Event Services are not operated daily and are not part of the regular ferry network intended for providing regional mobility. In addition, Ferry Special Event Services are expected to pay for their own operating costs, making them different from regular ferry service. This means that ridership is closely monitored on these routes to ensure that fares collected cover the cost of operation. Therefore, reductions in Special Event services are not included in this analysis.

II. Context of Service Reductions Resulting from the COVID-19 Pandemic

Studies have now revealed that the first cases of COVID-19 arrived in the San Francisco Bay Area in December 2019. The City and County of San Francisco declared a health emergency on February 26, 2020, and other Bay Area counties soon followed suit. Stay-at-home orders were issued by the counties in the District's service area in mid-March of 2020. From a daily weekday average of over 6,700 passengers on GGF during February 2020, the month before stay-at-home

orders were implemented, counts dropped to around 100 passengers per weekday starting March 16, and to around 60 passengers per weekday in April 2020. Ridership on GGF fluctuated with the rise and fall of COVID-19 cases, reaching around 1,600 riders per weekday for the last two service months completed prior to preparation of this analysis, February and March 2022.

Reductions in GGF service began with the first shelter-in-place order effective March 17, 2020. That shelter-in-place order effectively eliminated most travel, and specific to Sausalito, eliminated tourism travel. Changes to ferry service continued throughout February 2022 to meet evolving demand and the operational parameters of social distancing requirements, crew availability, and other factors. By the end of February 2022, weekend service, which was originally suspended on the Larkspur, Sausalito, and Tiburon routes in March 2020, was restored. Angel Island service was also added, but is not included in this analysis because it did not exist before the pandemic. An analysis of the Angel Island service will be forthcoming in the next months.

Because of the flexibility of ferry scheduling, the Ferry Division was able to reduce service quickly in response to declining ridership during the week of March 16, 2020, including suspension of all weekend ferry service. Further reductions were made on all three ferry routes in the first week of April 2020. Total GGF trips per weekday declined from 72 to 39 and then to 22 over the course of the period from February to April 2020. Larkspur and Sausalito service, combined, declined from 14 trips per weekend day to zero trips in April 2020. In March of 2021, Sausalito weekday service was temporarily replaced by bus service during dock repairs at the Sausalito landing, but weekday Sausalito ferry service resumed effective June 23, 2021. Weekend service from Larkspur and Sausalito was restored in July 2021. Weekend service was added to the Tiburon route in February 2022. Currently, both weekday and weekend service operate on all three routes is being analyzed, but weekday service on only the Larkspur route remains greatly reduced compared to pre-pandemic levels.

III. 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 July 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 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 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.

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

IV. Service Cancellations, Reinstatements, and Public Outreach (2020-2022)

With the advent of the pandemic there was a precipitous drop in travel in the Golden Gate Corridor, whether by bridge, bus, or ferry. With the drop in demand for District transit services, GGF ferry services were reduced in March 2020 and then again in April 2020. Larkspur and Sausalito weekend service were reinstated in July 2021, and Tiburon weekend service began on February 5, 2022.

The reductions in ferry service were a response to the drastic reduction in travel in the Golden Gate Corridor arising from the Shelter-in-Place Orders issued by our local public health officials and the overnight shift to working from home for many residents in the District's service area, and the associated drop in revenues. The service reductions had to be made on an emergency basis, so the District did not seek public input. However, as changes were made to the schedule, thorough efforts were made to reach out to the public to communicate these changes.

When evaluating the extent to which each route needed to be reduced in response to the pandemic, the District considered the following factors: ridership and the maintenance of a baseline service. Of the three routes, Sausalito service was reduced the most, given that tourism travel on that route became non-existent due to the pandemic. However, the survey data reflected that route as having a relatively high low-income population (as noted in Section V, Table 2), due to being skewed by visitors' responses from outside the region. Sausalito residents, as a whole, have much higher income levels.

Ridership levels on the Sausalito route fell to a level that did not justify additional crossings, and only a base level of service was offered. Because Sausalito benefited from hourly bus service throughout the pandemic, low income and minority riders tended to use the bus service instead of the ferry, because the buses provided more direct access with lower fares.

The following map shows the location of both GGF and GGT services relative to major destination and boarding locations.

Golden Gate Transit and Ferry Service Area Map



V. Title VI Equity Analysis for the 2020 Pandemic-Related GGF Service Reductions

Below is a table that shows the major service changes to each of the three GGF routes between March 2020 and February 2022, as compared to pre-pandemic service levels in March 2019. As described above, a major service change is defined as a reduction or increase of 25% or more in total vehicle revenue miles in service on any specific route. An Equity Analysis is required to determine whether these major service changes will result in a disparate impact to minority populations or a disproportionate burden on low-income populations, based on the District's Title VI Policies.

Table 1: Major Service Changes

Percent reduction of service from pre-pandemic service levels (March 2019) to April 2020.

Route	Number of Trips in March 2019 (Pre-Pandemic Service Level)	Number of Trips in April 2020 (Lowest Level of Service During the Pandemic)	Major Service Changes in April 2020 (Percentage of Service Reduction for Total Trips)
Larkspur	Weekday: 42 Weekend: 8 Total: 226	Weekday: 14 Weekend: 0 Total: 70	-69%
Sausalito	Weekday: 18 Weekend: 12 Total: 114	Weekday: 4 Weekend: 0 Total: 20	-82%
Tiburon	Weekday: 14 Weekend: 0 Total: 70	Weekday: 4 Weekend: 0 Total: 20	-71%

As described earlier, service was gradually added to each of the ferry routes between April 2020 and present. April 2020 represents the lowest service levels on each of the ferry routes between March 2020 and February 2022; therefore, this analysis reflects the April 2020 service levels.

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 GGF 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 on the GGF system as a whole to the percentage of low-income riders on affected routes.

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. Data was collected on-board a sample of ferry trips. Questionnaires were produced in Spanish and English and included questions about the trip being taken and demographics. Note that survey responses on the Sausalito Ferry route were often skewed toward tourists from outside the regular service area of this route, and respondents were more likely to be low income or minority. As noted earlier, those riders did not visit during the pandemic.

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 GGF'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, we will use household incomes of \$75,000 or less as the definition of low-income.

Average daily ridership counts are based on data collected daily from onboard fare boxes and Clipper® smart card readers. The data is kept in District databases and accessed by staff via District-created software.

Methodology

To determine whether the major services changes, considered as a whole, result 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 GGF system as a whole includes the Larkspur, Sausalito, and Tiburon routes.
- 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 GGF system as a whole.

Disproportionate Burden Analysis and Findings

Table 2: Disproportionate Burden Analysis

Routes with Major Service Changes	Pre-Pandemic Daily Ridership 9/19-2/20	Low-Income	Non-Low-Income	Refused to Answer	Est. Low-Income Ridership	Est. Non-Low-Income Ridership
Larkspur	4526	45.40%	46.40%	8.20%	2055	2100
Sausalito	1430	55%	17.50%	27.60%	787	250
Tiburon	772	33.30%	49.40%	17.30%	257	381
Total for Routes with Major Service Changes	6728	46.05%	40.60%	13.35%	3098	2732
Total for GGF System	6728	46.05%	40.60%	13.35%	3098	2732

Table 2 shows the percentages of low-income and non-low-income riders on each impacted route when multiplied with the average daily ridership for the six full months preceding the pandemic (September 2019 through February 2020), giving an estimated low-income and non-low-income ridership number for each route. 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. In this case, it is appropriate to analyze all of the ferry service together, as reductions were made to all ferry services in response to the pandemic and the resulting drop in ridership across all ferry services. Under “Total for Routes with Major Service Changes,” the table shows the estimated number and percentage of affected low-income and non-low-income riders. Using the cut-off of **\$75,000** to define “low-income,” the percentage of low-income ferry riders on routes with major service changes (46.05%) is the same as the percentage of low-income ferry riders on the GGF system as a whole (46.05%) because all of the routes in the GGF system experienced major service changes. Therefore, cumulative service reductions to these three routes did not disproportionately burden low-income riders. Note that these service reductions, when analyzed on a route-specific basis, also did not disproportionately burden low-income riders because none of the low-income populations on the affected routes is 10% larger than the low-income population of the GGF system as a whole.

Disparate Impact Analysis and Findings

Table 3: Disparate Impact Analysis

Routes with Major Service Changes	Daily Ridership 9/19-2/20	Minority	Non-Minority	Refused to Answer	Est. Minority Ridership	Est. Non-Minority Ridership
Larkspur	4526	32.80%	66.90%	0.20%	1485	3028
Sausalito	1430	24.50%	75.50%	0.00%	350	1080
Tiburon	772	17.3%	82.70%	0.00%	133	638
Total for Routes with Major Service Changes	6728	31.73%	68.17%	0.10%	2135	4586
Total for GGF System	6728	31.73%	68.17%	0.10%	2135	4586

Table 3 shows the percentages of minority and non-minority riders on each impacted route, giving an estimated minority and non-minority ridership number for each route. Under “Total for Routes with Major Service Changes,” the table shows the estimated number and percentage of minority (31.73%) and non-minority (68.17%) riders. Under the District's Title VI Policies, disparate impact 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. As noted above, cumulatively analyzing these service changes is appropriate because all ferry services were reduced in response to the pandemic and the resulting drop in ridership across all ferry services. The percentage of minority ferry riders on routes with major service changes (31.73%) is the same as the percentage of minority ferry riders on the GGF system as a whole (31.73%) because all of the routes in the GGF system experienced major service changes. Therefore, service reductions or eliminations to these three routes did not cumulatively result in a disparate impact to minority riders. It is important to note that these service reductions, when analyzed on a route-specific basis, also did not result in a disparate impact to minority riders because none of the minority populations on the affected routes is 10% larger than the minority population of the GGF system as a whole.

Conclusion

The ferry service reductions resulting from the pandemic do not constitute a disparate impact on minority riders nor a disproportionate burden on low-income riders under the District's Title VI Policies.

Currently, District staff is monitoring demand and ridership on all three regular ferry services in order to respond to demand as it arises. Service will continue to be added as warranted by demand and as funds permit.

In order to set a new baseline for measuring changes to ferry service, especially with regard to evaluating equity impacts of such changes, staff proposes to use the ferry service as of June 1, 2022 as the new baseline, as follows:

Service	Weekday trips	Weekend trips
Larkspur	22	10
Sausalito	14	10
Tiburon	14	7

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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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,

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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 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.

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BOARD OF DIRECTORS MEETING OF AUGUST 9, 2013

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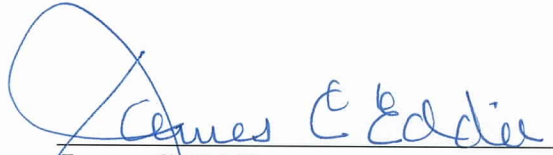
ADOPTED this 9th day of August 2013, by the following vote of the Board of Directors:

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

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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.