

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

RESOLUTION NO. 2013-054

**AUTHORIZE THE SETTING OF A PUBLIC HEARING
RELATIVE TO THE ESTABLISHMENT OF POLICIES FOR
GOLDEN GATE TRANSIT BUS AND GOLDEN GATE FERRY SERVICES
UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AS AMENDED**

June 14, 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, Title VI of the Civil Rights Act of 1964 (Title VI) is a federal law which ensures the fair and equitable distribution of benefits and services, where provided by any government agencies that receive federal funding; and,

WHEREAS, a new Federal Transit Administration (FTA) Circular, issued October 2012, gives specific guidance for transit provider compliance with Title VI; and,

WHEREAS, the Transportation Committee, at its meeting of November 5, 2012, received a presentation from staff relative to an overview of Title VI as applied to federal funding recipients, such as the District, which is subject to the FTA Circular due to its provision of GGT bus and GGF public transportation services; and,

WHEREAS, on February 21, 2013, staff presented for Board approval various service standards and policies, as required by the new FTA Circular; and,

WHEREAS, to further comply with the new FTA Circular, staff must establish three policies that will guide when and how the District analyzes the effects of potential fare and service changes on minority and low-income populations; and,

WHEREAS, the three proposed policies are a Major Service Change Policy, a Disparate Impact Policy and a Disproportionate Burden Policy (Three Policies); and,

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WHEREAS, under the new FTA Circular, the District may not alter GGT bus or GGF fares or services prior to adopting the Three Policies; and,

WHEREAS, once the District adopts the Three Policies, staff will use them to guide their equity analysis of future fare and major service change proposals on GGT bus and GGF public transportation services, and District staff must present their equity analyses for Board approval in association with each fare and major service change proposal; and,

WHEREAS, complete copies of the Three Policies, as well as copies of District staff's underlying analysis, are included herein as an Attachment; and,

WHEREAS, the FTA requires an open public process for policy development and review, which staff considers the best practice for keeping the public involved in decisions about GGT bus and GGF transit services that will affect their daily lives; and,

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

WHEREAS, District staff plans to conduct a thorough outreach effort relative to the Three Policies by meeting with the public in all three counties served by the District's GGT bus and GGF public transportation services, with an emphasis on meeting in communities that are affected by any District actions arising under the Three Policies; and,

WHEREAS, public outreach activities will also include: (1) Spanish translation of printed materials, website information and community meetings in Limited English Proficiency (LEP) areas; (2) advertisements in local publications and posters on GGT buses announcing public hearings and community meetings; (3) press releases; (4) social media postings; and, (5) e-mails to customers and community-based organizations; and,

WHEREAS, the setting a public hearing on July 11, 2013, will allow staff to gather public input, adopt and ultimately implement the Three Policies, as proposed, or an amended version thereof and will allow the District to ensure its continuing compliance with the requirements of the FTA Circular, and by extension, Title IV; and,

WHEREAS, the fiscal impact of the public hearing and the associated outreach, as discussed above, is estimated to cost \$5,000.00, with the understanding that requisite funds are available in the FY 12/13 District Division Operating Budget; and,

WHEREAS, the Transportation Committee at its meeting of June 13, 2013, has so recommended; now, therefore, be it

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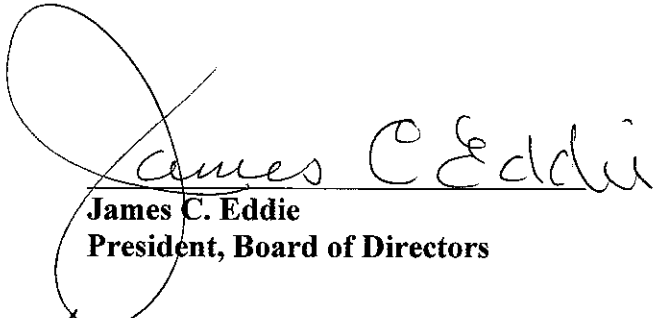
RESOLVED that the Board of Directors of the Golden Gate Bridge, Highway and Transportation District hereby authorizes the setting of a public hearing on Thursday, July 11, 2013, at 9:30 a.m., in the Board Room, Administration Building, Golden Gate Bridge Toll Plaza, San Francisco, CA, for the purpose of receiving public testimony on the establishment of policies for Golden Gate Transit bus and Golden Gate Ferry services under Title VI of the Civil Rights Act of 1964 as amended.

ADOPTED this 14th day of June 2013, by the following vote of the Board of Directors:

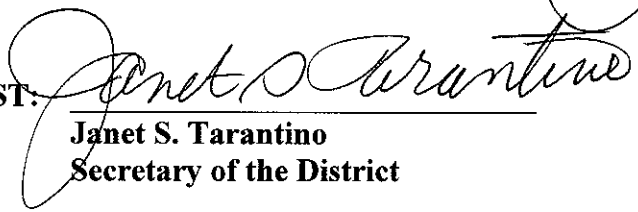
AYES (15): Directors Arnold, Belforte, Breed, Cochran, Moylan, Pahre, Reilly, Sears, Snyder, Sobel, Theriault and Yee; Second Vice President Stroeh; First Vice President Grosboll; President Eddie

NOES (0): None

ABSENT (4): Directors Campos, Fredericks, Rabbitt and Wiener


James C. Eddie
President, Board of Directors

ATTEST:


Janet S. Tarantino
Secretary of the District

Attachment - Three Policies and Analysis



Agenda Item No. 5

To: Transportation Committee/Committee of the Whole
Meeting of June 13, 2013

From: Barbara Vincent, Principal Planner
Ron Downing, Director of Planning
Kellee Hopper, Deputy General Manager, Administration and Development
Denis J. Mulligan, General Manager

Subject: **AUTHORIZE THE SETTING OF A PUBLIC HEARING RELATIVE TO
THE ESTABLISHMENT OF TITLE VI POLICIES FOR GOLDEN GATE
TRANSIT BUS AND GOLDEN GATE FERRY SERVICES**

Recommendation

The Transportation Committee recommends that the Board of Directors authorize the setting of a public hearing on Thursday, July 11, 2013, at 9:30 a.m., in the Board Room, Administration Building, Golden Gate Bridge Toll Plaza, San Francisco, CA, for the purpose of receiving public comment on proposed District policies required by Title VI of the Civil Rights Act of 1964.

Background

On November 15, 2012, staff presented to the Transportation Committee an overview of Title VI of the Civil Rights Act of 1964 as applied to federal fund recipients subject to a new Circular issued by the Federal Transit Administration (FTA). Then on February 21, 2013, staff presented for Board approval service standards and policies required by the new Title VI Circular.

The next step for the District in complying with the FTA's new Title VI requirements is to establish three policies that will guide when and how the District analyzes the effects of potential fare and service changes on minority and low-income populations: a Major Service Change Policy, a Disparate Impact Policy, and a Disproportionate Burden Policy. The new Title VI Circular requires transit providers to solicit and consider public input before establishing such policies. Setting the public hearing will allow the District to gather public input, adopt and then implement the three new policies.

Discussion

The purpose of Title VI is to ensure the fair and equitable distribution of benefits and services provided by agencies that receive federal funding. The new FTA Circular issued in October 2012 gives specific guidance for transit provider compliance with Title VI. The District has already established service standards and policies, as required in the new Circular; the next step

is to establish policies to define major service changes and set thresholds for when a potential fare or service change will have a disparate impact on minority populations, and/or place a disproportionate burden on low-income populations.

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 Circular, e.g., 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 that 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 (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 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 wants 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 a 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 a day. However, if the entire route is proposed for cancellation, then an analysis is required.

- Example 3: If Route 13 was 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 (e.g., 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:

- 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:

- 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.

Public Outreach

Staff plans to conduct a thorough outreach on the policy proposals, meeting with the public in all three counties in the District's service area and specifically meeting in communities affected by these policies. Emphasis will be placed on providing accessible explanations of the equity analysis process and how the policies are used to ensure equitable service distribution. Concrete examples such as the ones contained in this report will be highlighted when meeting with the public.

Public outreach activities will comprise:

- Translation of printed materials, website information, and community meetings in LEP areas can be conducted in Spanish;
- Advertisements in local publications announcing the Public Hearing/Community Meetings;
- Posters on board buses advertising Public Hearing/Community Meetings;
- Press Release;
- Social Media Postings on Facebook and Twitter; and,
- Email blast to customers and community-based organizations.

Summary

Under the new Title VI guidance from October 2012, the District's may not alter fares or service prior to adopting these three policies. Once the District adopts these policies, they will be used by Staff to guide analysis of future fare and major service change proposals. Staff must present the equity analyses for Board approval in association with each fare and major service change proposal.

An open public process for policy development and review is not only required by the FTA, but is the best practice for keeping the public involved in decisions about transit service that will affect their daily lives. A July 11 public hearing on these policies will keep the District on the right track toward achieving these goals.

Fiscal Impact

The fiscal impact of providing a public hearing and associated outreach is estimated at \$5000.00, and will be covered by the existing Marketing and Communications Department budget.