

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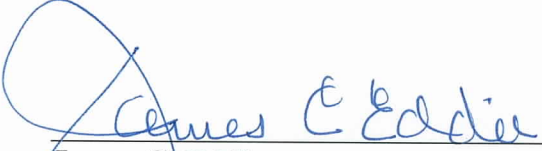
ADOPTED this 9th day of August 2013, by the following vote of the Board of Directors:

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


Stroeh; President Eddie

NOES (0): None

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


James C. Eddie
President, Board of Directors

ATTEST:


Janet S. Tarantino
Secretary of the District

Attachment 1 - Three Policies and Analysis

Attachment 2 - Summary of Comments Received and Staff Responses

ATTACHMENT 1

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

Major Service Change Policy

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

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

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

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

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

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

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

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

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

Disparate Impact and Disproportionate Burden Policies

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

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

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

Disparate Impact Policy

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

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

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

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

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

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

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

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

Disproportionate Burden Policy

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

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

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

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

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

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

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

ATTACHMENT 2

Summary of Comments Received and Staff Responses

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

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

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

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

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

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

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

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

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

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

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

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

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

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