

FINAL Title VI Equity Analysis Report for
Clipper[®] BayPass Phase 2 Pilot Program
July 3, 2025

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I. Background

A. *Clipper BayPass*

Clipper BayPass is a pilot fare pass that provides free access to all bus, rail, and ferry services operated by transit agencies in the nine-county San Francisco Bay Area region (Table 1). The Metropolitan Transportation Commission (MTC) piloted this program in response to the recommendations of the Fare Coordination/Integration Study, which focused on creating a more customer-friendly transit fare system in the Bay Area. Administered by MTC, Clipper BayPass aims to increase transit ridership, reduce traffic congestion, and advance regional fare integration goals established in the 2021 Bay Area Transit Fare Policy Vision Statement.

Launched in 2022, the Phase 1 pilot focused on colleges and affordable housing developments. In January 2024, Phase 2 expanded eligibility to include Bay Area employers and allowed any institution with 100 or more members to apply for participation.

Table 1: San Francisco Bay Area Transit Operators Accepting Clipper BayPass

Transit Operators
Alameda-Contra Costa Transit District (AC Transit)
Central Contra Costa Transit Authority (County Connection)
City of Fairfield (FAST)
City of Petaluma (Petaluma Transit)
City of Santa Rosa (Santa Rosa City Bus)
City of Union City (Union City Transit)
Eastern Contra Costa Transit Authority (TriDelta Transit)
Golden Gate Bridge Highway and Transp. District (Golden Gate Transit and Golden Gate Ferry)
Livermore/Amador Valley Transit Authority (LAVTA)
Marin County Transit District (Marin Transit)
Napa Valley Transportation Authority (Napa Vine)
Peninsula Corridor Joint Powers Board (Caltrain)

San Francisco Bay Area Rapid Transit District (BART)
San Francisco Municipal Transportation Agency (SF Muni)
San Mateo County Transit District (SamTrans)
Santa Clara Valley Transportation Authority (VTA)
Solano County Transit (SolTrans)
Sonoma County Transit
Sonoma Marin Area Rail Transit System (SMART)
City of Vacaville (Vacaville City Coach)
Western Contra Costa Transit Authority (WestCat)
Water Emergency Transportation Authority (San Francisco Bay Ferry)

B. Federal Title VI Fare Analysis Requirements

In compliance with Title VI of the Civil Rights Act of 1964, the Federal Transit Administration (FTA) requires all transit agencies that receive federal funding to monitor the performance of their systems, ensuring services are made available and/or distributed equitably. One component of ensuring compliance is performing an equity analysis for all fare changes and any major service changes to determine its impact on minority (race, color, or national origin) and low-income populations. These requirements are outlined in FTA [Circular 4702.1B](#), “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”.¹

¹ Executive Order 12898 (EO 12898), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, was developed “to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects.” Given the significant overlap between this and Title VI requirements, US DOT and its modal administrations encourage a proactive approach to the implementation of environmental justice principles in its programs, policies, and activities, including consideration of disproportionate burdens on low-income populations alongside Title VI requirements. While the Trump Administration repealed EO 12898 through Executive Order Ending Illegal Discrimination and Restoring Merit-Based Opportunity, it is currently still referenced in the FTA Title VI Circular 4702.1b which dictates the requirements of Title VI Fare Equity Analyses for operators and MPOs receiving funding from the FTA. As a result, we still intend to analyze the disproportionate burdens placed on low-income populations consistent with the Circular until it is revised.

The circular requires that there be a fare equity analysis completed for any change in fares or in fare type to minimize any disparate impact on minority populations or disproportionate burden on low-income populations as defined in Table 2.

Table 2: Disparate Impact and Disproportionate Burden Definition

Disparate Impact	Disproportionate Burden
A facially neutral policy or practice that disproportionately and adversely affects members of a group identified by race, color, or national origin, where the policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.	A neutral policy or practice that disproportionately and adversely affects low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.

C. Reasons for a Fare Equity Analysis

Given that a permanent Clipper BayPass program would introduce a new fare type for some transit riders in the MTC service area, MTC is required to perform a Title VI Fare Equity Analysis. This report analyzes whether there are any disparities in access to the program for regional riders of color or low-income riders, based on Phase 2 pilot participation.

D. Previous Clipper BayPass Fare Equity Analysis

MTC previously conducted a Title VI analysis for Phase 1 of the Clipper BayPass Pilot Program in February 2024. This analysis evaluated potential disparate impacts on minority populations and disproportionate burdens on low-income populations across participating educational institutions and affordable housing sites, including San Francisco State University, San Jose State University, University of California, Berkeley, Santa Rosa Junior College, and MidPen Housing developments. The analysis applied various Disparate Impact/Disproportionate Burden (DI/DB) thresholds depending on the most proximate transit agencies, which ranged from 5% to 20%. Most major Bay Area transit operators use DI/DB thresholds of 8% to 10%. Notably, the

Phase 1 analysis found no disparate impacts or disproportionate burdens for regional transit riders protected under Title VI.

During Phase 1, MTC and BART conducted targeted outreach activities to inform qualifying participants about the pilot program. These efforts included sending emails to students with enrollment instructions, distributing informational letters to MidPen Housing residents, and conducting an online survey to collect feedback on program awareness and usage. The survey was accessible via email and QR codes on flyers, with results used to understand participants' travel patterns and demographic profiles.

II. Peer Agency Review

A. *Institutional Pass Comparison*

MTC benchmarked recent Title VI fare equity analyses conducted on employer/institutional transit pass programs similar to Clipper BayPass Phase 2. The benchmarking analysis aimed to address three key questions:

1. How were employer/institutional pass programs categorized - as fare changes or fare type changes?
2. What data sources were used to establish minority and low-income demographic composition?
3. What methodologies were employed to assess program impacts?

It is useful to note that most transit agencies have historically not conducted Title VI fare equity analyses for employer/institutional pass programs. MTC identified multiple employer pass programs across the country where no Title VI fare equity analyses were conducted, including ORCA Business Passport (King County Transit), Perq Corporate Pass Program (MBTA), and various others. This exemption is likely the result of previous Federal Transit Administration (FTA) guidance that said that when “an external source buys a fare, a fare equity analysis is not required.”

Despite this precedence, the FTA has increasingly required transit agencies to analyze these programs, since they introduce new fare programs and access criteria. Several Bay Area transit agencies have recently completed fare equity analyses of employer/institutional pass programs as part of broader fare change analyses. MTC identified five notable pass programs that underwent Title VI analysis: Clipper BayPass Phase 1 and Phase 2 by BART, EasyPass by AC Transit, SmartPass by VTA, Way2Go Pass by SamTrans, and EcoPass by RTD-Denver.

B. Peer Agency Equity Analysis

The benchmarking analysis revealed important insights from each of the reviewed programs:

BART Clipper BayPass: BART treated both the Clipper BayPass and Free & Discounted Transfer Pilot Program as fare type changes rather than fare changes, since neither directly altered agency fare schedules. Their analysis relied on their 2022 Customer Satisfaction Survey and a targeted Clipper BayPass Survey from June 2024. For Phase 2, BART focused on current riders using BART for work rather than participating employers, since “this program will be available to all employers.” The analysis found that commuters were more likely to be minority riders compared to White riders (69% vs 67% systemwide) but less likely to be low-income compared to non-low income (23% vs 29%). Although this 6% difference fell below BART’s 10% DI/DB threshold, the analysis recommended promoting the program to employers with lower-income workers as a mitigation measure.

AC Transit EasyPass: AC Transit conducted a fare equity analysis when proposing pricing changes to their EasyPass program, while acknowledging that such analysis wasn’t explicitly required by the FTA. The analysis used 2017-18 Onboard Survey data but lacked specific information on EasyPass type. The study found EasyPass users were slightly less likely to be people of color (72% vs 75% systemwide) but more likely to be low-income (76% vs 67%).

VTa SmartPass: VTA conducted a “parallel” fare equity analysis of their specialty pass program, acknowledging these programs “do not result in a direct financial impact to the individual rider.” Lacking specific demographic data, VTA made assumptions about the populations served by different institution types and used alternative metrics like percentage changes in contract rates and revenue per boarding to assess impacts.

SamTrans Way2Go: SamTrans used American Community Survey data (specifically Table S0804: Means of Transportation to Work by Selected Characteristics for Workplace Geography) to understand projected demographics of potential users, supplemented by ridership data and monthly pass usage patterns. They projected an average of 48 boardings per user annually based on peer agency experiences and literature review.

RTD EcoPass: Denver's RTD included EcoPass within a Systemwide Fare Study and Equity Analysis. They relied on their 2019 Customer Satisfaction Survey and, due to data limitations, assumed constant usage rates and transfer patterns across customer segments. The analysis accounted for structural changes like consolidating service level areas, merging employer size categories, and adjusting fare rates.

III. Clipper BayPass Equity Analysis

A. *Who Has Access to the Program?*

In Phase 2 of the Clipper BayPass Program, MTC expanded the program to be available to interested employers of 100 or more employees, colleges, universities, and other institutions throughout the region. Participating institutions evaluated in this Fare Equity Analysis include:

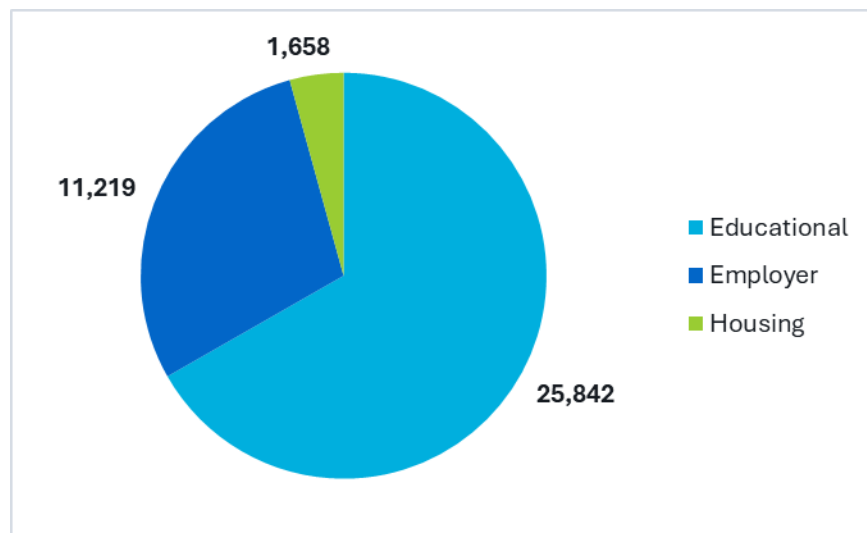
- Educational institutions: Two educational institutions are currently participating in Phase 2 of the program as of January 2025: **San Francisco State University (SFSU)** and **University of California, San Francisco (UCSF)**. At UCSF, both students and employees are eligible for a BayPass; at SFSU, current eligibility is limited to students only.
- Employers: Several employers (other than educational institutions) are currently participating in Phase 2 of the program as of January 2025, and grant eligibility for BayPass to employees:
 - The **City of Menlo Park** (local government)
 - **UCSF** (educational and research institution)
 - Employers within the Alameda Point and Northern Waterfront districts in Alameda, for whom the Clipper BayPass is facilitated through the **Alameda Transportation Management Association (TMA)**. This includes both the Alameda TMA itself (a non-profit), as well as a range of largely private-sector employers (such as Sildrone Inc) located within the two districts.
 - **OpenAI** (private sector)
 - **Piedmont Gardens** (owned and operated by HumanGood, a non-profit)
- Residents and Housing Providers: One affordable housing provider – MidPen Housing – directly participates in Phase 2 of the program as of January 2025, with residents of two projects – **Kiku Crossing** and **Foon Lok East** – eligible for a Clipper BayPass.

Clipper BayPass Phase 2 participating institutions and their participant counts are summarized in Table 3. Figure 1 shows the breakdown of participants by institution category, with the majority represented by SFSU students in the educational institution category.

Table 3: Clipper BayPass Phase 2 Participating Institutions and Participant Counts

Institution	Category	Participants
SFSU Students	Educational	22,634
UCSF Students	Educational	3,208
City of Menlo Park	Employer	202
Alameda TMA	Employer	1,258
OpenAI	Employer	1,752
Piedmont Gardens	Employer	234
UCSF Employees	Employer	7,773
Alameda TMA	Housing	1,309
Foon Lok East	Housing	124
Kiku Crossing	Housing	225

Figure 1: Clipper BayPass Participant Counts by Category



B. Methodology

This section outlines the methodology used to evaluate whether the proposed Clipper BayPass creates a disparate impact on minority populations or places a disproportionate burden on low-income populations.

FARE EQUITY IMPACT THRESHOLDS

Consistent with Bay Area transit agency DI/DB policies, MTC has opted to use an 8% threshold to determine whether disparate impacts or disproportionate burdens exist. This threshold represents the most conservative value among participating agencies (which range from 8-20%) and ensures the analysis is sensitive to potential impacts across all transit systems in the region. Appendix A contains the DI/DB threshold for each transit agency.

FARE TYPE CHANGES

A fare type change is a change to the way that system users purchase their fare, including discount and pass programs, such as Clipper BayPass. For fare type changes, MTC will assess whether protected riders are disproportionately more likely to use the affected fare type or media. Impacts will be considered disproportionate when the difference between the affected fare type's protected ridership share and the overall system's protected ridership share is greater than 8%. This threshold will also be applied directionally to also assess whether benefits are received within the threshold by minority and low-income riders.

For the introduction of new fare types, this will mean that MTC assesses whether protected riders have disproportionate access to the new fare type.

APPROACH

The fare equity analysis follows these steps:

1. **Establish demographic profiles** of eligible BayPass recipients at participating institutions, categorized as:
 - a. Educational
 - b. Employer
 - c. Housing

2. **Develop a regional transit ridership demographic profile** weighted by current BayPass usage patterns across transit operators.
3. **Calculate the differential impact** by comparing the percentage of minority and low-income populations among eligible recipients versus the overall regional transit ridership.
4. **Assess against established thresholds** to determine if any disparate impacts or disproportionate burdens exist. A negative difference exceeding the 8% threshold indicates a Title VI finding that may require mitigation.
5. If impacts exceed the 8% threshold, **identify mitigation measures** to avoid, minimize, or mitigate any disproportionate effects on protected populations.

DATA SOURCES

MTC has worked with some participating institutions to administer a BayPass Participant Survey to both gather the demographic information required to complete a Title VI Fare Equity Analysis, and to better understand current BayPass usage. Some institutions, however, are hesitant to gather personal data about their members or MTC had not yet received results of the survey at the time of this Title VI analysis. As a result, MTC has relied on a number of additional data sources to establish demographic profiles and implement the methodology. All the data sources used to conduct this Title VI Fare Equity Analysis are listed in Table 4.

Table 4: Data Sources

Input Name	Description	Application	Source
American Household Survey (AHS)	Demographic characteristics of “Units receiving a rent reduction” for Foon Lok East and Kiku Crossing.	Inferring minority/non-minority and income levels of participants from Foon Lok East and Kiku Crossing.	U.S. Census Bureau
BayPass Participant Survey	User demographic sample of BayPass participants at participating institutions.	Minority/non-minority and income levels of participants from SFSU, UCSF employees, City of Menlo Park, and Alameda TMA employers and residents at participating affordable housing sites.	MTC
Longitudinal Employer-Household Dynamics Origin-Destination Employment Statistics (LODES)	Census data on workforce characteristics by industry sector and location.	Inferring minority/non-minority and income levels of participants from Piedmont Gardens and Open AI.	U.S. Census Bureau
Regional Transit Passenger Snapshot Survey	On-board survey capturing demographic profiles of Bay Area transit riders.	Minority/non-minority and income levels of regional transit ridership by transit agency.	MTC
BayPass Trip by Operator Dataset	Aggregation of the number of trips made using BayPass on each participating operator during Phase 2 (January 2024 through March. 2025).	Weighting the demographic profile of each participating institution by usage pattern across operators.	MTC

C. Disparate Impact Analysis Results (Minority Participants)

To measure if there is a disparate impact to minority transit riders regarding access to Clipper BayPass, we need to compare the proportion of minority and non-minority participants to regional transit ridership. Table 5 compares the measured differences between eligible BayPass recipients and regional transit ridership to the 8% disparate impact threshold. **Based on this comparison, the difference in access to Clipper BayPass does not rise to the level of a disparate impact.** Minority transit riders have a slightly higher rate of access to Clipper BayPass than regional transit ridership.

Appendix B contains the demographic profile by participating institution and the regional transit ridership, weighted by BayPass usage, underlying these aggregate values.

Table 5: Disparate Impact Calculation

	Minority	Non-Minority
Eligible BayPass Recipients	70.2%	29.8%
Regional Transit Ridership	69.4%	30.6%
Difference	0.8%	-0.8%
Threshold	-8.0%	N/A
Disparate Impact?	No	N/A*

**Disparate Impact and Disproportionate Burden (DI/DB) tests are only conducted for protected groups.*

D. Disproportionate Burden Analysis Results (Low-Income Participants)

To measure if there is a disproportionate burden placed on low-income participants as a result of access to the Clipper BayPass, we need to compare the proportion of low-income and not low-income program participants to regional transit ridership. Table 6 compares the measured difference between eligible BayPass recipients and regional transit ridership to the 8% disproportionate burden threshold. **Based on this comparison, the difference in access to Clipper BayPass does not rise to the level of a disproportionate burden.** Low-income transit riders have a higher rate of access to Clipper BayPass than regional transit ridership, but it remains within the threshold.

Appendix B contains the demographic profile by participating institution and the regional transit ridership, weighted by BayPass usage, underlying these aggregate values.

Table 6: Disproportionate Burden Calculation

	Low-Income	Not low-income
Eligible BayPass Recipients	41.9%	58.1%
Regional Transit Ridership	35.6%	64.4%
Difference	6.3%	-6.3%
Threshold	-8.0%	N/A
Disparate Impact?	No	N/A*

*Disparate Impact and Disproportionate Burden (DI/DB) tests only conducted for protected groups

E. Summary

Based on the results of this analysis, the proposed Clipper BayPass Program would not result in a disparate impact or disproportionate burden for regional transit riders protected under Title VI of the Civil Rights Act. Overall, minority and low-income populations had a higher rate of access than their proportion of regional transit ridership. There are no mitigation measures required for the program.

F. Subsequent Analyses

The current Clipper BayPass Program does not result in disparate impacts or disproportionate burdens for protected populations, but if the program underwent substantive changes, MTC should complete a new Title VI Fare Equity Analysis. Changes that would trigger the requirement of a new Title VI Analysis include substantive institution criteria changes or changes to the payment requirements or structure. Substantive criteria changes may include the introduction or removal of institutional categories; any requirements related to the size or location of institutions that may impact the types of institutions that are eligible; or eligible pass recipient criteria at individual institutions. Changes to the payment requirements may include introducing enrollment options for individuals or requiring institutions to enroll individual participants. Changes to the payment structure may include setting an individual pass cost. If MTC opts to make the BayPass Program permanent after 2027 with no substantive changes to the Program, they should discuss whether a new Title VI Fare Equity Analysis is needed with the FTA.

IV. Appendices

A. Appendix A

DISPROPORTIONATE IMPACT / DISPROPORTIONATE BURDEN THRESHOLDS

The Federal Transit Administration (FTA) Circular 4702.1B requires transit agencies that receive federal funds to adopt their own Disparate Impact (DI) and Disproportionate Burden (DB) policies through their Title VI programs. Bay Area transit agencies have established DI/DB thresholds ranging from 5% to 20%. Table 7 summarizes the thresholds used by the major agencies and NVTa.

Table 7: DI/DB Thresholds in Recent Fare Equity Analyses

Agency	Disparate Impact Threshold	Disproportionate Burden Threshold
BART	For across-the-board fare changes: 5% or more comparing minority riders versus non-minority riders; For fare type changes: 10% or more comparing affected fare type's protected ridership share and the overall system's protected ridership share; For new fares, including new modes or media: applicable difference is equal to or greater than 10%.	For across-the-board fare changes: 5% or more comparing low-income riders versus non-low-income riders; For fare type changes: 10% or more comparing affected fare type's low-income ridership share and the overall system's low-income ridership share; For new fares, including new modes or media: applicable difference is equal to or greater than 10%.
SFMTA Muni	8% or more comparing impacted minority populations versus system-wide minority populations	8% or more comparing impacted low-income populations versus system-wide low-income populations
VTA	10% or more comparing minority riders versus non-minority riders	10% or more comparing low-income riders versus non-low-income riders
Caltrain	10% or more comparing minority riders versus non-minority riders	10% or more comparing low-income riders versus non-low-income riders

Agency	Disparate Impact Threshold	Disproportionate Burden Threshold
Golden Gate Transit	10% or more comparing minority riders versus non-minority riders	10% or more comparing low-income riders versus non-low-income riders
Tri Delta*	10% or more comparing minority riders versus non-minority riders	10% or more comparing low-income riders versus non-low-income riders
AC Transit	15% or more comparing people of color riders versus non-people of color riders	15% or more comparing low-income riders versus non-low-income riders
SamTrans	20% or more comparing minority riders versus non-minority riders	20% or more comparing low-income riders versus non-low-income riders
County Connection	20% or more comparing minority riders versus non-minority riders	20% or more comparing low-income riders versus non-low-income riders
Marin Transit	20% or more comparing minority riders versus non-minority riders	20% or more comparing low-income riders versus non-low-income riders
Napa Valley Transit Authority	No defined threshold. Compares percent minority population in ridership to general population within one-quarter mile of transit stops.	No defined threshold. Compares percent of households under 200% of federal poverty level in ridership to general population within one-quarter mile of transit stops.

B. Appendix B

SUMMARY TABLES

Table 8: BayPass Phase 2 Demographic Profile by Institution

Institution	Category	Participants	White	Non-white	Low-income	Not low-income
SFSU Students	Educational	22,634	22.4%	77.6%	60.1%	39.9%
UCSF Students*	Educational	3,184	26.1%	73.9%	-	-
City of Menlo Park	Employer	202	36.4%	63.6%	11.1%	88.9%
Alameda TMA**	Employer	1,015*	61.0%	39.0%	5.1%	94.9%
OpenAI	Employer	1,600	66.2%	33.8%	15.3%	84.7%
Piedmont Gardens	Employer	234	39.5%	60.5%	48.1%	51.9%
UCSF Employees	Employer	7,716	37.0%	63.0%	6.0%	94.0%
Alameda TMA**	Housing	1,057*	37.0%	63.0%	10.9%	89.1%
Foon Lok East	Housing	124	44.4%	55.6%	54.0%	46.0%
Kiku Crossing	Housing	225	44.4%	55.6%	54.0%	46.0%

* UCSF Students not included in income reporting.

** Alameda TMA conducted a supplemental survey asking BayPass pilot participants to identify whether they were affiliated as employees or residents of member institutions. The survey results showed that 49% of respondents were employees and 51% were residents. Based on these percentages, MTC weighted the total participant counts to allocate Alameda TMA members between the employer and housing categories in the analysis

Table 9: Aggregate Participant Profile

Category	Participants	White	Non-white	Low-income	Not low-income
Educational	25,842	22.9%	77.1%	60.1%	39.9%
Employer	11,219	44.3%	55.7%	8.3%	91.7%
Housing	1,658	38.5%	61.5%	19.9%	80.1%
ALL	38,719	29.8%	70.2%	41.9%	58.1%

Table 10: Regional Transit Ridership Demographic Profiles

Operator	Aggregate Trips (Jan. 2025)	White	Non- white	Low- income	Not low- income
AC Transit	10,677	15.7%	84.3%	55.3%	44.7%
BART	26,156	25.4%	74.6%	31.0%	69.0%
Caltrain	6,353	37.8%	62.2%	16.5%	83.5%
East Bay*	329	16.7%	83.3%	59.5%	40.5%
Golden Gate Ferry	459	79.6%	20.4%	11.0%	89.0%
Golden Gate Transit	327	54.0%	46.0%	41.0%	59.0%
Napa Solano**	10	13.4%	86.6%	59.6%	40.4%
SF Muni	68,116	32.8%	67.2%	37.6%	62.4%
SMART	9	60.5%	39.5%	24.9%	75.1%
SamTrans	772	14.4%	85.6%	62.2%	37.8%
Union City	3	-	100.0%	51.9%	48.1%
VTa	258	14.9%	85.1%	55.9%	44.1%
WETA SF Bay Ferry	5,509	46.4%	53.6%	11.5%	88.5%
Total	118,978	30.6%	69.4%	35.6%	64.4%

**East Bay is an aggregation of ridership from East Bay transit agencies not including AC Transit and Union City Transit.*

*** Napa Solano is an aggregation of ridership from Napa and Solano counties.*