

MINUTES OF THE OCTOBER 2, 2017 LAVTA BOARD MEETING

1. Call to Order and Pledge of Allegiance

Meeting was called to order by Board Chair Karla Brown at 4:03pm

2. Roll Call of Members

Members Present

Don Biddle – Vice Mayor, City of Dublin
Karla Brown – Councilmember, City of Pleasanton
Jerry Pentin – Vice Mayor, City of Pleasanton
Steven Spedowski – Vice Mayor, City of Livermore
Bob Coomber – Councilmember, City of Livermore
Scott Haggerty – Supervisor, County of Alameda
David Haubert – Mayor, City of Dublin

3. Meeting Open to Public

Robert S. Allen

Robert Allen addressed the Board of Directors regarding the Bart to Livermore Connection. Mr. Allen explained that BART has run for twenty years to the Tri-Valley with its existing turnback facilities and extending BART to Isabel will not involve more turnback moves than now. Mr. Allen noted the extension does not require adding a shop or the extensive car storage proposed. Only a turnback like the existing one in Dublin is needed. Mr. Allen stated that if Alternatives 2 (DMU/EMU) or 3 (Express Bus) worked they both would block BART trains from Isabel and there is clearly no need at Isabel for a shop or car storage with Alternative 1. Mr. Allen's DEIR comments expressed the need to keep all the BART tracks within a widened freeway median. Mr. Allen suggests a plan to add a shop and car storage with alternate extension to Greenville which is Livermore's preference for BART.

4. September Wheels Accessible Advisory Committee Minutes Report

Wheels Accessible Advisory Committee (WAAC) Chair Herb Hastings stated he is now the acting Chair for the current year. Mr. Hastings reported that in September's meeting the WAAC discussed electing a Vice Chair at the November meeting, the successful Alameda County Fair shuttle bus, and the Dial-A-Ride Operations report. During the September WAAC Helen Buckholtz recommended increasing Fixed Route service in West Dublin

5. Consent Agenda

Recommend approval of all items on Consent Agenda as follows:

A. Minutes of the September 11, 2017 Board of Directors meeting.

B. Treasurer's Report for the month of August 2017

The Board of Directors approved the August 2017 Treasurer's Report.

C. Transit Signal Priority Upgrade Project

Scope of Work for Design and Project Management

The Board of Directors approved Resolution 32-2017 awarding the TSP Upgrade Project task order contract to LAVTA's on-call contractor Kimley Horn for a not-to-exceed amount of \$256,285.18 with a contingency amount of \$25,628.51 (10%).

Approved: Biddle/Pentin

Aye: Biddle, Haubert, Pentin, Brown, Spedowfski, Coomber, Haggerty

No: None

Absent: None

6. MOU with Central Contra Costa Transit Authority

Staff provided an update on the Memorandum of Understanding (MOU) with Central Contra Costa Transit Authority to the Board of Directors. Recognizing the limitations with LAVTA's staff management is recommending a partnership with Central Contra Costa Transit Authority (CCCTA) to manage LAVTA's SAV program and CCCTA's envisioned SAV program. CCCTA's Director of Innovation and Shared Mobility, Rashidi Barnes, has the ability to manage both the LAVTA SAV project and an envisioned CCCTA project. Both projects eventually can merge in a joint effort to use SAVs as a first/last mile solution along the I-580/I-680 corridors. The MOU envisions that CCCTA will fund the agency's Director of Innovation and Shared Mobility as a financial contribution to the partnership. LAVTA will provide funding from the Bay Area AQMD.

Supervisor Scott Haggerty stated he has concerns, because Bay Area AQMD funds do not have strings attached and the money CCCTA has many strings attached and wants to know how LAVTA will make sure the Bay Area AQMD \$1 million dollars stays separate from CCCTA's money. Staff responded that this is the first time LAVTA has been made aware that the CCCTA Director of Innovation and Shared Mobility funds may have strings attached and proposes staff figure out a plan to keep the funds separate. Supervisor Scott Haggerty also is concerned that this was his idea and that LAVTA is turning it over to CCCTA and he does not like that. Supervisor Scott Haggerty hopes that Dublin staff will continue to be involved, but is concerned that LAVTA's board will no longer control the project. Supervisor Scott Haggerty suggested the formation of a Steering Committee with the Mayor/Councilmember, Supervisor Scott Haggerty, and a couple of representatives from Contra Costa County that will oversee this project.

Vice Mayor Jerry Pentin stated that in the Finance and Administration Committee his understanding regarding how the money would be divided is the Director of Innovation and Shared Mobility was fully funded to do the project and the Bay Area AQMD funds would be used for the study, work, and testing in Dublin. Vice Mayor Jerry Pentin explained that if there are constraints with the CCCTA Director than he agrees with Supervisor Scott Haggerty with having a Steering Committee.

Mayor David Haubert requested that legal language to assist with protecting LAVTA's project be added to the MOU. Mayor David Haubert explained that having staff involved is important and that someone report to our Board would be helpful as well as a Steering Committee.

Councilmember Karla Brown wanted to know if CCCTA is leading with their talent and LAVTA is providing the funds if there is an issue with being understaffed. Executive Director

Michael Tree explained that staff is okay in a supporting role providing guidance working with the Director of Innovation and Shared Mobility and keeping the project focused. It is difficult for Executive Director Michael Tree to envision one of staff being the point person in developing the SAV project and carrying it through. Executive Director Michael Tree explained that this is why LAVTA looked at how a partnership could accomplish a lot of different things and assist with the staffing issue.

Vice Mayor Don Biddle feels this would serve the Tri-Valley in a positive way.

Vice Mayor Steven Spedowski wanted a clear understanding that none of the funding that LAVTA secured would be used to fund CCCTA Director of Innovation and Shared Mobility. Staff responded that is correct. Vice Mayor Steven Spedowski would like LAVTA to stay directly involved in the project and would like that added with language in the MOU.

The Board of Directors requested a Subcommittee made up of members from Alameda and Contra Costa County and one representative from Dublin and modifications to the MOU to be presented at the November 6, 2017 meeting.

7. SB 1 and State Transit Assistance (STA) Population-Based Funds

Staff provided an update on SB1 and State Transit Assistance (STA) Population Based Funds to the Board of Directors. Senate Bill (SB) 1 provides funding for public transit, including formula-based and competitive funding. The State Transit Assistance (STA) program will be boosted by approximately \$250 million per year from an increase in the diesel sales tax of 3.5 percent. The augmentation of the revenue based funds will come directly to LAVTA from the state. Metropolitan Transportation Commission (MTC) is now taking the opportunity of this funding augmentation to revisit their standing policy of how they distribute STA population based funds in the region. LAVTA usually gets between \$500 thousand to \$1 million dollars in these funds for operating purposes per year. MTC proposed two funding options: 1) Devolves most of the program to the County Congestion Management agencies, so for LAVTA that would mean going to the Alameda County Transportation Commission (ACTC) instead of MTC and has received support; 2) Take all the funding and place it in a regional program for lifeline transportation needs as well as a regional means based fare program, but has not received much support. Executive Director Michael Tree met with MTC staff, East Bay CMA staff, and the East Bay small operators on September 28, 2017. The next step in this process is to engage with ACTC staff and discuss their thoughts on this proposal. The policy making schedule for MTC in November an informational item will go to programing and allocation committee and action no sooner than December, so LAVTA does have time to work out our concerns. MTC told LAVTA that they do not want to do us harm and requested that we present a proposal that will make LAVTA feel satisfied under this scenario. LAVTA would like to approach ACTC and/or MTC with funding amounts that we feel like keeps existing policies continuing and working fine for LAVTA. This would result in a healthy infusion of new flexible operating funding for the agency.

Vice Mayor Jerry Pentin stated that in the Finance and Administration Committee they made clear that the worst case scenario would be that we had our legislator vote for SB 1 and that LAVTA would end up with less funds. Not only will our gas tax rise, but LAVTA's gas taxes for the agency will rise. This is not something that would be expected with passing SB 1 over the next ten years. Vice Mayor Jerry Pentin would be very disappointed if MTC would come back with some sort of new program that would result in less funding for this agency. Staff

stated that LAVTA does pay sales tax on diesel fuel and that's where these STA funds come from. Legal Counsel Michael Conneran noted this money is sales tax and that he would check on diesel fuel being taxed.

Supervisor Scott Haggerty stated that the commission completely changed and that is why for the first time in the history someone is repeating something that happened ten years ago and it has never happened before. LAVTA needs to engage ACTC, but also the instrumental person Jim Spering from Solano County, Art Dao, Supervisor Scott Haggerty, someone from Contra Costa County Daryl Halls, and Randell Iwasaki to discuss what we want and then make it happen. Supervisor Scott Haggerty stated that he needs to get a better lay of the land to fight this and does not feel he has a complete understanding currently.

Vice Mayor Don Biddle asked what ACTC's role is and can we count on them. Staff responded that in the past ACTC has had no role in programming or distributing these funds and it is MTC's responsibility per state law, but they wish to devolve that responsibility to the Counties.

This was informational only.

8. Update on AB 758 and the Alameda – San Joaquin Regional Rail Working Group

Staff provided an update on Assembly Bill (AB) 758 and the Alameda – San Joaquin Regional Rail Working Group to the Board of Directors. AB 758 was recently approved and has been sent to the Governor for signature. The Governor's staff called LAVTA staff and they talked at length about the project. On January 1, 2018 the Tri-Valley – San Joaquin Valley Regional Rail Authority will be effective with 15 members. For the first eighteen months LAVTA will provide administrative services for the new authority. The legislation has bullet points to accomplish in the scope of work in the first 18 months. Consultants will play a major role to help complete this project, but there is day to day administration that needs to be completed. Frank Wilson resigned, so moving forward there is an option to hire another Executive Consultant or Executive Director Michael Tree could be the Executive Director and provide 90% of his time to the Authority. Executive Director Michael Tree would not resign from LAVTA, but take on enhanced responsibilities moving forward. The Finance and Administration also discussed a Deputy Executive Director to take on more of the day to day responsibilities for LAVTA.

Supervisor Scott Haggerty stated that passing AB 758 was a remarkable achievement and he gives credit to Assemblywoman Baker and Eggman, Michael Tree, and Marianne Payne. Supervisor Scott Haggerty feels it was the right time for Frank Wilson to leave and would not support hiring anyone else. Supervisor Scott Haggerty feels Michael Tree is the right person to fill this position. Supervisor Scott Haggerty advised that if the Board asks Michael Tree to take on this added responsibility they should look at paying Michael a footnote out of the funds from MTC and keep him on as the LAVTA Executive Director. Supervisor Scott Haggerty also thinks that the Alameda-San Joaquin Regional Rail Working Group should consider paying Marianne Payne as a consultant to date. Supervisor Scott Haggerty also requested Michael Tree to decide on whether he needs a full-time Deputy Executive Director.

Vice Mayor Steven Spedowfski agreed with Supervisor Scott Haggerty and thanked Executive Director Michael Tree and Marianne Payne for their hard work.

Vice Mayor Don Biddle also agreed with Supervisor Scott Haggerty regarding hiring Michael

Tree to take on this responsibility.

Councilmember Karla Brown stated that if Michael Tree steps into a more aggressive role in the Tri-Valley – San Joaquin Regional Rail Authority we need to make sure what we do day to day that this Board is covered and that means that Christy and Tamara will do more. The Board will look for guidance from Executive Director Michael Tree if additional staff is needed temporarily or full-time, because the last thing needed is a high turnover in staff from taking on more than they can handle without you as their leader.

Vice Mayor Jerry Pentin informed the Board that the Finance and Administrative Committee discussed that the appointment of a Deputy would take a Deputy stage pay and it would be nice if it was covered by MTC or supported by San Joaquin. Having Michael Tree as the administrative staff for the Authority is wonderful, but the Board of Directors role is to make sure LAVTA is on the straight and narrow. Also not costing LAVTA in personnel or cost.

Supervisor Scott Haggerty informed LAVTA that he does not believe MTC will pay for a Deputy. Vice Mayor Jerry Pentin followed up asking if MTC would pay for the Authority staff. Executive Director Michael Tree answered yes.

Legal Counsel Michael Conneran stated that Executive Director Michael Tree has received direction from the Board and will come back to the Board in November with a proposal for the opportunity to vote on.

This was informational only.

9. Final Draft BART to Livermore DEIR Comments

Staff provided an update on the Final Draft BART to Livermore DEIR Comments to the Board of Directors. At the September 11th Board meeting BART presented the DEIR and comments were provided by the Board. At the September 11th meeting the Board directed staff to collect comments from the three Tri-Valley cities and the Alameda-San Joaquin Regional Rail Working Group. LAVTA received comments from the City of Dublin, City of Livermore, Alameda-San Joaquin Regional Rail Working Group, and the Project and Services Committee. Currently the City of Pleasanton is still working on their comment letter. The comment letter is being updated by LAVTA as we receive feedback. LAVTA is seeing similar comments regarding size and cost of the shop and yard, parking spaces at Isabel, and right of way issues/concerns. Comments are due October 16th and will be mailed out by Executive Director Michael Tree.

Supervisor Scott Haggerty asked what happens if he does not like the comments provide by the City of Pleasanton. Staff responded that they would be excluded from the comment letter. Executive Director Michael Tree proposed LAVTA hone in the Draft comments and then work with the Chair and Vice Chair to review the comments prior to providing the letter to BART.

Vice Mayor Steven Spedowfski assumed that the City of Livermore comments will change and commented that the mere suggestion that allocating any of the project cost towards that service yard is okay, since Livermore has contributed more than their share into the BART system without any service. Funds are being generated for BART and they are turning money down for parking in Dublin and Pleasanton. Vice Mayor Steven Spedowfski would like the comment changed to “the service yard should be fully funded by BART outside of this project or taken out completely”. Vice Mayor Steven Spedowfski also mentioned that the service station could

be at Fallon and the DMU/EMU could meet up at a platform there. Then the service yard could be eliminated.

The Board requested Executive Director Michael Tree to send the refined version of Frank Wilson's comments regarding the BART to Livermore DEIR.

This was informational only

10. Executive Director's Report

Executive Director Michael Tree noted that the monthly summary statistics for Wheels Fixed Route had an error, but was corrected. Ridership for the month of August was 8.1% higher than last year. LAVTA is concerned about having an efficient number of operators, so a temp agency may be utilized. Dublin ridership has substantially increased 40% at the beginning of the academic year and LAVTA is concerned about meeting the needs of school trippers. Staff provided a brief update on Dublin school tripper routes. Buses are picking up about sixty passengers per vehicle and LAVTA is not leaving school trippers behind. A pilot early/late bird service will begin on October 21st. LAVTA also met with Dublin Unified School District on September 27th regarding service recommendations for modifications. LAVTA staff will be preparing a scope of work for the study in October and hopefully awarded by the end of the year.

Councilmember Karla Brown asked why a large increase in Dublin school trippers. Mayor David Haubert responded stating that they are mostly freshman and sophomore students without vehicles. When the 9th and 10th grade class grows by 40% you can see an increase in ridership. LAVTA was not made aware of the increase during the school enrollment period and that makes it difficult for bus service planning. Mayor David Haubert suggested maybe a phone application for students registering for school that will ride the bus, so LAVTA would know how many students will ride every day for planning purposes. Mayor David Haubert thanked LAVTA staff for everything that we have done, but Mayor David Haubert is being contacted on social media regarding what the City/Mayor will do to correct the situation. Mayor David Haubert is asking to be included on meetings with staff, between now and next fall have more periodic updates, and for LAVTA to watch social media to see the fake news regarding our bus service. Mayor David Haubert is concerned that school trippers are standing on buses going onto the freeway and would like to see a seat for every student. Mayor David Haubert feels it is wrong to have them standing, since an accident could occur and it would be a liability for LAVTA. Mayor David Haubert would like buses pulled from regular routes (however many it takes), so a student can get a seat on the bus. If federal law needs to be changed, so this agency can schedule buses than we should ask for it. Mayor David Haubert stated LAVTA must find a way to serve our most profitable route. Mayor David Haubert is not being critical of LAVTA, because he is very thankful. Mayor David Haubert is asking LAVTA and thanking us in advance of what needs to be done to be part of the solution together.

Vice Mayor Don Biddle mentioned that their experience in Dublin is that the school district blames the City for all of their ills, so it might work that same way with LAVTA.

Staff told the Board that LAVTA does not have access to all of the social media posts and would like to monitor it, but need access. Mayor David Haubert will look into this further to give LAVTA access to where comments are being posted.

Vice Mayor Steven Spedowsfki reiterated from past meetings the need to look into subscription bus service for school trippers. Vice Mayor Jerry Pentin explained that the demographics are only going to get worse in regards to school trippers and a subscription is a discussion we may need to have.

Legal Counsel Michael Conneran commented as general counsel for the school bus agency in Danville/San Ramon that it is funded with county sales tax money, primarily a little bit of developer fees, and the parents pay. The Danville/San Ramon program is very successful and is on the other side of the line of a federally funded transit agency that is not technically supposed to supply school bus service. LAVTA does everything that we can within the federal rules to provide school tripper service. Danville/San Ramon agency uses all local money and the buses are more designed for school students.

Councilmember Karla Brown acknowledged and thanked Tamara Edwards for the 21st consecutive year LAVTA received the prestigious Certificate of Achievement for Excellence Award in Financial Reporting.

11. Matters Initiated by the Board of Directors

None.

12. Next Meeting Date is Scheduled for: November 6, 2017

13. Adjournment

Meeting adjourned at 5:27pm.