

STAFF REPORT

SUBJECT: Revised Resolution in Support of Participation in the Metropolitan Transportation Commission's Clipper START! Pilot Program

FROM: Michael Tree, Executive Director

DATE: November 2, 2020

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**Action Requested**

The Projects and Services Committee recommends the Board of Directors authorize the Executive Director to provide the Metropolitan Transportation Commission (MTC) with a revised resolution indicating LAVTA's desire to participate in MTC's Clipper START! pilot program.

**Background**

The Metropolitan Transportation Commission (MTC) has established an 18-month pilot program to offer discounted transit fares to low income individuals. Known as Clipper START!, the program will allow adults who live in the Bay Area and whose annual earnings are up to 200 percent of the federal poverty level to qualify.

**Discussion**

In July, the Board adopted a resolution authorizing the Executive Director to notify MTC of our desire to participate in this pilot program. Subsequently, MTC has developed a template resolution that they would like all participating agencies to adopt, which is why this revised resolution is being brought before the Board.

**Budget**

Riders using the Clipper START! card will receive a 20 percent discount on fares. MTC will be using Cares Act funding to reimburse LAVTA for half of that discount, up to \$98,992. The remainder of the discount will be recovered using our Low Carbon Transit Operations Program (LCTOP) funds. We view the program as an opportunity to assist Tri-Valley residents who may be economically challenged in the months ahead.

**Recommendation**

The Projects and Services Committee recommends the Board of Directors authorize the Executive Director to provide the Metropolitan Transportation Commission (MTC) with a revised resolution indicating LAVTA's desire to participate in MTC's Clipper START! pilot program.

Attachments:

1. Resolution 31-2020

2. Staff Report and Adopted Resolution on July 2020
3. Minutes of July 6, 2020 Meeting

*Submitted:* \_\_\_\_\_

**RESOLUTION 31-2020**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE  
AMADOR VALLEY TRANSIT AUTHORITY AUTHORIZING  
PARTICIPATION IN THE METROPOLITAN TRANSPORTATION  
COMMISSION'S CLIPPER START! PILOT PROGRAM**

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, transit affordability has been highlighted as a regional issue in MTC's Coordinated Plan, Plan Bay Area and other plans; and

WHEREAS, MTC has established the regional framework for the Regional Means-Based Transit Fare Pilot Program to improve transit affordability and access to opportunity for eligible low-income residents; and

WHEREAS, MTC has adopted a regional framework for the program, with participating operators, funding guidelines, and program conditions, pursuant to MTC Resolution No. 4320, Revised, to guide implementation of the Clipper START Pilot Program for the 18-month period spanning Fiscal Year 2020-21 and Fiscal Year 2021-22; and

WHEREAS, MTC used the process and criteria set forth in Attachment A of Resolution No. 4439 to program funds appropriated in the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the expansion of Clipper START Pilot to operators (Cohort 2) beyond the four (Cohort 1) operators as established in Resolution No. 4420; and

WHEREAS, the Livermore Amador Valley Transit Authority (LAVTA) has followed its Board-adopted fare policies and processes to be in compliance with Title VI analysis prior to implementing the Means-Based Fare Program; and

WHEREAS, LAVTA recommends that its Board of Directors authorize a resolution of support for LAVTA to participate in the Regional Means-Based Fare Program (Clipper START), to be funded in part under the Regional Means-Based Fare Program; and

WHEREAS, LAVTA agrees to meet project delivery and obligation deadlines, comply with funding conditions placed on the receipt of funds allocated to the Regional Means-Based Fare Program (Clipper START), and satisfy all other conditions set forth in MTC Resolution No. 4320, Revised, and MTC Resolution No. 4439, and

WHEREAS, LAVTA certifies that the project(s) and purpose(s) for which funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 1500 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and

WHEREAS, there is no legal impediment to LAVTA making the funding request; and

WHEREAS, there is no pending or threatened litigation which might in any way adversely affect the ability of LAVTA to deliver the proposed project(s) for which funds are being requested; and

WHEREAS, MTC will reimburse participating operators based on Clipper START ridership actual trips taken and MTC will take programming action to establish the maximum amount for each participating operator; now, therefore, be it

RESOLVED, that LAVTA requests that MTC program funds available under its Clipper START Pilot Program, in the amounts requested for which LAVTA is eligible, which is up to \$98,992; and

RESOLVED, that staff of LAVTA shall forward a copy of this Resolution, and such other information as may be required, to MTC, the Alameda County Transportation Commission (ACTC), and such other agencies as may be appropriate.

APPROVED AND PASSED this 2nd day of November 2020.

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Bob Woerner, Chair

ATTEST:

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Michael Tree, Executive Director

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

**S T A F F   R E P O R T**

**SUBJECT:** Resolution in Support of Participation in the Metropolitan Transportation Commission's Clipper START! Pilot Program

**FROM:** Michael Tree, Executive Director

**DATE:** July 6, 2020

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**Action Requested**

Staff recommends the Board of Directors authorize the Executive Director to notify the Metropolitan Transportation Commission (MTC) of LAVTA's desire to participate in MTC's Clipper START! pilot program.

**Background**

The Metropolitan Transportation Commission (MTC) has established an 18-month pilot program to offer discounted transit fares to low income individuals. Known as Clipper START!, the program will allow adults who live in the Bay Area and whose annual earnings are up to 200 percent of the federal poverty level to qualify. The pilot originally included only BART, Caltrain, Golden Gate Transit, Golden Gate Ferry, and Muni.

**Discussion**

MTC has now invited the transit operators in the East Bay to participate in Clipper START!. Because of the way the Clipper program is configured, all East Bay operators, including LAVTA, County Connection, WestCAT and Tri Delta Transit must have the same fare policy rules, meaning we would all have to participate or not participate. I discussed the program with the other agencies and we have decided as a group to seek to be included in the pilot. The 18-month pilot period starts on July 15, even though none of us are collecting fares at the present time. Clipper will be responsible for all program means testing and for issuing cards to eligible individuals. The discount will be embedded into the card, similar to the Senior and Youth Clipper Cards.

**Budget**

Riders using the Clipper START! card will receive a 20 percent discount on fares. MTC is considering the use of Cares Act funding to reimburse LAVTA for half of that discount. The remainder of the discount will be recovered using our Low Carbon Transit Operations Program (LCTOP) funds. We view the program as an opportunity to assist Tri-Valley residents who may be economically challenged in the months ahead.

**Recommendation**

Staff recommends the Board of Directors authorize the Executive Director to notify the Metropolitan Transportation Commission (MTC) of LAVTA's desire to participate in MTC's Clipper START! pilot program.

Attachments:

1. Resolution 24-2020

*Submitted:* \_\_\_\_\_

**RESOLUTION NO. 24-2020**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE  
AMADOR VALLEY TRANSIT AUTHORITY AUTHORIZING  
PARTICIPATION IN THE METROPOLITAN TRANSPORTATION  
COMMISSION'S CLIPPER START! PILOT PROGRAM**

**WHEREAS** the Metropolitan Transportation Commission (MTC) has established a pilot program called Clipper START!, which offers discounted fares to low income transit riders; and

**WHEREAS** the MTC has solicited Bay Area transit agencies to participate in the pilot and will subsidize up to a 10 percent discount on fares under this program; and

**WHEREAS** the Livermore Amador Valley Transit Authority has Low Carbon Transit Operations Program (LCTOP) funds that can be used to the remaining amount of the proposed 20 percent discount;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of Directors that the Livermore Amador Valley Transit Authority's Executive Director is authorized to notify MTC of our desire to participate in the Clipper START! pilot program.

**APPROVED AND PASSED** this 6th day of July 2020.

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Bob Woerner, Chair

**ATTEST:**

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Michael Tree, Executive Director

**MINUTES OF THE JULY 6, 2020 ZOOM TELECONFERENCE**  
**LAVTA BOARD OF DIRECTORS MEETING**

**1. Call to Order and Pledge of Allegiance**

Meeting was called to order by Board Chair Bob Woerner at 4:00pm. Chair Bob Woerner dispensed the Pledge of Allegiance, due to this being a Zoom teleconference meeting.

**2. Roll Call of Members**

**Members Present**

David Haubert – City of Dublin  
Melissa Hernandez – City of Dublin  
Scott Haggerty – County of Alameda  
Jerry Pentin – City of Pleasanton  
Karla Brown – City of Pleasanton  
Bob Woerner – City of Livermore  
Bob Coomber – City of Livermore

**3. Meeting Open to Public**

The following comments were received by members of the public during the item via Zoom, phone, and email.

Steven Dunbar

Steven Dunbar informed the Board of Directors that he sent Public Comment in the form of an email with a list of ideas to consider. Steven Dunbar noted that the ideas on his list do not have to happen immediately, but with LAVTA's Short and Long Range Transit plans and Valley Link he is hopefully LAVTA will look at a couple of the suggestions he made in the email.

Chair Bob Woerner pointed out that the Board of Directors cannot take any action on Steven Dunbar's item, but may discuss it at matters initiated on Agenda Item 11.

Herb Hastings

Herb Hastings informed the Board of Directors he was only saying hello and would provide the Tri-Valley Accessible Advisory Committee (TAAC) report out on the minutes at the next Board meeting.

Michael Conneran, Legal Counsel summarized an email received from a member of the public listed below, into the record:

Sue Compton

CEO Sue Compton from Axis Community Health is located on West Las Positas Boulevard in Pleasanton. Sue Compton noted they are a community health center with a Wheels bus stop located adjacent to their facility and they are appreciative of the ease of access. Sue Compton emphasized the value of Wheels Route 14 in providing access to their facility. Executive Director Michael Tree followed-up by stating this public comment was probably related to Agenda Item 4. D. on the consent calendar.



#### 4. Consent Agenda

**Recommend approval of all items on Consent Agenda as follows:**

**A. Minutes of the June 8, 2020 Board of Directors Special meeting.**

**B. Treasurer's Report for May 2020**

The Board of Directors approved the May 2020 Treasurer's Report.

**C. MV Transportation, Inc. (MV) Payment Agreement**

The Board of Directors approved Resolution 21-2020, Authorizing the Executive Director to extend the payment agreement with MV on a month-to-month basis until service returns to pre-COVID levels, or when the agency reaches a stable level of service.

**D. Approval of Resolution Authorizing an Application for Lifeline Transportation Program Cycle 6 Funding**

The Board of Directors approved Resolution 18-2020, in support of a funding request to MTC for the Cycle 6 Lifeline Transportation Program for continued operations of Wheels Route 14 serving North Livermore.

**E. Approval of Resolution Designating Applicant's Agent for Non-State Agencies to Obtain Federal and/or State Disaster Assistance Funding**

The Board of Directors approved execution of Form 130, designating LAVTA's authorized Agent to apply for and receive funding from the Federal Emergency Management Agency and/or California Governor's Office of Emergency Services for disaster assistance funding in connection with the declared COVID-19 disaster.

**F. Establishing Standing Committees and Memberships**

The Board of Directors confirmed and Resolution 23-2020, establishing standing committees, memberships, and officers.

Approved: Haggerty/Haubert

Aye: Pentin, Woerner, Brown, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

#### 5. Executive Director's Report

Executive Director Michael Tree noted that most of the Executive Director's Report was discussed at length during the Project and Services Committee meeting and that the Board of Directors had a chance to review the information prior to this meeting. Executive Director Michael Tree informed that there are updates on the Board agenda in regards to some of the items in his Executive Director's Report, but he did include a comprehensive review of the Valley Link project and asked if they would like to discuss any of the items in his report.

The Board of Directors had no questions or discussion on this agenda item.

## **6. Atlantis Transit Facility – Schematic Design**

Staff provided the Atlantis Transit Facility – Schematic Design to the Board of Directors and noted that during the June 2020 Projects and Services (P&S) Committee meeting there were comments about the building layout and timeline of this project and the Zero-Emission Bus (ZEB) Study. Staff introduced Mike Mowery of Kimley-Horn and Associates who presented a brief update on the Atlantis Transit Facility and addressed the P&S Committee member comments regarding the building layout. Staff also provided a detailed timeline of the Atlantis Transit Facility Project and the ZEB Study.

The item was discussed by the Board of Directors, staff, and the presenter. Board Member Karla Brown asked about the separation of bathrooms facilities, a shared air flow system and how that works, what type of solar would be used, and will LAVTA still accommodate the parking spaces we currently rent to Google and commercial bus systems when the facility is built. Mike Mowery responded that on the ground level there are separate bathroom facilities and on the second floor there may be a potential to add bathrooms on the LAVTA Administration side. Mike Mowery informed that they will probably have two HVAC systems, due to how zones work and that both architects have a MEP consultant on their teams. Mike Mowery acknowledged that he had discussions with LAVTA Staff and that silver solar panels are being considered in the paved area where the buses are parked, but there could be a loss of parking spaces when a solar array is added and that would mean some buses would be parked in another location on-site. Staff also stated that additional solar panels may be placed in the employee parking area near the Administration Office. Executive Director Michael Tree informed that he believes LAVTA could continue to rent some space. Chair Bob Woerner requested that the next time Mike Mowery presents a design to explicitly discuss the air flow and what their plans are to make sure there is no type of containment buildup in the HVAC system.

The Board of Directors approved approve Resolution 20-2020, authorizing the Executive Director to execute a Contract Task Order 4 between LAVTA and Kimley-Horn and Associates in the amount of \$450,000 to assist with project management services for schematic design of the LAVTA Atlantis Transit Facility. Please note the Projects & Services Committee supported the resolution for the execution of CTO 4 in the amount of \$350,000.

Approved: Haggerty/Hernandez

Aye: Pentin, Woerner, Brown, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

## **7. Modification 6 to Contract with MTM for Paratransit Operations**

Staff provided background of the contract with MTM for Paratransit Operations to the Board of Directors. LAVTA entered into an agreement with MTM in 2014 for the management, maintenance, and operations of the Paratransit services. The base term of the contract was for three years with four one-year option terms. Staff informed that LAVTA has exercised three of the four option terms and the last one ended on June 30, 2020, so LAVTA is requesting to

executive Modification 6 to the contract. Staff noted that Modification 6 will be for six months and would use this time to issue a new solicitation.

Taking into account the time for a formal solicitation the Board of Directors authorized the Executive Director to execute Modification #6 with MTM to extend the current payment agreement and exercise the last option term until December 31, 2020. Since the monthly supplemental agreement was based on trip volume, the Board approved that it be waived and revert back to the pre-COVID pricing structure of a per trip cost when the average weekday trip volume for any month is 100 or more trips. The new pricing structure will be as follows:

<b>Tier</b>	<b>Number of Trips per Month</b>	<b>Price per Trip</b>	<b>Change from Previous Rates</b>
1	Up to 4,199	\$36.94	\$0.72 or 2%
2	4,200 – 6,699	\$36.05	\$0.70 or 2%
3	4,700+	\$34.85	\$0.68 or 2%

Approved: Haggerty/Pentin

Aye: Pentin, Woerner, Brown, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

## 8. Legislative Update

Staff provided the Board of Directors a brief follow-up to the Legislative Update and support position recommended by that the Finance and Administration (F&A) Committee at their June 23, 2020 meeting. The F&A Committee approved one support position for the public transit provisions of H.R. 2, the INVEST in America Act for the full board to consider in accordance with LAVTA's adopted Legislative Program. Staff informed that the H.R. 2 bill started about one month ago as a proposal in the House Transportation and Infrastructure Committee known as the INVEST in America Act; which was to reauthorize the Federal Surface Transportation Program (FAST Act) that expires on September 30, 2020. This bill also included emergency funding for transit in FY21, in addition to a five-year funding authorization covering FY21 to FY25. Staff highlighted that this would increase programmatic funding for public transit by 72% over FAST Act levels for the next five years. Staff announced that since the F&A Committee meeting, the House voted on H.R. 2 and passed the bill, with Rep. Eric Swalwell as a co-sponsor. Staff informed that the bill will now go to the Senate, but they are currently at recess and will return later this month. Staff noted that it's possible the Senate will take up surface-transportation reauthorization when they return, since the current Federal Surface Transportation Authorization (FAST Act) expires on September 30, 2020.

The Board of Directors approved a SUPPORT position for the public transit provisions of H.R. 2, the INVEST in America Act/Moving Forward Act.

Approved: Brown/Haubert

Aye: Pentin, Woerner, Brown, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

**9. Resolution in Support of Application for FY 20-21 Funding through the State Transit Assistance State of Good Repair Program**

Staff informed the Board of Directors that LAVTA receives an annual allocation from the State Transit Assistance Program that can be used for State of Good Repair (SGR) maintenance needs, and these revenues come from vehicle registration fees, so they aren't as impacted at this time in terms of revenue levels compared to other programs that are sales or use tax based. Staff emphasized that under these circumstances LAVTA recommends using the funding to support preventative maintenance and in order to maximize LAVTA's ability to flex funds normally designated for capital expenditures for short-term operating needs.

The Board of Directors approved Resolution 22-2020 in support of an allocation request to MTC and Caltrans for the State Transit Assistance State of Good Repair (SGR) Program.

Approved: Pentin/Brown

Aye: Pentin, Woerner, Brown, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

**10. Resolution in Support of Participation in the Metropolitan Transportation Commission's Clipper START! Pilot Program**

Staff provided an overview of the Metropolitan Transportation Commission's (MTC) Clipper START! Pilot Program to the Board of Directors. Staff informed that the START! Program provides discounted fares to low income individuals and low income being defined as 200% of the Federal poverty level. Staff explained that the START! Program would be administered through Clipper and is an automatic discount when the patron utilizes their Clipper card on the vehicle. Staff acknowledged that MTC originally only planned on having five agencies participate in this program, but they set aside CARES Act funds to allow other agencies to participate in an eighteen-month pilot program.

The Board of Directors approved Resolution 24-2020, authorizing the Executive Director to notify the Metropolitan Transportation Commission (MTC) of LAVTA's desire to participate in MTC's Clipper START! pilot program.

Approved: Pentin/Brown

Aye: Pentin, Woerner, Brown, Haggerty, Coomber, Haubert, Hernandez

No: None

Abstain: None

Absent: None

**11. Matters Initiated by the Board of Directors**

Chair Bob Woerner requested Executive Director Michael Tree to provide thoughts on how to respond to the suggestions received for Public Comments via email from Steven Dunbar. Executive Director Michael Tree informed that he felt Steven Dunbar's email was well put together and Staff would like to explore his suggestions further, so there is a video conference setup for Thursday afternoon with Steven Dunbar to have further discussions. Chair Bob Woerner informed that a Staff Report does not need to come back to the full Board, but a quick note summarizing the status would be sufficient.

**12. Next Meeting Date is Scheduled for: August 3, 2020**

**13. Adjournment**

Meeting adjourned at 4:53 pm.