

S T A F F R E P O R T

SUBJECT: Public Input on COVID-19 Emergency Service Changes

FROM: Tony McCaulay, Director of Planning and Marketing

DATE: February 1, 2021

Action Requested

None – information only.

Background

LAVTA’s Public Hearing Policies and Procedures, approved by the LAVTA Board in December 2008 (Attachment 1), sets forth specific circumstances under which a public input process should be conducted as a result of service or fare changes. Typically, any service change affecting more than 25 percent of the daily miles of service operated on a route would trigger the necessity of a public input process.

The policy provides exceptions for minor changes in fares or service or for emergency service changes expected to last less than 180 days. If the changes ultimately continue to remain in effect for more than 180 days, they are then subject to the requirement for a public input process. LAVTA’s service reductions implemented as a result of the COVID-19 pandemic have now been in place for more than 180 days.

At the December 7 Board of Directors meeting, staff was directed to open a public comment period regarding emergency service changes that have been implemented as a result of reduced ridership attributable to the COVID-19 pandemic.

Discussion

The public was notified about the public input process through a variety of mechanisms, including:

- Notices posted in multiple locations on all buses, translated in five languages (English, Spanish, Chinese, Korean and Tagalog)
- Advertisements placed in the Pleasanton Weekly and Livermore Independent and published on two occasions in both papers.
- A press release
- A notice posted on Nextdoor
- Postings on our wheelsbus.com website, Facebook and Twitter

In response to this solicitation of public input, one response was received. That response was from regular rider Robert Fleming. His comment was “From what I’ve seen so far since

COVID-19 hit, the service has taken a serious hit, as far as ridership! I believe the bus service changes were warranted. I've had no issues personally with the changes, because I believe LAVTA had to make the changes. Personally, I'm just glad Wheels is still running! Keep up the good work.”

Staff will continue to monitor ridership, information from the Alameda County Public Health Department and updates from area school districts to guide resumption of additional service above the currently operated level. At this time, no changes are recommended.

Recommendation

None – information only.

Attachments:

1. LAVTA’s Public Participation Plan

Approved: _____

ATTACHMENT 1: LAVTA'S PUBLIC PARTICIPATION PLAN**PUBLIC HEARING POLICIES AND PROCEDURES****Adopted December 1, 2008****I. BACKGROUND**

The Livermore Amador Valley Transit Authority (LAVTA) is required by Federal law to establish a policy which describes a process to solicit and consider public comment prior to raising fares or implementing a major reduction of transit services.

II. LAVTA POLICY

1. It shall be LAVTA's policy that public comments be solicited prior to:

- (i) Any permanent change which increases fares on LAVTA's/WHEELS fixed route service.
- (ii) Any permanent change which increases fares on LAVTA's Dial-A-Ride paratransit service.
- (iii) A twenty-five percent (25%) or more reduction of the number of daily transit revenue vehicles of a route; i.e., the total number of miles operated by all vehicles in revenue service for a particular day of the week on an individual route.
- (iv) A twenty-five percent (25%) or more reduction of the number of transit route miles of a route; i.e., the total mileage covered during the one round trip by a vehicle in revenue service on a particular route.
- (v) Proposed introduction of a new route.

2. It shall be LAVTA's policy that the following are ordinarily exempt from the requirement of public comment and public hearing:

- (i) A minor change in fare or service. Examples would be temporarily reduced or promotional fares, minor reroutes or minor temporary reroutes due to street construction or minor schedule changes.
- (ii) Experimental or emergency service or fare changes expected to exist fewer than 180 days and standard seasonal variation in service. If these changes ultimately continue to remain in effect for more than 180 days, they will be the subject of public comment and public hearing.

III. PROCEDURES**1. PRIOR COMMITTEE CONSIDERATION**

All public hearings are to be called by a LAVTA Committee or the Board of Directors. However, when authorized by the Chair, the Executive Director may call a public hearing that is required by law or by District policy when doing so would move the process forward in a timely manner.

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As a general rule, no hearing will be called until the subject of the hearing has been reviewed by the Operations Committee. In particular with regard to the proposed implementation of a new or revised route, LAVTA staff will recommend to the Operations Committee, as well as to Board Members from affected cities that do not serve on the Operations Committee, the specific element(s) in the Public Outreach Toolbox (see attachment) to use for the public hearing.

The Operations Committee report to the Board should identify the subject of the hearing, explain what objectives are sought to be achieved by the proposal which will be considered at the hearing and indicate whether the hearing is legally required prior to Board action on the subject. The report shall also address whether there is a particular sector of the public that needs to be involved. However, if time does not permit prior committee consideration, the Executive Director may refer the matter directly to the Board.

2. PUBLIC NOTIFICATION

When required, the public comment process will generally begin with the publishing of a notice 30 calendar days in advance of the public hearing date in the local newspaper of general distribution. Shorter notice may be given when permitted by law and when financial, operational, or scheduling considerations make it infeasible to provide 30 days advance notice. At a minimum, the notice must be published at least 10 days prior to the hearing. LAVTA will also post the notice publicizing the hearing on its website.

If specific groups or neighborhoods would be affected by a proposed change, LAVTA shall use best efforts to publish the notice in newspapers, if any, oriented to such groups or neighborhoods and to otherwise publicize the hearing to reach such groups or neighborhoods.

This notice will set a specific place, date and time for one or more public hearings. Written comments will also be accepted on the proposed changes until the opening of the public hearing.

3. SCHEDULING PUBLIC HEARING(S)

The public hearing(s) will be scheduled at a time, date and place designated in the public notice. The facility utilized for public hearings will be accessible to persons with disabilities. Special arrangements will be made for sight or hearing impaired persons if requested.

4. PROCEDURE FOR CONDUCTING PUBLIC HEARING

Forms will be available to attendees to register their presence and desire to speak. Public hearings will begin with a reading of the public notice, purpose and

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proposed action which necessitated the public hearing. After an explanation of the proposed action is completed, the public will be invited to offer their comment. Limitations may be established on the length of oral presentations in order to afford all members of the public a reasonable opportunity to speak. After all registered persons have commented, a final opportunity will be offered for any additional public comment. This offering will precede the close of the public hearing.

At the close of the public hearing, it will be announced where the item will next be heard, either before a committee or the Board. At the subsequent committee or Board meeting, the Executive Director will provide a report summarizing and responding to key comments made by the public.

5. ADDRESSING PUBLIC COMMENTS RECEIVED

All relevant comments received verbally or in writing at a public hearing, or as otherwise conveyed to LAVTA prior to the established deadline, will be entered into the public record of the comment process. Additionally, comments regarding route changes submitted by the public subsequent to the last service change shall be entered into the public record. Subsequent to the public comment period, staff will evaluate and analyze all relevant comments received and prepare a written summary report of significant issues raised during the public comment period for consideration by the LAVTA Board of Directors.

6. SUBSEQUENT BOARD CONSIDERATION AND ACTION

Consideration of and action on all fare increase or major changes in service held at a subsequent committee or Board meeting after the public hearing shall not require further published notice. Notice of the agenda of such committee or Board meeting shall be provided in accordance with regular LAVTA procedures.