

STAFF REPORT

SUBJECT: Funding Agreement with the City of Pleasanton for ADA Transportation Services

FROM: Christy Wegener, Executive Director

DATE: December 5, 2022

Action Requested

Staff requests the Board of Directors approve Resolution 46-2022 allowing the Executive Director to enter into a Memorandum of Understanding (MOU) with the City of Pleasanton to relinquish their TDA 4.5 funds and a percentage of the ACTC Measure BB funds and to complete the transfer of ADA transportation services from Pleasanton to LAVTA.

Background

In 2017, LAVTA and the Pleasanton Paratransit Program (Pleasanton Rides) engaged Nelson Nygaard, an industry leader in transportation planning, to explore the effectiveness of the current organization, management, and delivery of paratransit services in the Tri-Valley and prepare recommendations for service improvements. The City Paratransit services provided transportation for seniors and people with disabilities residing in Pleasanton. While LAVTA provided services to people with disabilities in Pleasanton, Dublin and Livermore. Therefore, both LAVTA and Pleasanton Rides provided paratransit services to Pleasanton residents.

Nelson Nygaard provided a comprehensive study of paratransit services called Mobility Forward: Tri-Valley Paratransit Study. The goals of the study were to continue to meet paratransit needs of Tri-Valley residents; identify opportunities for greater partnership and efficiencies between the City and LAVTA; and/or identify opportunities for consolidation or re-organization of paratransit services in the Tri-Valley. The study evaluated current service delivery and determined how to best meet residents need. A final report of the study was adopted by the Board in 2019.

This staff report addresses one of the four final report recommendations – Transfer Americans with Disability Act (ADA) services from the City to LAVTA. disabilities with a sub-recommendation to operate Pleasanton Rides as a senior transportation service for older adults, utilizing a contractor instead of City staff.

Currently, the City of Pleasanton receives transportation funding from MBB and MTC TDA 4.5 funds for both paratransit (senior riders) and ADA services.

Discussion

LAVTA provides ADA transportation services to approximately 316 Pleasanton residents, resulting in roughly 4,802 annual trips. This number is expected to increase over the next few years, rising to 8,239 annual trips in 2024. LAVTA estimates the cost to provide ADA service to Pleasanton residents to be approximately \$330,000 in fiscal year 2022/23, \$412,000 in fiscal year 2023/24, and \$471,000 in fiscal year 2024/25.

In consideration of an equitable revenue sharing option, Nelson Nygaard developed different funding options for the City and LAVTA to consider. Options provided all Pleasanton MTC TDA 4.5 funds and a portion of MBB funds to LAVTA. The suggested revenue sharing arrangement was based upon retaining the Pleasanton Rides program without impact to the general fund, maintaining an adequate MBB reserve fund balance to purchase program vehicles, and providing some City transportation specific funds to LAVTA. City staff evaluated all financial options and proposed a revenue sharing arrangement where LAVTA would receive all the City’s MTC TDA 4.5 monies and an increasing share (25% up to 35%) of the City’s Measure BB monies.

Fiscal Impact

Estimated Pleasanton Rides Available Funds (prior to revenue sharing)			
	FY 23	FY 24	FY 25
Measure BB	\$542,000	\$569,100	\$597,500
MTC TDA 4.5	\$105,000	\$110,200	\$115,700
Total Available	\$647,000	\$679,300	\$713,300
Estimated Costs for LAVTA			
LAVTA cost to transport Pleasanton ADA residents	\$330,400	\$412,339	\$471,715
Pleasanton revenue share with LAVTA	\$120,250 (50% MTC TDA 4.5 + 12.5% MBB) (prorated six months)	\$280,980 (100% MTC TDA 4.5 + 30% MBB)	\$324,907 (100% MTC TDA 4.5 + 35% MBB)
Total LAVTA Obligation	(\$210,150)	(\$131,359)	(\$146,808)
Estimated Totals for Pleasanton Rides			
Expense	\$454,000	\$476,000	\$515,000
Revenue	\$526,750 (50% MTC TDA 4.5 + 87.5% MBB) (six months)	\$398,370 (0% MTC TDA 4.5 + 70% MBB)	\$388,411 (0% MTC TDA 4.5 + 65% MBB)

The City of Pleasanton will share the transportation-specific funds with LAVTA:

Fiscal Year 2022/23 (half of a year) – 50% of City MTC TDA 4.5 and 12.5% of MBB funds (12.5% is based upon a full year at 25%) - **\$120,250**

Fiscal Year 2023/24 - 100% of City MTC TDA 4.5 and 30% of MBB funds - **\$280,980**

Fiscal Year 2024/25 - 100% of City MTC TDA 4.5 and 35% of MBB funds - **\$\$324,907**

The City and LAVTA staff have drafted a MOU (attached) with the proposed end date of June 2025 to allow both the City and LAVTA to assess ridership and cost trends and adjust future MBB funding as needed. MBB funds have historically increased year-to-year but, the increase varies. A more accurate revenue sharing discussion is recommended towards the end of this MOU term.

Recommendation

Staff recommends that the Board of Directors approve Resolution 46-2022 allowing the Executive Director to enter into a Memorandum of Understanding (MOU) with the City of Pleasanton to relinquish their TDA 4.5 funds and a percentage of the ACTC Measure BB funds and to complete the transfer of ADA transportation services from Pleasanton to LAVTA.

Attachments:

1. Resolution 46-2022
2. Draft Memorandum of Understanding

Approved: _____

RESOLUTION 46-2022

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER IN AN MOU WITH THE
CITY OF PLEASANTON TO RECEIVE FUNDING FOR ADA PARATRANSIT
SERVICES FOR PLEASANTON RESIDENTS**

WHEREAS, in 2017 the City of Pleasanton and LAVTA entered into a study to determine the best manor to provide service to mutual customers; and

WHEREAS, the final report from the study was adopted by both the LAVTA Board of Directors and Pleasanton's City Council in 2019; and

WHEREAS, the study found that LAVTA and the City of Pleasanton have provided duplicate American with Disabilities Act (ADA) services; and

WHEREAS, one of the recommendations of the study was to transfer ADA services from the City of Pleasanton to LAVTA; and

WHEREAS, the City of Pleasanton wishes to implement this recommendation and to share the costs of current and future Pleasanton ADA trips;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Livermore Amador Valley Transit Authority to accept the funding for the services from the City of Pleasanton; and

BE IT FURTHER RESOLVED by the Board of Directors of the Livermore Amador Valley Transit Authority to authorize the Executive Director to enter into an MOU with the City of Pleasanton, in a form approved by Legal Counsel; and

PASSED AND ADOPTED this 5th day of December 2022.

David Haubert, Chair

Attest:

Christy Wegener, Executive Director

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF PLEASANTON AND THE
LIVERMORE-AMADOR VALLEY TRANSIT AUTHORITY
TO RELINQUISH METROPOLITAN TRANSPORTATION COMMISSION –
TRANSPORTATION DEVELOPMENT ACT 4.5 FUNDS AND TO ALLOCATE AN
ANNUAL PERCENTAGE OF CITY OF PLEASANTON ALAMEDA
TRANSPORTATION COMMISSION – MEASURE BB FUNDS IN ORDER TO
TRANSFER THE OPERATION OF ADA TRANSPORTATION SERVICES FROM
PLEASANTON TO LAVTA**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into between the CITY OF PLEASANTON, a municipal corporation ("City"), and the Livermore-Amador Valley Transit Authority (“LAVTA”), each also individually referred to as "Party" and collectively referred to as the "Parties".

RECITALS

WHEREAS, City is dedicated to providing efficient and responsive senior citizen transportation for Pleasanton residents 70 and older through the Pleasanton Rides Program; and

WHEREAS, LAVTA provides equal access to a variety of safe, affordable and reliable public transportation choices, increasing the mobility and improving the quality of life of those who use their services; and

WHEREAS, LAVTA is the local mandated Americans with Disability Act (ADA) transportation provider; and

WHEREAS, City has provided duplicative ADA transportation services for Pleasanton residents and will no longer provide said services; and

WHEREAS, City agrees to relinquish its Metropolitan Transportation Commission – Transportation Development Act 4.5 funds for LAVTA to claim, and City agrees to provide a percentage of its Alameda Transportation Commission – Measure BB funds as described below; and

WHEREAS, LAVTA agrees to take over the operation of all ADA transportation services for Pleasanton residents; and

NOW, THEREFORE, the Parties agree as follows:

1. Cost sharing to off-set current and future Pleasanton ADA certified trips. City will provide LAVTA with the following funding allocation:

- a. City will relinquish its annual Metropolitan Transportation Commission – Transportation Development Act 4.5 fund allocation. LAVTA will need to request said funds to be directly allocated to LAVTA. For Fiscal Year 2022/23 City will relinquish 50% of its allocation, reflecting a January 1, 2023 effective date.
- b. City will complete an annual fund transfer, during the month of June, of its Alameda County Transportation Commission – Measure BB funds.
- c. City Measure BB fund allocations to be transferred with the following percentages:
 - i. Fiscal Year 2022/23 (half year allocation, January 1 to June 30) – 25%
 - ii. Fiscal Year 2023/24 – 30%
 - iii. Fiscal Year 2024/25 – 35%

2. **Requirements.** LAVTA must transport all Pleasanton residents that qualify for transportation services under the Americans with Disability Act. Said transportation services must start January 1, 2023 and continue through June 30, 2025. To secure these funds LAVTA must:

- a. Apply to the Metropolitan Transportation Commission to acquire the City of Pleasanton relinquished allocation of MTC TDA 4.5 funds.
- b. Invoice the City for the LAVTA portion of Measure BB funds. Invoices must be submitted by May 30 of each year, up to and including May 30, 2025. Invoice amount must equal the amount described in Section 1.c. City will pay invoice within 30 days or receipt of invoice. LAVTA shall send invoice to:

City of Pleasanton
123 Main Street
Pleasanton, CA 94566
Attn: Finance Department

3. **Term.** The term of this MOU begins on the date of the last signature below and ends June 30, 2025.

4. **Amendment.** This MOU may only be amended in writing and signed by both Parties.

5. **Notice.** Any notice required to be given by this MOU will be sufficient if hand delivered mailed or sent prepaid by commercial overnight delivery services as follows or to such other addresses as the affected Parties will specify in writing.

To City:
City of Pleasanton
123 Main Street
Pleasanton, CA 94566

To District:
Livermore-Amador Valley Transit Authority
1362 Rutan Court, Suite 100
Livermore, CA 94551

Attn: City Manager Attn: Interim Executive Director & Director of Finance

6. **Electronic Signatures.** This MOU may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.

CITY OF PLEASANTON

**LIVERMORE-AMADOR VALLEY TRANSIT
AUTHORITY**

Gerry Beaudin, City Manager

Christy Wegener, Executive Director

Dated: _____

Dated: _____

ATTEST:

Jocelyn Kwong, City Clerk

Jennifer Suda, Executive Assistant

APPROVED AS TO FORM:

Daniel G. Sodergren, City Attorney