LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY 1362 Rutan Court, Suite 100 Livermore, CA 94551

PROJECTS and SERVICES COMMITTEE MEETING / COMMITTEE OF THE WHOLE

COMMITTEE MEMBERS

DAVID HAUBERT – CHAIR JEAN JOSEY

KARLA BROWN – VICE CHAIR EVAN BRANNING

- **DATE**: Monday, September 25, 2023
- PLACE: LAVTA Offices, Room 110 1362 Rutan Court, Suite 100, Livermore

TIME: 4:00 p.m.

Agenda Questions: Please call the Front Desk at (925) 755-4555 or send an email to <u>cwegener@lavta.org</u>

Documents received after publication of the Agenda and considered by the Board of Directors in its deliberation will be available for inspection only via electronic document transfer, due to the COVID-19 outbreak. See the COVID-19 provisions outlined below. Please call or email the Executive Director during normal business hours if you require access to any such documents.

MEETING PROCEDURE

This Projects and Services Committee meeting will be conducted in person.

To submit written comments:

Public comments will be accepted via email until 1:00 p.m. on Monday, September 25, 2023 at <u>*cwegener@lavta.org.*</u> Please include "Public Comment P&S – 9/25/2023" and the agenda item in the subject line. In the body of the email please include your name. Public comments submitted will be read during Public Comment and will be subject to the regular three-minute time restriction.

AGENDA

- 1. Call to Order
- 2. Roll Call of Members

3. Meeting Open to Public

- Members of the audience may address the Committee on any matter within the general subject matter jurisdiction of the LAVTA Board of Directors.
- Members of the audience may address the Committee on items on the Agenda at the time the Chair calls for the particular Agenda item.
- Public comments should not exceed three (3) minutes.
- Agendas are published 72 hours prior to the meeting.
- No action may be taken on matters raised that are not on the Agenda.

4. Minutes of the August 28, 2023 Meeting of the P&S Committee.

Recommendation: Approval

5. 2023 Fixed Route Customer Satisfaction Survey

Recommendation: Staff recommends that the Projects and Services Committee consider and approve the forwarding of the findings of LAVTA's 2023 Customer Satisfaction Survey to the Board for their review and approval

6. Clipper Bay Pass Phase 2 Agreement

Recommendation: Staff requests the Projects and Services Committee forward a recommendation to the Board of Directors to authorize the Executive Director to sign the Clipper BayPass Phase 2 Participation Agreement.

7. Preview of Upcoming P&S Committee Agenda Items

- 8. Matters Initiated by Committee Members
- 9. Next Meeting Date is Scheduled for: October 23, 2023
- 10. Adjourn

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

In the event that a quorum of the entire Board is present, this Committee shall act as a Committee of the Whole. In either case, any item acted upon by the Committee or the Committee of the Whole will require consideration and action by the full Board of Directors as a prerequisite to its legal enactment.

I hereby certify that this agenda was posted 72 hours in advance of the noted meeting.

/s/ Jennifer Suda	9/20/2023
LAVTA Administrative Services Department	Date

On request, the Livermore Amador Valley Transit Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. A written request, including name of the person, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service should be sent at least seven (7) days before the meeting. Requests should be sent to: Executive Director Livermore Amador Valley Transit Authority 1362 Rutan Court, Suite 100 Livermore, CA 94551 Fax: 925.443.1375 Email: frontdesk@lavta.org

MINUTES OF THE AUGUST 28, 2023 LAVTA PROJECTS AND SERVICES COMMITTEE MEETING

1. Call to Order and Pledge of Allegiance

Committee Vice Chair Karla Brown called the meeting to order at 4:00pm.

2. Roll Call of Members

Members Present

Jean Josey, City of Dublin Evan Branning, City of Livermore David Haubert, Alameda County Karla Brown, City of Pleasanton

3. Meeting Open to Public

No comments.

4. Minutes of the June 26, 2023 Meeting of the P&S Committee.

Approved: Josey/Branning Aye: Josey, Branning, Brown, Haubert No: None Abstain: None Absent: None

5. Go Tri-Valley Contract Amendments

Staff provided a PowerPoint presentation on Go Tri-Valley with the background of the program and increased ridership numbers.

The Projects and Services Committee discussed this item with staff. Committee members had concerns over the increased ridership numbers. Staff indicated they would begin a program evaluation by the end of the calendar year.

The Projects and Services Committee recommended forwarding to the Board of Directors Resolution 23-2023, authorizing the Executive Director to execute amendments to the Go Tri-Valley contracts with Lyft, Inc. and Uber Technologies, Inc. to extend the contract terms and accommodate the increased ridership and subsequent annual program costs.

Approved: Branning/Josey Aye: Josey, Branning, Brown, Haubert No: None Abstain: None Absent: None

6. Update on Start of School Service

Staff provided a PowerPoint presentation regarding the update the on start of school service and highlighted the on-time performance and ridership the first few weeks of school. Ridership has been very heavy and staff are monitoring student loads. Staff have already made modifications to one route (Route 604) in Pleasanton and intend to shift the schedule of another route (Route 502) in Dublin to address late arrivals at Dublin High.

The Projects and Services Committee discussed this item with staff. Committee Member Jean Josey requested an update at the September Board meeting on the Alameda Student Pass Program. Vice Chair Karla Brown requested a press release on the Alameda Student Pass Program and LAVTAs bus system.

Vice Chair Karla Brown opened Agenda Item 6 for public comments and Staff informed the Committee that LAVTA received public comment from Shriram Naidu via email.

LAVTA received public comment via email on August 19, 2023 from Shriram Naidu a Dublin High School student regarding Route 502 morning and afternoon arrival issues with requested action to improve timeliness, efficiency, increase bus capacity and reduce average commute time. The public comment was posted online for review.

The Projects and Services Committee received and filed an update from staff on the Start of School service. This was an informational item only.

7. Preview of Upcoming P&S Committee Agenda Items

8. Matters Initiated by Committee Members

None.

9. Next Meeting Date is Scheduled for: September 25, 2023

10. Adjourn

Meeting adjourned at 4:47pm



Action Requested

Staff recommends the Projects and Services Committee consider and approve the forwarding of the findings of LAVTA's 2023 Customer Satisfaction Survey to the Board for their review and approval.

Background

LAVTA conducts an annual on-board survey to assess passenger satisfaction with respect to soft-product delivery in areas such as bus cleanliness and driver courtesy. Specifically, the results of the surveys are used to calculate service quality standard indicators upon which the operations contractor's annual incentives are based. Both fixed route as well as paratransit riders are surveyed; this report discusses the results from the fixed route survey.

Methodology

This year's survey was conducted during the months of May and June 2023, and was undertaken by the agency's own customer service staff as well as operations contractor staff. The surveyors rode various routes and asked each boarding passenger if they would like to complete a Wheels customer satisfaction survey. Surveyed trips were focused on the trunk routes #10 and #30, but also included surveying the shorter local routes. A limited number of school tripper routes were also included in the surveying roster. A total of 301 completed surveys were received for LAVTA's mainline service.

The survey questionnaire (Attachment 1) was based on the standard customer service survey LAVTA uses each year, and was provided to passengers in both English and Spanish.

Survey Results

The full tally of the 2023 survey results is shown in Attachment 2. The core component in the survey is a series of quality-of-service aspects that respondents are asked to grade on a scale of 1-5, such as schedule adherence, cleanliness of buses, and driver courtesy. The remainder of questions addresses rider profile, such as age and household income. The areas where respondents were asked to grade the service on a scale have been constant for many years, so changes in trends can be tracked. Some of the demographic questions did change this year, however, compared to the 2019 and earlier surveys.

<u>Quality of service</u>: As in recent years past, respondents this year gave the Wheels service fairly high marks on quality-of-service aspects, as indicated by their scoring on a 1-5 scale where 1 is the worst and 5 is the best. From the total set, the service quality aspects were given a 3-point grading or better by 96% of the respondents, a 4-point grading or better by 87%, and a 5-point grading by 65% or better of those surveyed.

These results appear to be indicative of a high degree of customer satisfaction with the Wheels soft product overall. The average rating across all quality-of-service scorings was 4.47; which was comparable to the average score of the last survey conducted in 2019. The areas that were rated the highest was feeling safe when riding the bus, friendliness of customer service staff, and buses being clean and well maintained. The lowest (4.2) rating was for bus stops being clean and well maintained. The lowest (4.2) rating was for bus stops being clean and well maintained. The survey saw little trend change from last year, where out of nine aspects probed, three were up, two were down, and four were the same compared with last year.

As in all years that the current survey format has been used, all quality rating areas continued to receive scores equaling or exceeding the agency-adopted goal of 4.0. The table below summarizes the quality-of-service scores given by passengers in this year's survey about Wheels.

Score	1	2	3	4	5	Avg Score	2019
Service operates on time	2%	2%	10%	31%	55%	4.3	4.2
Feel safe when riding the bus	2%	0%	5%	17%	76%	4.6	4.7
Drivers are helpful and friendly	1%	1%	6%	22%	70%	4.6	4.4
Route / service information easy to use	3%	3%	10%	17%	67%	4.4	4.5
Buses are clean and well maintained	1%	1%	6%	21%	70%	4.6	4.5
Transit Center is safe and secure	2%	4%	12%	16%	67%	4.4	4.4
Bus stops clean and well maintained	2%	7%	16%	24%	52%	4.2	4.2
Customer service staff friendly and helpful	2%	2%	8%	17%	71%	4.5	4.5
Overall opinion of Wheels service	2%	1%	4%	32%	62%	4.5	4.5
				Total		4.47	4.44

Respondents' General Profile

As previously indicated, the main purpose of the survey is to obtain passengers' grading of the quality aspects indicated above. However, the survey also asks a few basic supplemental questions related to rider profile, such as age, trip purpose, and ride frequency – keeping in mind that the trips that were surveyed were not technically drawn from a statistically valid random sample of all Wheels riders; some of these questions have changed since the last survey in 2019.

<u>Area of residence</u>: 87% of survey respondents stated that they live in the Wheels service area. The distribution by city here likely is a reflection of the routes that had a lot of surveys done on them, including routes 10, 30, especially in Livermore: the latter city was stated by 48% of respondents as their residence, while 26% and 13% stated living in Pleasanton and Dublin, respectively.

Area of Residence





Trip Purpose

<u>Trip purpose</u>: Of the 290 responses to this question, over half of the respondents on the mainline service indicated that that they were traveling to or from work, while 10% stated "school" as the purpose for their current bus trip. 13% of respondents stated that they were using the bus to go shopping, which is higher than in previous years, and 13% indicated "Other". This result is an indication that the Wheels service overall is primarily used for to commute to work - a trend that was reinforced further this year over previous years' results.

<u>Age</u>: For LAVTA's mainline service, 74% of the respondents were aged 54 or less, with 59% of respondents being between the ages of 19 - 54. Consistently with what has been observed in prior surveys, senior riders have a modest presence; this year alone only 16% percent of respondents stated their age as 55 or older.





<u>Household income</u>: When asked about annual Income, an overwhelming majority (68%) of riders indicated household earnings of less than \$50,000 per year, which is much higher than in previous years. 15% of respondents reported making between \$50,000 and \$100,000 a year, and the remaining 16% of respondents reported making at least \$100,000.

Source of service information

Google, 29% Transit App, 17% Printed sch, 9% Call Center, 9% Uisplay, 10% Other, 8% , 19%

Source of service information: The purpose of this question was to understand the different ways in which customers are accessing information regarding Wheels service. For the mainline service, 65% of respondents indicated that they are accessing information digitally, i.e., through the Wheels website, Google, or the Transit App. The rest of respondents are accessing information either by calling customer service, looking at printed schedules, bus stop displays or Other.

Discussion

As the results described above show, the Wheels fixed route service delivery is continuing to receive nominally high remarks in all quality-of-service aspects that are probed in the annual on-board passenger survey, and the average respondent this year scored the service quality very similarly across the board compared with the previous survey that was conducted in 2019.

On the latter, staff notes that the nominal improvement in the agency's on-time performance (OTP) metric appears to have moved the dial up only slightly in terms of passengers' perception of the service's timeliness.

The Wheels ridership base continues to a significant extent to be from low-income households, although not on the school-focused routes. Also, as the responses to the trip without-Wheels question indicate, most riders stated that they would have had alternative means of getting to their destination and thus are not captive to Wheels service.

Recommendation

Staff recommends that the Projects and Services Committee consider and approve the forwarding of the findings of LAVTA's 2023 Customer Satisfaction Survey to the Board for their review and approval.

Attachments:

- 1. Survey form (English version)
- 2. Detailed summary of results
- 3. Open-ended comments

WHEELS PASSENGER SURVEY RESULTS 2023 - TOTAL RESULTS MAINLINE

Dublin

Pleasanton Livermore

122

74

1. Area of Residence

6. Income

	35	71	132	36	274				
	13%	26%	48%	13%				Total	
2. Quality Rating								Responses	Total
2. Quanty Ruting	1	2	3	4	5	n/a	Avg Score	Received	Points
Service operates on time	7	5	28	91	160		4.3	291	1265
Feel safe when riding the bus	5	1	14	48	214		4.6	282	1311
Drivers are helpful and friendly	2	3	18	62	196		4.6	281	1290
Route / service information easy to use	7	9	29	47	185		4.4	277	1225
Buses are clean and well maintained	4	3	17	59	198		4.6	281	1287
Transit Center is safe and secure	5	10	31	42	180		4.4	268	1186
Bus stops clean and well maintained	5	19	45	67	145		4.2	281	1171
Customer service staff friendly and helpful	5	4	22	45	185		4.5	261	1184
Overall opinion of Wheels service	4	2	11	83	162		4.5	262	1183
Quality rating from above as percentages:									
	1	2	3	4	5	Avg Score	2019		
Service operates on time	2%	2%	10%	31%	55%	4.3	4.2	291	
Feel safe when riding the bus	2%	0%	5%	17%	76%	4.6	4.7	282	
Drivers are helpful and friendly	1%	1%	6%	22%	70%	4.6	4.4	281	
Route / service information easy to use	3%	3%	10%	17%	67%	4.4	4.5	277	
Buses are clean and well maintained	1%	1%	6%	21%	70%	4.6	4.5	281	
Transit Center is safe and secure	2%	4%	12%	16%	67%	4.4	4.4	268	
Bus stops clean and well maintained	2%	7%	16%	24%	52%	4.2	4.2	281	
Customer service staff friendly and helpful	2%	2%	8%	17%	71%	4.5	4.5	261	
Overall opinion of Wheels service	2%	1%	4%	32%	62%	4.5	4.5	262	
						4.47	4.44		
3. Trip Purpose	Work	Social	Shopping	School	Medical	Other	Tot resp		
	152	25	37	28	11	37	290		
	52%	9%	13%	10%	4%	13%			
4. Age	8-18	19-35	36-54	55-64	CE+	Tot roop			
4. Aye	41	89	<u> </u>		<u>65+</u> 29	Tot resp 291			
	14%	31%	84 29%	40 16%	29 10%	231			
	1470	3170	2370	10%	10%				
5. Household Size	1 ppl	2 ppl	3 ppl	4 ppl	5 or more	Tot resp			
	92	47	25	44	46	254			
	36%	19%	10%	17%	18%	-			

Other

Tot resp

<25k	25-49k	50-99k	100-149k	>150k	Tot resp
93	69	36	25	14	237
39%	29%	15%	11%	6%	

7. Frequency of Wheels rides	Daily	Almost Daily	Seldom	Tot resp
	161	85	27	273
	59%	31%	10%	

Yes	No	Tot resp
50	154	204
25%	75%	

9. Length of Wheels patronage

8. Use of Onboard WiFi

Average (yrs) TBD

10. Source of service information	Website	Call Center	Google	Transit App	Printed sch	Display	Other	Tot resp
	42	19	62	36	20	21	17	217
	19%	9%	29%	17%	9%	10%	8%	
11. Trip without Wheels?	Walk	Drive	Taxi	Bike	Get Ride	No Trip	Ride-hailing	Tot resp
	52 19%	23 9%	16 6%	42 16%	40 15%	29 11%	65 24%	267

Total mainline surveys received = 301

WHEELS – PASSENGER SURVEY 2023

1. Which general area do you live in? Check ONE.

□ Dublin □ Pleasanton □ Livermore

 \Box Other (specify) :

2. Please rate the Wheels service using a scale of 1-5, with 1 being the worst (strongly disagree) and 5 being the best (strongly agree).

Question	Score (1-5)
Transit services operate on-time	
I feel safe when riding the bus	
Drivers are helpful and friendly	
Schedule and map information is easy to understand	
Buses are clean and well-maintained	
Transit Center is safe and secure	
Bus Stops are clean and well maintained	
Transit Center (& Telephone) staff are friendly and helpful	
Overall opinion of Wheels service	

3. What was the main purpose in making your trip today? Check ONE.

Work	School	Shopping
Social Visit	Medical	Other (specify):
4. What is your age?		5. What is the size of your household?
8-18	55-64	Just me (one)
19-35	65+	2 persons 4 persons
36-54		3 persons 5 or more
6. Your annual househo	old income?	7. How often do you ride with Wheels?
Under \$25,000		Daily or almost daily
\$25,000-\$49,999		A couple of days per week
\$50,000-\$99,999		Occasionally/seldom or only today
\$100,000-\$149,9	99	
\$150,000+		8. I use the onboard Wi-Fi:YesNo
9. I have been riding W	vheels for (indicate n	number of mo/yr) :monthsyears
0		n from (for example: the Wheels website, Wheels c

all center, Google, mobile app (specify), printed schedules, bus stop display) :

11. How would you have made your current trip without the bus? Check ONE.

Walk	Get a ride	Use Wheels Dial-a-Ride service
Bike	Take a taxi	I would not have made this trip
Drive myself	Use Über or Lyft	

Please provide Wheels Management with your thoughts on how our service works for you and/or how we may improve our service.

ATTACHMENT 3

Heips me get to school every day. Bue stop will read more maintenance. All excellent There isn't really much. It is a fine system as it is. Really helpful. There isn't really much. It is a fine system as it is. Really helpful. There isn't really much. It is a fine system as it is. Really helpful. All good Heips me gat to work and back home. No comments. Thank You Coverage of Pleasanton is limited, I often have to walk 15 minutes when I get off the bus. Good service. Thank you for your service 'heart emoji' Toxix well but one day the fanded ir just saw me and it happened, the handlers should be more friendy It's good service. It deen't need to improve anything. Service is good 1 form then't to make improvement. Vary good be in Tong pipe to be yin need. To understand the weather not just waiting at the stop especially at night time. Add more service on the route \$41 hale living in sheller on Owners/Rosewood near Waiting at the store work and good forme. Just use at for work. Good service. It deen't need to be index for prevention schedules at little Fear The routes with inform the summer to work. Good so far: It accents the frequency of 30R service. It age me to where little's upper to be yin work to the Rose. More frequent tips on Route 1 to sync with BART. More frequent tips on Route 1 to sync with BART. More frequent tips on Route 1 to sync with BART. More frequent tips on Route 1 to sync with BART. More frequent tips on Route 1 to sync with BART. More frequent tips on Route 1 to sync with BART. More stored for the community. Works great for work to time. Briting back the 9:30 AM Route from Pleasanton BART. Good service. Heave now take but the time and a difference. Easy when driving. More stop for Bar oute, 1 Song service. Service is good or real. Service is good or real source. Service is go	Conserved Commonto	13
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On Saturdays the bus runs up to every hour 30R.
Later schedule 1-2:30 am. Sprone a both at Alameda District County! How much tod caleated collected on the bus. (*Merlin)
IDK Free
It's perfectly fine!
I like the bus. I think they should have a radio on the bus.
Go to Wheels office - nonstop 10R to BARTand bus to mall from Livermore.
Courtesy of drivers is wonderful Promptness of schedule is impressive.
Good.
Fine, I use it for getting to BART. Kind thanks.
Sure to get to work on time and to visit cities. Thank you.
So good.
"Thank you"
Mostly the bus has been great for me. I like all the bus drivers; they know me.
For 30R, can you add a stop near Outlets Premium?
Add more stops to the area to 20X bus stop.
100% well hospitality + nice person. Thank you.
Service is pretty good!
None :) Maybe make bus station more clean.
On the weekend when I took the bus more frequently.
Excellent serivce. Excellent.
Excellent. Works very good.
Service works well.
I am happy.
Overall very pleasant.
Good service.
Todo bien.
Better time schedule for bus connections.
All good. Only sometimes vases don't wait for people.
All good.
I think it's going well. Some driver leaves earlier than scheduled causing the wait for another bus for an hour.
10R is good but the Route 14/other routes don't have chargers on buses which would be helpful.
More clean buses and on time, besides that it's very good service.
l love it.
Having better call center support. Service is good but sometimes not on time.
I am contented with your service a little more improvement.
Looks good to me.
It run more often.
The stops are very clean.
Improvement on friendly drivers.
Allows me to go places easily and efficiently.
Good service.
I think the overall service is fine. It doesn't need much improvement.
On Valley & Pleasanton Ave needs another bus stop (please) & more garbage cans, especially on First & Neal going on 8 Route.
Thanks :)
Everything's fine. The service is almost perfect.
Today they have improved the services much better than before.
I get scared of the weird people who go on here. I enjoy the service itself and its availability. No suggestions.
Overall Wheels has been the best transit service I've used.
Excellent service.
The service is good, very punctual with schedules. I would like more hours on Saturday and Sunday.
It is disappointing that routes, route service hours, and bus frequency all keep getting reduced. Wheels bus service ends before BART
service ends, so late-night BART passengers have no Wheels ride.
Good.
Good. Satisfied.
For me it would be better if it came out every half hour and earlier or every day.
Doing well, just improve on scheduling/timing.
I commute to Ross for work & would appreciate if the Route 1 came more frequently since I transfer from BART.
The service is very good + senior fare is excellent!
Stops are too far apart.
Please be grateful that when a passenger gets on board, your accessory will be bad, as my mother had an accident when the
schedule went up in a basic time to transfer seo for more time x bass. I have a temporary handicap, cannot drive.
Wheels enables me to be able to go anywhere and I couldn't be a happier passenger.
Great.
My thoughts on Wheels are that I think it's awesome and the fares are reasonable.
Service is good.
It is competent and I like the drivers. Wish the stops could be cleaner.
Everything is okay, but I hope the bus stops could stay more clean.
Shorter hours.

On the signs that are posted when the streets are closed, there are times when they don't pass or they don't want to stop. Thank you.			
What is needed most is the kindness of the drivers and patience to ensure a happy trip.			
Great service.			
Repair display panels @ TC (real-time displays)			
More ample time with BART connections. Improve bus connections. Improve frequency on weekends (Route 10).			
Most, many (?) of Wheels drivers are scared to be around people. On cold freezing days, the buses tend to be colder. Why? A driver			
was scared of someone's cough, look on back he drove in the transit center. Parked at the edge, making us walk way up to our next			
stops. He didn't park correctly to me.			
You're great. Awesome thanks. Keep up the good work.			
No comment! You're doing just great!			
App works.			
l like it			
The Wheels bus service helps me gte to work as well as going around to grocery stores and fulfill other necessities.			
Comments on website seem to ask lots of personal info so I no longer use it.			
It perfect.			
As of now I am satisfied with your service especially the newly introduced 15 min schedule during the week. Include all bus stops with			
timers showing estimates of bus arrival time. I would like the schedules to be more punctual.			
I			
That there were more early-night hours :)			
Introduce customer & say hello and bye. And some drivers drive crazily, just need to slow down.			
Nothing to improve. Just wish to prove another way I'm a student.			
All good.			
Please don't diuret the uue, it is very painful in winter if you can do it.			
Give us monthly pass.			
I am grateful to have transportation. This is a really good help to people without cars.			
Need routes to Ruby Hill Country Club area or at least Holmes and Concannon. Buses need more USB ports. Some bus stops are			
clean and well-maintained, and others less so. <3 you guys.			
I like the routes it covers. Few more routes could be added going across Pleasanton & Dublin without having to transfer at BART			
Station every time.			
Service is great and easy.			
More routes in Dublin!			
Wheels is the best!			
Open ramp for wheelchairs.			
Early hours I need earlier 30R.			
On the weekend, 15 takes off quickly.			
Pry tour bist!			
The best :)			
It would be great considering BART timings like by the time I get off the bus, BART leaves. So 2-3 min earlier would be great.			
10 and 30R do not connect on holidays.			
Please make more routes more coherent.			
Timings, security, friendly service are keys for any success.			
Works good.			
On weekends dispatch does not speak Spanish. Need to add someone who speaks Spanish to hold bus.			
It's good, maybe when you transfer to another bus you miss it by just seconds or a minute.			
Excellent service keep it up.			
Everything is fine except when the bus passes BEFORE the scheduled time.			
That the buses were more on time.			
I like the service.			

Livermore Amador Valley Transit Authority

STAFF REPORT

SUBJECT: Clipper BayPass Phase 2 Agreement

FROM: Christy Wegener, Executive Director

DATE: September 25, 2023

Action Requested

Forward a recommendation to the Board to authorize the Executive Director to sign the Clipper BayPass Phase 2 Agreement with MTC.

Background

In November 2021, the Fare Integration Task Force adopted the Fare Policy Vision Statement directing staff to pilot a regional institutional pass product. In August 2022, the first phase of the Clipper® BayPass pilot was launched to pilot an unlimited-use product at four higher education institutions – the University of California, Berkeley, San Francisco State University, San Jose State University, and Santa Rosa Junior College. A second phase of the pilot is scoped to include up to 10 employers or institutions, whereby the Clipper BayPass product would be sold to employers or institutions at a revenue-neutral/positive price via one-year contracts for a maximum of a two-year Phase 2 pilot program. The cost of the passes will be determined by MTC staff and will be commensurate with the level of transit service nearby to the 10 selected employers.

Discussion

The launch of Phase 2 requires the execution of a Participation Agreement with transit operators and MTC. This Participation Agreement (Agreement), included as Attachment 1, details guiding principles for the pilot, describes program mechanics, including revenue distribution strategies, and codifies consent to participate in the pilot. The Agreement sets out key terms and principles for a Clipper BayPass Pilot Program Participation Agreement. This document is intended to guide the final development of a Participation Agreement for execution by transit operators by October 31, 2023, allowing the Phase 2 pilot program to launch in January 2024.

Fiscal Impact

There is no fiscal impact associated with this action. Per the Agreement, LAVTA will be compensated for any foregone fare revenue associated with BayPass Phase 2.

Recommendation

Staff requests the Projects and Services Committee forward a recommendation to the Board of Directors to authorize the Executive Director to sign the Clipper BayPass Phase 2 Participation Agreement.

Attachments:

1. Clipper BayPass Phase 2 Participation Agreement

CLIPPER® BAY PASS PILOT PROGRAM PARTICIPATION AGREEMENT

This Clipper® BayPass Pilot Program Participation Agreement (the "<u>Agreement</u>") is entered into as of the _____ day of _____, 2023 (the "<u>Effective Date</u>"), by and among the Metropolitan Transportation Commission ("<u>MTC</u>") and the following transit operators participating in the Clipper® BayPass Pilot Program (referred to herein individually as an "<u>Operator</u>" or collectively as the "Operators")¹:

Alameda-Contra Costa Transit District ("<u>AC Transit</u>"); Golden Gate Bridge Highway and Transportation District ("<u>GGBHTD</u>"); the San Francisco Bay Area Rapid Transit District ("BART"); the City and County of San Francisco, acting by and through its Municipal Transportation Agency ("<u>SFMTA</u>"); the San Mateo County Transit District ("<u>SamTrans</u>"); the Santa Clara Valley Transportation Authority ("<u>VTA</u>"); the Peninsula Corridor Joint Powers Board ("<u>Caltrain</u>"); Central Contra Costa Transit Authority; City of Fairfield, as the operator of Fairfield and Suisun Transit; City of Petaluma; Eastern Contra Costa Transit Authority; Livermore/Amador Valley Transit Authority; Marin County Transit District; Napa Valley Transportation Authority; Solano County Transit; Sonoma County Transit; Sonoma-Marin Area Rail Transit ("SMART"); Vacaville City Coach; Western Contra Costa Transit Authority; City of Santa Rosa; and City of Union City.

MTC and the Operators are referred to herein collectively as the "Parties" or individually as a "Party".

RECITALS

WHEREAS, on November 15, 2021, the Fare Integration Task Force, a special committee of the Clipper Executive Board, consisting of transit operators, MTC, and county transportation agencies, adopted a Bay Area Transit Fare Policy Vision Statement which called for the "deployment of an all-transit agency institutional/employer pass demonstration pilot in 2022, with a focus on educational institutions, affordable housing properties, and employers of various sizes, pending available resources/technical considerations;" and

WHEREAS, as of January 1, 2023 several Operators offer their own employer/institutional pass products, such as AC Transit's EasyPass Program, Caltrain's GO Pass Program, SamTrans' Way2Go Program, and VTA's SmartPass Program, collectively referred to as "Preexisting Institutional Pass Products;" and

WHEREAS, the Clipper BayPass Pilot Program was created in 2022 under the direction of the Fare Integration Task Force in order to deliver on the commitment to establish an institutional/employer pass pilot to evaluate the impact that an unlimited institutional regional transit pass may have on transit ridership, revenues, and customer experience. The Clipper BayPass Pilot Program is administered by staff from MTC and BART; and

WHEREAS, the Clipper BayPass Pilot Program utilizes the Clipper fare payment system product known as the "Events Pass". The Clipper BayPass Pilot Program provides individual participants with a transit pass good for unlimited travel on all transit services operated by the Operators that accept Clipper, with the exception of Cable Car service operated by the SFMTA ("Clipper BayPass").; and

WHEREAS, on August 1, 2022, the Parties launched Phase 1 of the Clipper BayPass Pilot Program at the University of California, Berkeley, San Francisco State University, San Jose State University, Santa Rosa Junior College and 13 affordable housing properties managed by MidPen Housing Corporation ("<u>Clipper BayPass Phase 1 Participants</u>"); and WHEREAS, Operators consented to participate in Phase 1 of the Clipper BayPass Pilot Program prior to the August 1, 2022 launch of the program through written consent, consisting of governing board approval and/or executive director/general manager approval as conveyed to MTC by respective Operators; and

WHEREAS, Clipper BayPass Phase 1 Participants received Clipper BayPass at no cost as each of these institutional participants was in an existing contractual relationship with at least one Operator to purchase a transit pass product that provided access to one or more Operators' transit service. MTC allocated State Transit Assistance funds to each Operator, starting in FY 2022-23 and to continue until the conclusion of the Phase 1 Pilot, to backfill any revenue impact from use of the Clipper BayPass by Clipper BayPass Phase 1 Participants; and

WHEREAS, Phase 2 of the Clipper BayPass Pilot Program will offer the Clipper BayPass product for sale to up to 10 employers and/or institutions in the Bay Area with a combined total of up to 20,000 individuals. Each employer/institutional customer of Phase 2, with the exception of Preexisting Institutional Pass Product customers, will enter into a one-year contract with MTC which will set forth the financial terms of the purchase of the Clipper BayPass product. Contracts will be subject to renewal on an annual basis, with financial terms subject to change. Preexisting Institutional Pass Product customers will maintain their existing contractual relationship with the Operator offering their Preexisting Institutional Pass Product with a separate additional contract with MTC for Phase 2 of the Clipper BayPass Pilot unless the Operator, MTC, and customer mutually agree to another contracting arrangement; and

WHEREAS, Phase 2 of the Clipper BayPass Pilot Program will begin on December 1, 2023 and continue to no later than June 30, 2026; and

WHEREAS, the Clipper BayPass program is designed with a goal of generating new riders and new revenue sources for transit operators, and to broaden access to institutional pass programs; and

WHEREAS, During Phase 2 of the Clipper BayPass Pilot Program, Clipper BayPass will not be offered at a price that undercuts the cost of any Preexisting Institutional Pass Products. The cost of Clipper BayPass to any employer will be above the cost of any Preexisting Institutional Pass Product for operators that serve the employer's physical location. Service is defined as a rail station or bus stop within three miles of an employer's physical location; and

WHEREAS, During Phase 2 of the Clipper BayPass Pilot Program in San Mateo County and Santa Clara County, Clipper BayPass will only be offered to Preexisting Institutional Pass Product customers of Caltrain's GoPass Program within three miles of a Caltrain rail station or VTA's SmartPass Program outside of three miles of a Caltrain rail station; and

WHEREAS, Phase 2 of the Clipper BayPass Pilot program is designed in a manner that protects existing transit operator revenues, especially for operators with existing institutional pass programs; and

WHEREAS, MTC and Clipper BayPass project staff will continue to engage with operator staff and executives to share pilot findings, project updates, and to collect feedback from transit operators about the program; and

WHEREAS, MTC and Clipper BayPass project staff will proactively seek input and consent from Operators before any long-term program is established; and

WHEREAS, it is the understanding of the parties that the pricing and revenue distribution terms in this agreement do not establish a precedent for pricing or revenue distribution in any post-pilot Clipper BayPass program that might be established. The terms of any such future program are subject to later negotiation. Any Operator will have the discretion to participate or not participate in any future post-pilot Clipper BayPass program that that might be established;

NOW, THEREFORE, in consideration of the facts recited above, the Parties agree as follows:

ARTICLE I Operator Responsibilities

Each Operator agrees to:

- A. Participate in the Clipper BayPass Pilot program for the remaining period of the Phase 1 Pilot, lasting until July 31, 2024.
- B. Participate in the Clipper BayPass pilot program for the entirety of the Phase 2 Pilot lasting from the Effective Date until no later than June 30, 2026.
- C. Provide in-kind staff and administrative support needed to successfully deliver and administer the Clipper BayPass Pilot program at the Operator.
- D. Partner with MTC, other Operators, and/or their designated third-party consultants for the Clipper BayPass Pilot to organize evaluation and research activities including surveys, focus groups, and other similar research methods over the course of the Pilot.
- E. Facilitate the payment to the Operator of revenues generated by the sale of Clipper BayPass to institutions during Phase 2 by MTC.

ARTICLE II MTC Responsibilities

MTC agrees to:

- A. Administer the Clipper BayPass Pilot program for the remaining period of the Phase 1 Pilot, lasting until July 31, 2024.
- B. Administer the Clipper BayPass Pilot program for the entirety of the Phase 2 Pilot lasting from December 1, 2023 until no later than June 30, 2026.
- C. Provide in-kind staff and administrative support needed to successfully deliver and administer the Clipper BayPass Pilot program, including managing the contractual relationship with employer customers, customer support, new business development, financial management, public information, communications, and technology support/operations.
- D. Provide regular updates to the Fare Integration Task Force or any designated successor body on the status of the Clipper BayPass Pilot program.
- E. Conduct an evaluation of the Clipper BayPass Pilot, as directed by the Fare Integration Task Force or any designated successor body.

- F. Collect revenue generated by sales from the Phase 2 Clipper BayPass Pilot Product ("Phase 2 revenue") under the terms of individual contracts with employer/institutional customers.
- G. Allocate Phase 2 revenues and any other approved funds to the Parties under the terms set forth in Article III.

ARTICLE III Program Revenues

- A. Any Phase 2 revenue generated by the sales of Clipper BayPass to an employer/ institutional customer that <u>was not</u> a customer of an Operator's Preexisting Institutional Pass Product on either January 1, 2020 or on the Effective Date shall be allocated by MTC amongst the Parties based on actual passenger usage of the Clipper BayPass Phase 2 product at a rate equal to a regular Adult Clipper fare for each trip taken.
- B. Any Phase 2 revenue generated by the sales of Clipper BayPass to an employer/ institutional customer that <u>was</u> a customer of an Operator's Preexisting Institutional Pass Product on either January 1, 2020 or on the Effective Date shall first be allocated to the Operator holding the Preexisting Institutional Pass Product contract with the employer/institutional customer in an amount equal to the cost of the Preexisting Institutional Pass Product for that employer/institutional customer during the current fiscal year at the time. Remaining revenues not allocated to the Operator holding the Preexisting Institutional Pass Product contract will be available to allocate according to the process described in subsection A.
- C. Should the Phase 2 revenue be in <u>excess</u> of the amount needed to reimburse Operators under the terms described in Article III, subsections A and B, these additional revenues up to a limit of \$1,000,000 or whatever costs were incurred by MTC to establish the Phase 2 program, whichever is less, shall be available to reimburse MTC for the operation and management of the Clipper BayPass Pilot program subject to the approval of the Fare Integration Task Force or any designated successor body. All additional excess revenues, beyond the limit described above, will be allocated to transit operators based on each operator's share of overall Phase 2 ridership.
- D. Should the Phase 2 revenue be insufficient to reimburse Operators under the terms described in Article III, subsections A and B, MTC may use budgeted and MTC Commission approved funds ("revenue backstop"), currently \$5,000,000 as of the Effective Date, as an alternative source of funding to reimburse Operators.
- E. The project team, consisting of MTC and BART staff, will keep the Fare Integration Task Force or any designated successor body updated on a regular basis on Phase 2 revenues, usage, and interested customers, and MTC will not enter into additional contracts with employer/institutional customers if it is determined by MTC that the \$5,000,000 revenue backstop may be insufficient to fully reimburse Operators the terms described in Article III, subsections A and B.
- F. Should any existing employer/institutional customer of one of the Operators' Preexisting Institutional Pass Products express an interest in purchasing the Clipper BayPass product, the Clipper BayPass will only be offered to the existing employer/institutional customer as upgrade to their Preexisting Institutional Pass Product. MTC will manage a

supplemental contract for the BayPass upgrade, and the Parties will strive to align operational processes between the Clipper BayPass and the Preexisting Institutional Pass programs.

ARTICLE IV Indemnification

- <u>A.</u> <u>Mutual Indemnification</u>. No Party to this Agreement (including any of its directors, commissioners, officers, agents or employees) shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by any other Party under or in connection with this Agreement. Pursuant to Government Code Section 895.4, each Party agrees to fully indemnify and hold other Parties harmless from any liability imposed for injury (as defined by Government Code Section 810.8) occurring by reason of anything done or omitted to be done by such indemnifying Party under or in connection with this Agreement and for which such indemnifying Party would otherwise be liable.
- <u>B.</u> <u>Operator Indemnification of MTC</u>. Notwithstanding the provisions of Subsection A above, each Operator shall indemnify, hold harmless, and defend MTC (including any of its directors, commissioners, officers, agents or employees) from any and all claims or liability resulting from any action or inaction on the part of such Operator relating to its responsibilities under or in connection with this Agreement.
- <u>C.</u> <u>MTC Indemnification of Operators</u>. Notwithstanding the provisions of Subsection A above, MTC shall indemnify, hold harmless, and defend each Operator (including any of its directors, commissioners, officers, agents or employees) from any and all claims or liability resulting from any action or inaction on the part of MTC under or in connection with this Agreement.

ARTICLE V Term

The term of the Agreement shall begin upon the Effective Date and continue until June 30, 2026, unless terminated by written agreement of the Parties.

ARTICLE VI Changed Circumstances

Any Party may initiate informal discussions among the Parties concerning the provisions of this Agreement, based on its assessment that changes in other factors external to the Agreement indicate that it would be in the best interests of one or more Parties to consider revisions to the Agreement. If a majority of Parties agree, the Parties will then jointly evaluate the changed circumstances to determine what, if any, revisions to the Agreement are necessary or desirable. Any agreed-upon changes shall require an amendment to the Agreement approved and executed by all Parties.

ARTICLE VII Legal Representation and Common Interest

The Parties recognize a mutuality of interest, and a need for joint cooperation in legal matters relating to Clipper. In furtherance of this common interest, any communications among Parties and counsel for any of the Parties shall be confidential and protected from disclosure to any third party by each and every privilege – including, but not limited to, the attorney-client privilege, the attorney work product privilege, and the pooled information privilege – notwithstanding the dissemination of the communications and work product among Parties by the counsel that made the information available in the first instance. If

information covered by the privileges is requested by a third party pursuant to a subpoena or other discovery request, then counsel receiving the request shall notify in a timely fashion the counsel who disclosed the information so that the privileges against disclosure may be asserted.

Should any Party withdraw from or otherwise terminate its participation in the Clipper program, such withdrawal or termination shall not impair the privileges that protect any information that has been shared prior to such action. Any Party that withdraws or terminates its participation in the Clipper program shall promptly return all privileged materials that the Party has received.

ARTICLE VIII Confidential Information

Either MTC or an Operator (the "Receiving Party") may, in the course of carrying out its responsibilities under this Agreement, have access to proprietary or confidential information owned by the other Party ("the Disclosing Party"), the disclosure of which to third parties may damage the Disclosing Party. Such proprietary or confidential information must be held by the Receiving Party in confidence and used only in performing its responsibilities as provided in the Agreement. The Receiving Party shall exercise at least the same standard of care it would use to protect its own proprietary or confidential information.

SIGNATURES ON SUBSEQUENT PAGES

IN WITNESS WHEREOF, this Agreement has been duly authorized and executed by the Parties hereto on the dates specified below by their duly authorized representatives.

Metropolitan Transportation Commission

Approved as to form: Kathleen Kane, General Counsel

Name: Andrew B. Fremier Title: Executive Director Matthew Lavrinets, Senior Counsel

Alameda-Contra Costa Transit District

Date:_____

Approved as to form:

Name: Michael A. Hursh Title: General Manager Jill A. Sprague, General Counsel

Golden Gate Bridge, Highway and Transportation District

Approved as to form:

Name: Denis J. Mulligan Title: General Manager Kimon Manolius, General Counsel

San Francisco Bay Area Rapid Transit District

Approved as to form:

Name: Robert M. Powers Title: General Manager Matthew Burrows, General Counsel

City and County of San Francisco Municipal Transportation Agency Approved as to form: David Chiu, City Attorney

Name: Jeffrey Tumlin Title: Director of Transportation

Date:_____

Robin M. Reitzes, Deputy City Attorney

San Mateo County Transit District

Date:_____

Approved as to form:

Name: April Chan Title: General Manager/CEO Joan L. Cassman, General Counsel

Santa Clara Valley Transportation Authority

Approved as to form:

Name: Carolyn Gonot Title: General Manager/Chief Executive Officer

Date:_____

Evelynn Tran, General Counsel

Peninsula Corridor Joint Powers Board

Date:_____

Approved as to form:

Name:Michelle BouchardTitle:Executive Director

James Harrison, General Counsel

Central Contra Costa Transit Authority

Approved as to form:

Name: William Churchill Title: General Manager Julie Sherman, General Counsel

City of Fairfield Fairfield and Suisun Transit

Approved as to form:

Name: David Gassaway Title: City Manager David Lim, City Attorney

City of Petaluma

Approved as to form:

Name: Peggy Flynn Title: City Manager Eric W. Danly, City Attorney

Eastern Contra Costa Transit Authority

Approved as to form:

Name: Rashidi Barnes Title: Chief Executive Officer Eli Flushman, General Counsel

Livermore/Amador Valley Transit Authority

Approved as to form:

Name: Christy Wegener Title: Executive Director Michael N. Conneran, General Counsel

Marin County Transit District

Date:_____

Approved as to form:

Name: Nancy E. Whelan Title: General Manager Kerry Gerchow, County Counsel

Napa Valley Transportation Authority

Approved as to form:

Name: Kate Miller Title: Executive Director Osman Mufti, General Counsel

Solano County Transit

Approved as to form:

Name: Beth Kranda Title: Executive Director Bernadette Shilts Curry, County Counsel

City of Santa Rosa

Approved as to form:

Name: Maraskeshia Smith Title: City Manager Samantha W. Zutler, Interim City Attorney

Sonoma-Marin Area Rail Transit District

Approved as to form:

Name: Eddy Cumins Title: General Manager Thomas Lyons, General Counsel

Vacaville City Coach

Approved as to form:

Name: Brian McLean Title: Assistant Director of Public Works Melinda C. H. Stewart, City Attorney

Western Contra Costa Transit Authority

Approved as to form:

Name: Robert Thompson Title: General Manager Michael N. Conneran, General Counsel

San Francisco Bay Area Water Emergency Transportation Authority

Approved as to form:

Name: Seamus Murphy Title: Executive Director Steve Miller, General Counsel

Sonoma County Transit

Approved as to form:

Name: Bryan Albee Title: Transit Systems Manager Jeremy Fonseca, General Counsel

City of Union City

Approved as to form:

Name: Joan Malloy Title: City Manager Kristopher J. Kokotaylo, City Attorney

LAVTA Committee Items – October 2023 – December 2023

Projects and Services Committee

October	Action	Info
Minutes	х	
Wheels in Motion – Set Public Hearing	Х	
Shared Autonomous Vehicle Project		Х
November		
Minutes	Х	
Wheels in Motion Service Recommendation	Х	
FY25 Fleet Composition and Purchase		х
December		
Minutes	Х	
*Typically, December meetings are cancelled		