



## MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS

Join on Zoom: <https://www.zoom.us/j/87972683373>

Webinar ID: 879 7268 3373

Monday, August 1, 2022

Until further notice the Marin County Transit District meetings will not be providing an in-person meeting location for the public to attend. Members of the public are encouraged to participate remotely as described below.

### **How to watch the meeting:**

**Zoom:** To join Webinar visit <https://www.zoom.us/j/87972683373>

**Webinar ID:** 879 7268 3373

**Teleconference:** Members of the public wishing to participate via teleconference, can do so on **August 1, 2022: +1 669 900 6833**; Access Code: **879 7268 3373**.

### **How to provide comment on agenda items:**

- To provide written public comment prior to the meeting, please email [info@marintransit.org](mailto:info@marintransit.org) or use the comment form available at <https://www.marintransit.org/meetings> to submit your meeting-related comments on this agenda. Please submit your comments no later than **5:00 P.M. Sunday, July 31, 2022** to facilitate timely distribution to the Board of Directors. Please include the agenda item number you are addressing and include your name and address. Your comments will be forwarded to the Board of Directors and will be included in the written public record.
- During the meeting: Ensure that you are in a quiet environment with no background noise (traffic, children, pets, etc.) To raise your hand on Zoom press **\*9** and wait to be called upon by the President or the Clerk to speak. You will be notified that your device has been unmuted when it is your turn to speak. You will be warned prior to your allotted time being over. Your comments will be included in the public record.
- Public commenting during public meetings is limited to two minutes per speaker unless a different time limit is announced. The Board President may limit the length of comments during public meetings due to the number of persons wishing to speak or if comments become repetitious or irrelevant.

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## **MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS**

Join on Zoom: <https://www.zoom.us/j/87972683373>

Webinar ID: 879 7268 3373

### **AGENDA**

Monday, August 1, 2022

#### **10:00 a.m. Convene as the Marin County Transit District Board of Directors**

1. Open Time for Public Expression  
(Limited to two minutes per speaker on items not on the District's agenda)
2. Board of Directors' Matters
3. General Manager's Report
  - a. General Manager's Oral Report
  - b. [Monthly Monitoring Report: April and May 2022](#)
4. Consent Calendar
  - a. [Minutes for June 6, 2022 Board Meeting](#)
  - b. [Adoption of Resolution 2022-11 Allowing for Continued Remote Public Meetings Under State Assembly Bill \(AB\) 361](#)
  - c. [Response to Public Comment on Regional Fare Integration Study](#)
  - d. [Purchase Agreement with Pacific Power Group for Performing Mid-Life Bus Refurbishment on Six Hybrid Buses](#)
  - e. [Second Amendment to Agreement with Michael's Transportation Service, Inc. to Provide Pupil Transportation Services](#)
  - f. [Fiscal Year 2021/22 Contract Awards and Fiscal Year 2022/23 Contracting Opportunities](#)
  - g. [Marin Transit's Disadvantaged Business Enterprise Participation \(DBE\) Goal for Marin Transit Contracting Opportunities in Federal Fiscal Years 2023-25](#)

**Recommended Action: Approve**
5. [Marin Access and Measure B Funding](#)

**Recommended Action: Information Only**

#### **Convene in Closed Session**

#### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

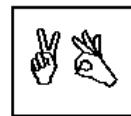
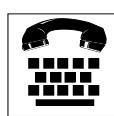
**California Government Code section 54956.9(d)(1).**

*(continued on next page)*

**Name of Case: Austin Goodwin v. Marin County Transit District, U.S.  
District Court, Northern District of California, Case No. 3:21-cv-7251-JSC**

**Report from Closed Session**

**Adjourn**



All Marin Transit public meetings are conducted in accessible locations. Copies of documents are available in accessible formats upon request. If you require Translation Assistance, American Sign Language Interpreters, Assistive Listening Devices or other accommodations to participate in this meeting, you may request them by calling (415) 226-0855 (voice) or contact the California Relay Service by dialing 711 to connect to the telephone listed above. **Requests must be received no less than five working days prior to the meeting to help ensure availability.** For additional information, visit our website at <http://www.marintransit.org>

**Late agenda material can be inspected in the office of Marin Transit, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. The office is located at 711 Grand Avenue, Suite 110, San Rafael, CA 94901.**

In case of Zoom outage dial 515-604-9094. Meeting ID: 142-334-233

Todas las reuniones públicas de Marin Transit se llevan a cabo en lugares accesibles. Están disponibles copias de los documentos en formatos accesibles, a solicitud. Si usted requiere ayuda con la traducción, intérpretes de Lenguaje Americano de Señas, dispositivos de ayuda auditiva, u otras adaptaciones para participar en esta reunión, puede solicitarlas llamando al (415) 226-0855 (voz) o comunicarse con el Servicio California Relay marcando al 711 para conectarse al número de teléfono mencionado. **Las solicitudes deben recibirse a más tardar cinco días laborables antes de la reunión para ayudar a asegurar la disponibilidad.** Para obtener información adicional, visite nuestro sitio web en <http://www.marintransit.org>

**Material de agenda de última hora puede ser inspeccionado en la oficina de Marin Transit, entre las horas de 8:00 am y 5:00 pm. La oficina está ubicada en 711 Grand Avenue, Suite 110, San Rafael, CA 94901.**

En caso de interrupción de Zoom, marque al 515-604-9094. ID de Reunión 142-334-233



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san rafael, ca 94901

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**board of directors**

stephanie moulton-peters  
president  
supervisor district 3

katie rice  
vice president  
supervisor district 2

eric lucan  
2nd vice president  
city of novato

judy arnold  
director  
supervisor district 5

kate colin  
director  
city of san rafael

damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: General Manager Report – Monthly Report: April 2022**

Dear Board Members:

**RECOMMENDATION:** This is a recurring information item.

**SUMMARY:** The attached monthly report provides an overview of Marin Transit operations for the monthly period ending April 30, 2022. The monthly reports summarize statistics on the performance of Marin Transit services and customer comments.

Overall systemwide ridership in April 2022 increased by 57.6 percent compared to April 2021, which represents a 22.2 percent decrease from the pre-COVID ridership in April 2019 and a 6.6 percent decrease from March 2022.

Ridership on fixed-route services increased by 52 percent from the prior year, which is a 20.2 percent decline compared to pre-COVID in April 2019. Ridership on Marin Access services increased by 50.3 percent compared to April 2021, which represents a 52.7 percent decline from April 2019. April 2022 was the twenty-sixth month of ridership affected by the ongoing COVID-19 global pandemic.

Additional detailed analyses of system performance and trends are provided in separate quarterly and annual reports, including route-level statistics and financials. These reports are available on the District's website at <https://marintransit.org/service-performance-and-reports>.

**FISCAL/STAFFING IMPACT:** None associated with this report.

Respectfully submitted,



Nancy Whelan  
General Manager

Attachments: Monthly Customer Feedback and Ridership Reports April 2022



## Monthly Customer Feedback Report

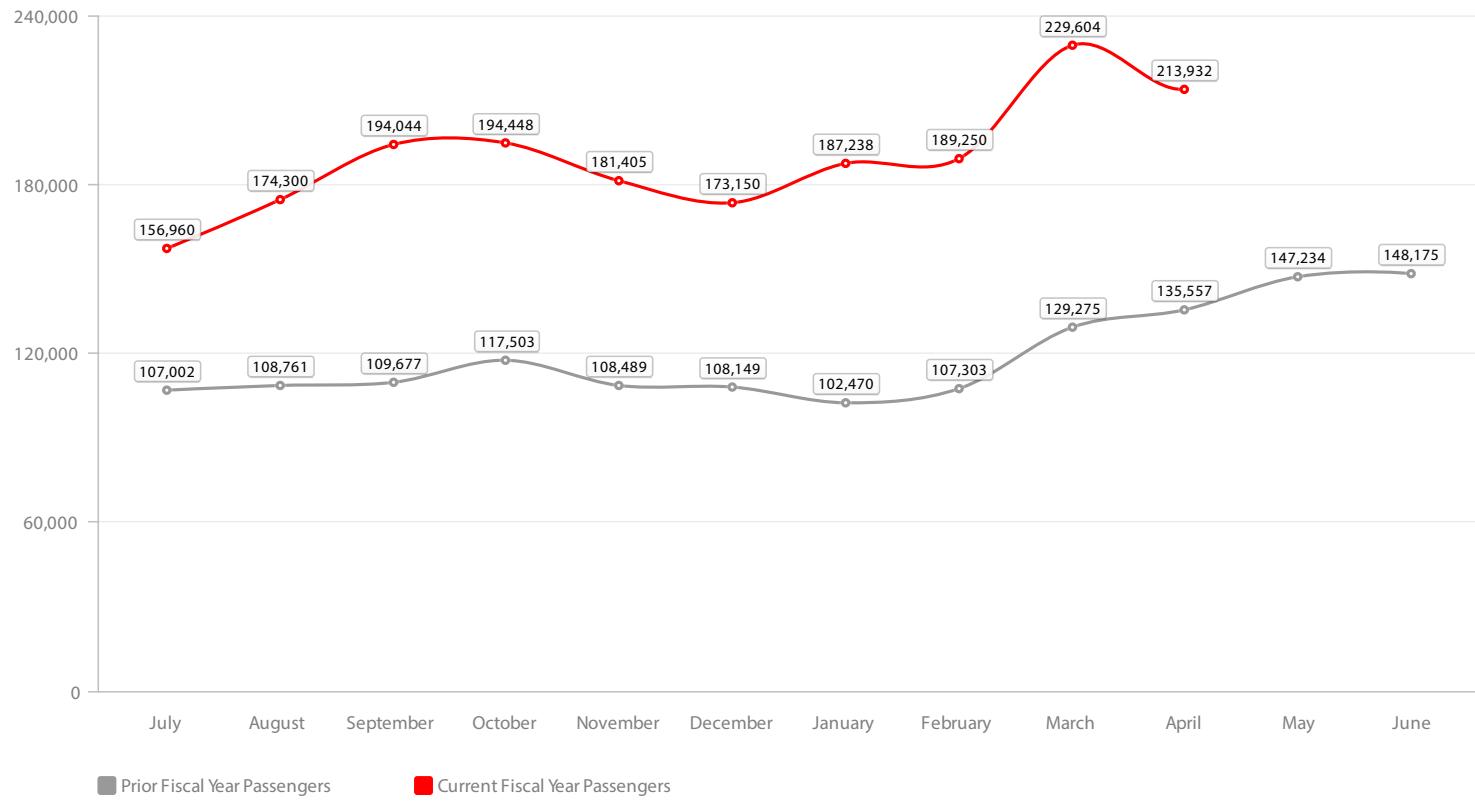
April 2022

Month: April 2022

Category	Program							Total
	Fixed-Route Local	Fixed-Route Shuttle	Stagecoach & Muir Woods	Supplemental & Yellow Bus	Demand Response	Mobility Management	Systemwide	
Commendation	1	0	0	0	1	0	1	3
Service Delivery Complaint	10	12	7	3	4	0	3	39
Accessibility	0	0	0	0	0	0	0	0
Driver Conduct Complaint	4	2	2	1	2	0	0	11
Driving Complaint	3	2	2	0	0	0	0	7
Early Trip	1	0	0	0	0	0	0	1
Equipment Issue	0	0	0	0	0	0	0	0
Farebox	0	0	0	0	0	0	0	0
Late Trip	0	2	0	0	1	0	3	6
Missed Connection	1	0	0	0	0	0	0	1
Missed Trip	0	0	1	0	1	0	0	2
No-Show	1	4	1	0	0	0	0	6
Off-Route	0	0	0	0	0	0	0	0
Pass-Up Complaint	0	2	1	2	0	0	0	5
Service Structure Complaint	4	0	0	0	5	0	0	9
Bus Stop Improvement Request	0	0	0	0	0	0	0	0
Fares	0	0	0	0	3	0	0	3
Other Complaint	3	0	0	0	0	0	0	3
Scheduling Complaint	1	0	0	0	2	0	0	3
Service Improvement Suggestion	0	0	0	0	0	0	0	0
Safety Complaint	0	0	0	0	0	0	0	0
<b>Total Service Hours</b>	9,377	3,414	1,954	496	2,903	-	18,145	18,145
Commendations per 1,000 Hours	0.1	0.0	0.0	0.0	0.3	-	0.1	0.2
Complaints per 1,000 Hours	1.5	3.5	3.6	6.1	3.1	-	0.2	2.6
<b>Total Passengers</b>	158,770	26,236	14,957	6,081	5,741	1,231	220,904	220,904
Commendations per 1,000 Passengers	0.0	0.0	0.0	0.0	0.2	0.0	0.0	0.0
Complaints per 1,000 Passengers	0.1	0.5	0.5	0.0	1.6	0.0	0.0	0.2

## Year-to-Date Ridership Trends

Fixed-Route Passengers (incl. Yellow Bus) by Month



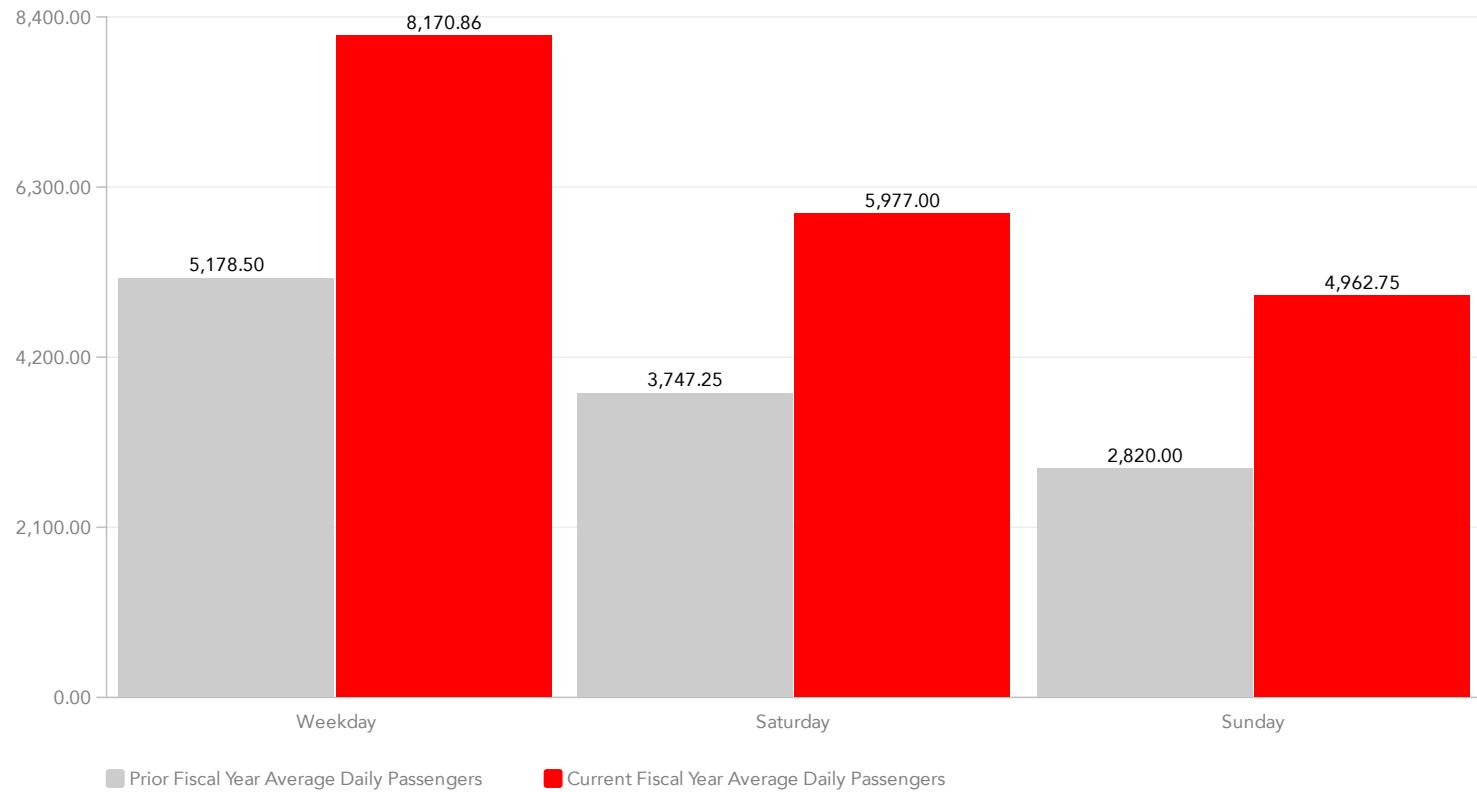
Demand Response Passengers by Month



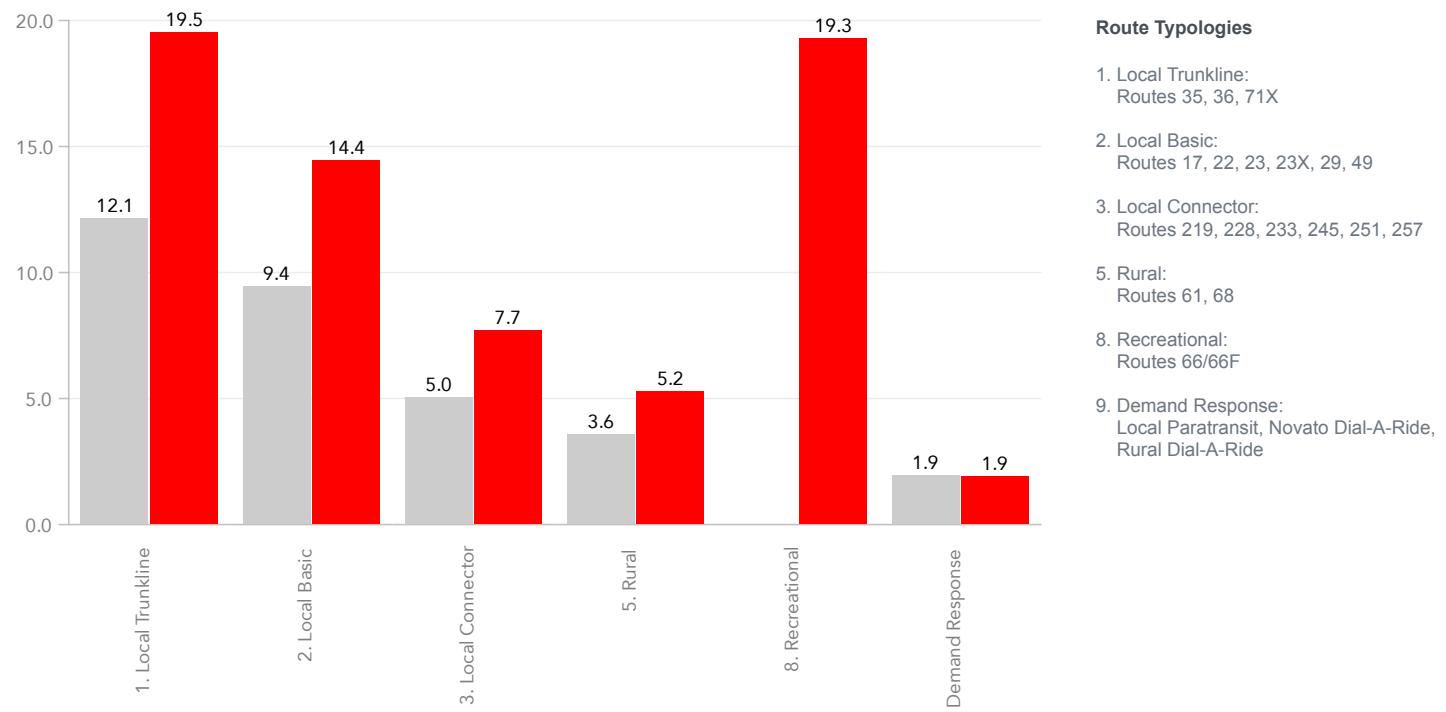
## Monthly Comparison

MONTH  
Apr

Average Systemwide Daily Passengers



Productivity (pax/hr) by Typology





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August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: General Manager Report – Monthly Report: May 2022**

Dear Board Members:

**board of directors**

stephanie moulton-peters  
president  
supervisor district 3

katie rice  
vice president  
supervisor district 2

eric lucan  
2nd vice president  
city of novato

judy arnold  
director  
supervisor district 5

kate colin  
director  
city of san rafael

damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

**RECOMMENDATION:** This is a recurring information item.

**SUMMARY:** The attached monthly report provides an overview of Marin Transit operations for the monthly period ending May 31, 2022. The monthly reports summarize statistics on the performance of Marin Transit services and customer comments.

Overall systemwide ridership in May 2022 increased by 58.7 percent compared to May 2021, which represents a 20.3 percent decrease from the pre-COVID ridership in May 2019 and a 9.3 percent increase from April 2022.

Ridership on fixed-route services increased by 52.1 percent from the prior year, which is a 17.9 percent decline compared to pre-COVID in May 2019. Ridership on Marin Access services increased by 33.8 percent compared to May 2021, which represents a 55.3 percent decline from May 2019. May 2022 was the twenty-seventh month of ridership affected by the ongoing COVID-19 global pandemic.

Additional detailed analyses of system performance and trends are provided in separate quarterly and annual reports, including route-level statistics and financials. These reports are available on the District's website at <https://marintransit.org/service-performance-and-reports>.

**FISCAL/STAFFING IMPACT:** None associated with this report.

Respectfully submitted,

*Nancy E. Whelan*

Nancy Whelan  
General Manager

Attachments: Monthly Customer Feedback and Ridership Reports  
May 2022



## Monthly Customer Feedback Report

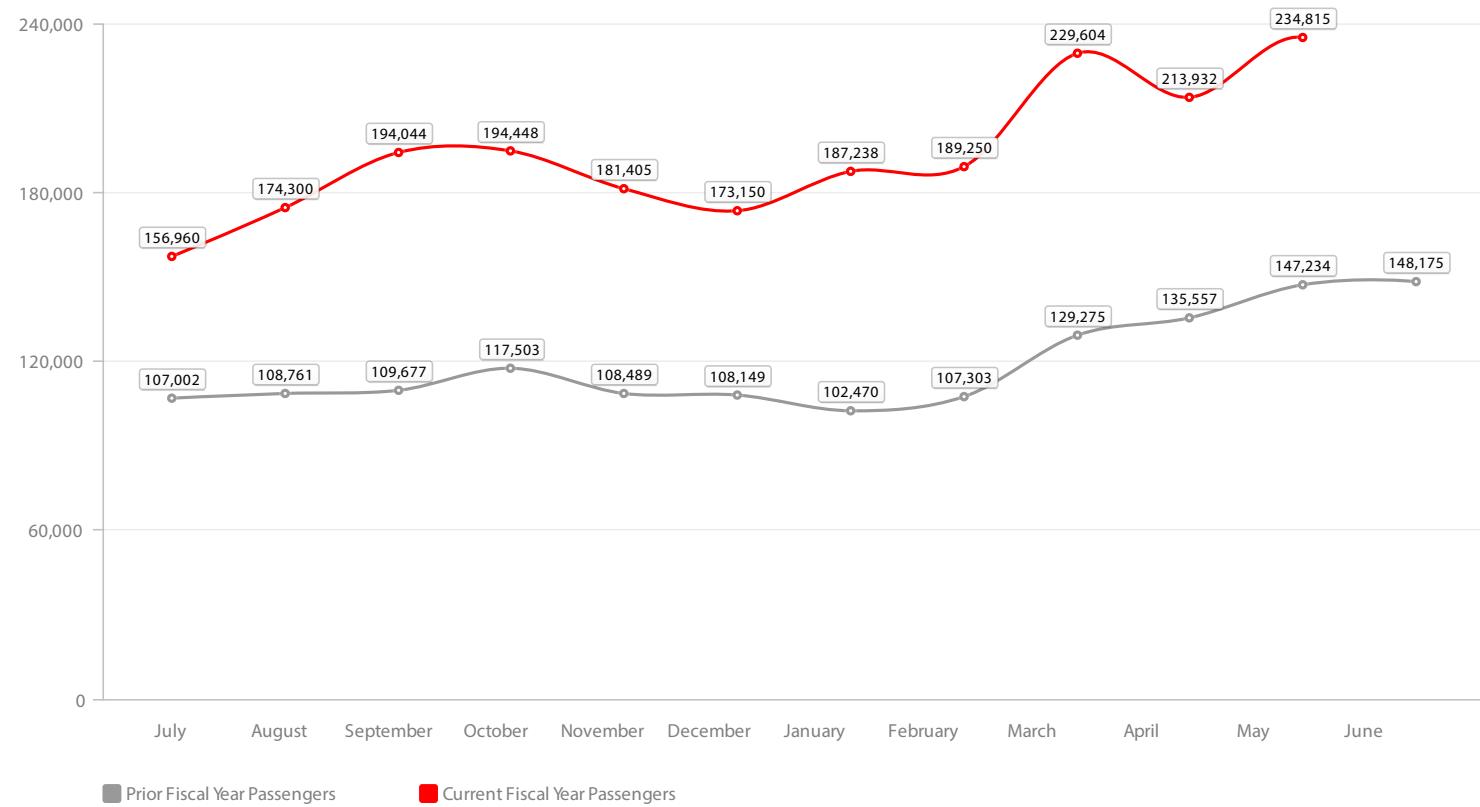
May 2022

Month: **May 2022**

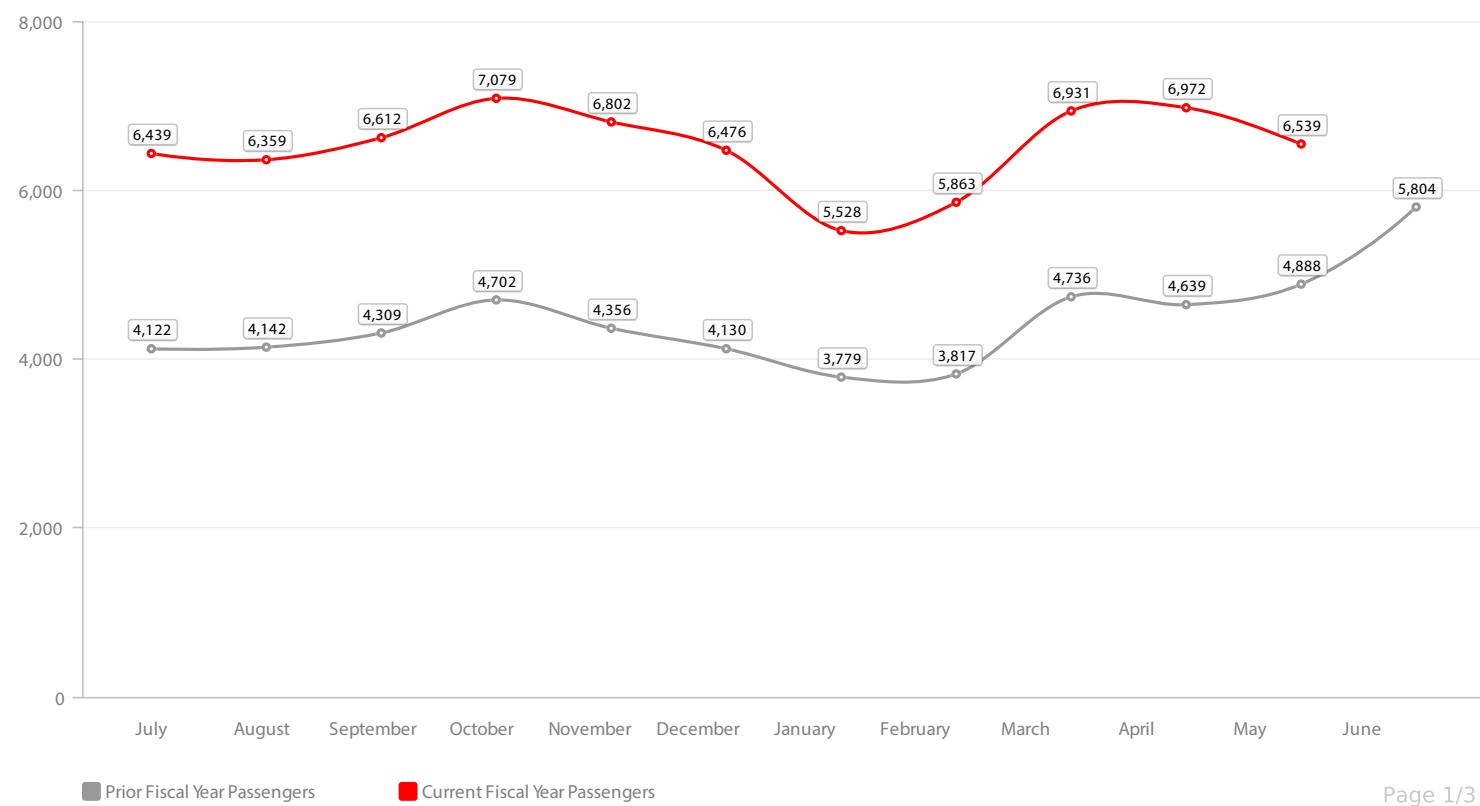
Category	Program							Total
	Fixed-Route Local	Fixed-Route Shuttle	Stagecoach & Muir Woods	Supplemental & Yellow Bus	Demand Response	Mobility Management	Systemwide	
Commendation	1	0	1	0	2	0	0	4
Service Delivery Complaint	19	18	8	0	8	0	2	55
Accessibility	1	1	0	0	1	0	0	3
Driver Conduct Complaint	5	3	2	0	2	0	1	13
Driving Complaint	3	4	2	0	0	0	0	9
Early Trip	0	1	0	0	0	0	0	1
Equipment Issue	0	0	0	0	0	0	0	0
Farebox	0	0	0	0	0	0	0	0
Late Trip	2	0	0	0	4	0	1	7
Missed Connection	0	0	0	0	0	0	0	0
Missed Trip	1	0	0	0	0	0	0	1
No-Show	1	2	3	0	1	0	0	7
Off-Route	0	0	0	0	0	0	0	0
Pass-Up Complaint	6	7	1	0	0	0	0	14
Service Structure Complaint	2	2	0	0	4	0	2	10
Bus Stop Improvement Request	0	0	0	0	0	0	0	0
Fares	0	0	0	0	1	0	0	1
Other Complaint	2	1	0	0	1	0	0	4
Scheduling Complaint	0	0	0	0	2	0	1	3
Service Improvement Suggestion	0	1	0	0	0	0	1	2
Safety Complaint	0	0	0	0	0	0	0	0
<b>Total Service Hours</b>	9,616	3,488	2,124	561.2	2,792	-	18,584	18,584
Commendations per 1,000 Hours	0.1	0.0	0.5	-	0.7	-	0.0	0.2
Complaints per 1,000 Hours	2.2	5.7	3.8	-	4.3	-	0.2	3.5
<b>Total Passengers</b>	169,987	29,102	16,926	7860	5,342	1,197	241,354	241,354
Commendations per 1,000 Passengers	0.0	0.0	0.1	-	0.4	0.0	0.0	0.0
Complaints per 1,000 Passengers	0.1	0.7	0.5	-	2.2	0.0	0.0	0.3

## Year-to-Date Ridership Trends

Fixed-Route Passengers (incl. Yellow Bus) by Month



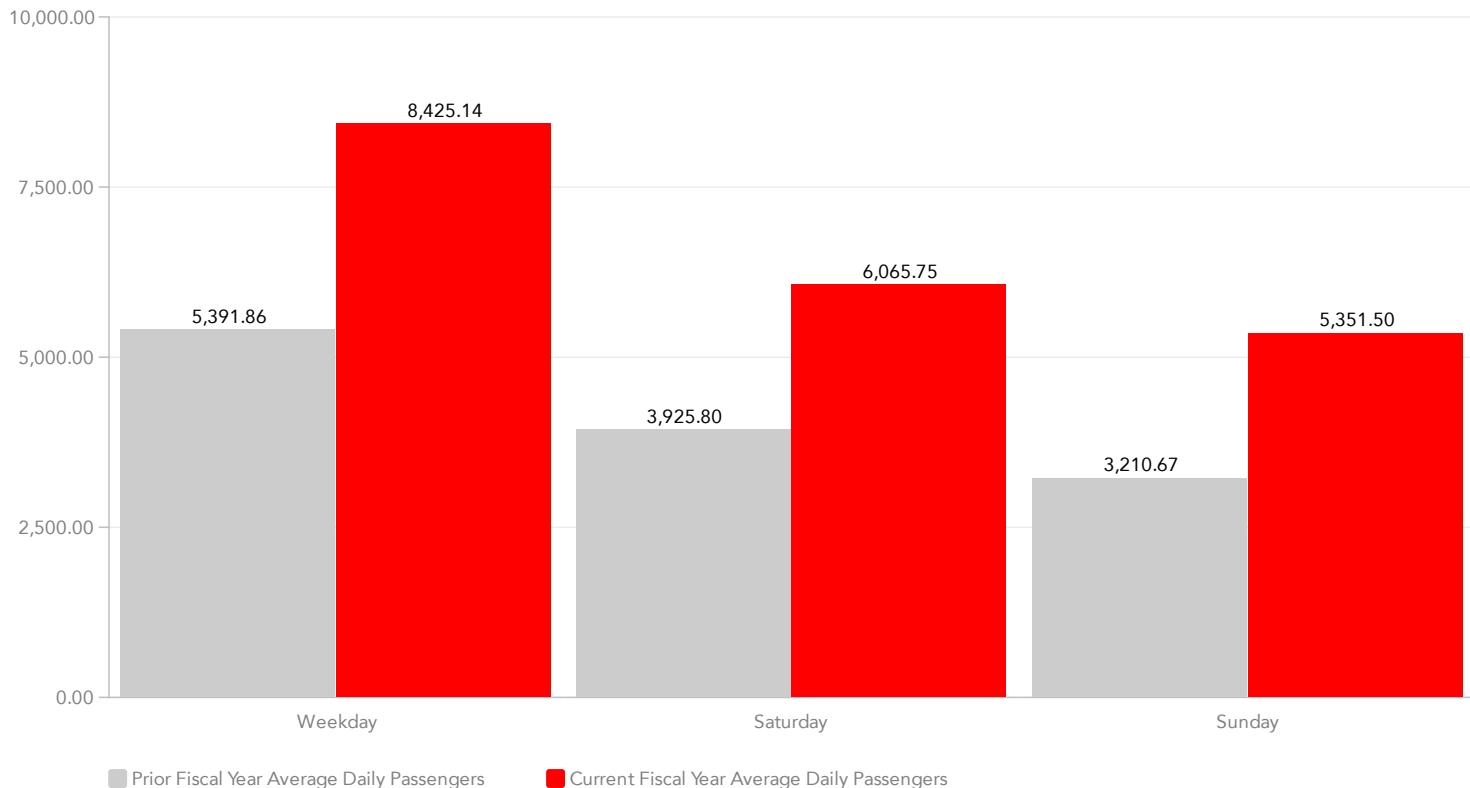
Demand Response Passengers by Month



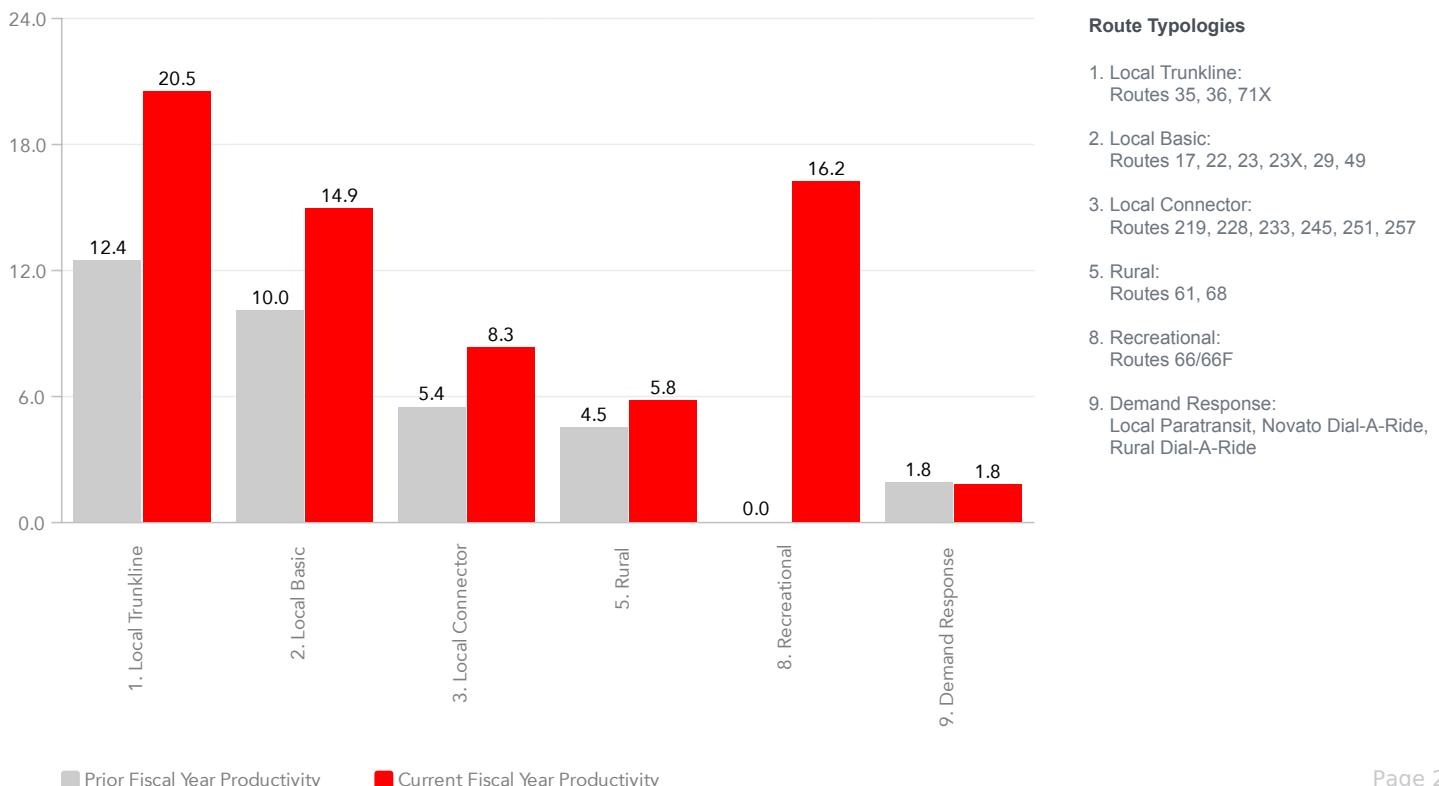
## Monthly Comparison

MONTH  
May

Average Systemwide Daily Passengers



Productivity (pax/hr) by Typology



**REGULAR MEETING OF THE MARIN COUNTY TRANSIT DISTRICT BOARD  
OF DIRECTORS**

**Held Monday, June 6, 2022 at 10:00 A.M.**

**Roll Call**

**Present:** **President Moulton-Peters, Vice President Rice, Director Rodoni, Director Colin, Director Colbert, Director Connolly**

**Absent:** **Director Arnold, Second Vice President Lucan**

**Director Colbert was in attendance as a voting member.**

Until further notice the Marin County Transit District meetings will not be providing an in-person meeting location for the public to attend. Members of the public are encouraged to participate remotely via Zoom.

**Board President Moulton-Peters opened the meeting at 10:01 A.M.**

1. [Open Time for Public Expression](#)

President Moulton-Peters asked if any member of the public wished to speak. Seeing none she called for Board of Directors' Matters.

2. [Board of Directors' Matters](#)

President Moulton-Peters asked if any member of the Board wished to speak. Seeing none she called for the General Manager's Report.

3. [General Manager's Report](#)

a. [General Manager's Oral Report](#)

b. [Monthly Monitoring Report: March 2022](#)

i. [Item 3b – Staff Report](#)

General Manager Nancy Whelan reported on the Marin Access Operations Facility ribbon cutting ceremony that took place on May 4<sup>th</sup>, 2022. Ms. Whelan reported that approximately 50 people attended the event. Ms. Whelan thanked the Board members who attended and spoke at the event.

Ms. Whelan reported on the upcoming Free Fares for Students and Youth 18 and Under fare assistance promotional campaign. The fare promotion was approved

in June 2021 as part of a series of fare promotion programs and will run from June 12, 2022, to August 14<sup>th</sup>, 2022. The purpose of these fare promotions is to offer expanded fare assistance to those who might find fares as a barrier to using transit, and to assist as a form of relief during the pandemic. The District will also offer free fares during Fourth of July weekend during the Marin County Fair, from June 30<sup>th</sup>, 2022, to July 4<sup>th</sup>, 2022 for all passengers. The results of the program will be studied in late 2022. The promotions will not apply to On-Demand Response Programs, the Muir Woods Shuttle, and Golden Gate Transit routes.

Ms. Whelan reviewed the June service changes that start June 12<sup>th</sup>, 2022. She explained where they will be publicized, and how the service changes were calculated.

Ms. Whelan spoke on the Transportation Authority of Marin's (TAM) Measure B Expenditure Plan Review currently underway. Ms. Whelan discussed the \$10.00 vehicle registration fee allocation, what areas it funds, and the approval process.

Lastly, Ms. Whelan introduced the Monthly Monitoring Report for March 2022. Overall systemwide ridership in March 2022 increased by 76.4 percent compared to March 2021, which represents a 17.1 percent decrease from the pre-COVID ridership in March 2019 and a 21.3 percent increase from February 2022. Ridership on fixed-route services increased by 70 percent from the prior year, which is a 14.6 percent decline compared to pre-COVID in March 2019. Ridership on Marin Access services increased by 44 percent compared to March 2021, which represents a 53.6 percent decline from March 2019. March 2022 was the twenty-fifth month of ridership affected by the ongoing COVID-19 global pandemic.

Director Katie Rice commended Ms. Whelan's report as well as the ribbon cutting event. Director Rice expressed appreciation for the report out on Measure B funding and remarked that she would like to connect with other organizations and individuals, to better make the case in favor of the measure. Ms. Rice emphasized focusing on expansion instead of holding on to what we have already. Ms. Rice inquired if Connect overlaps and competes with other Marin Access services.

Ms. Whelan answered that Connect ridership has increased in recent years. Robert Betts confirmed that pre-pandemic, 15-20 percent of Connect rides were Marin Access riders, and now it is 50-60 percent. Mr. Betts noted that Uber Technologies will be utilized to serve the community further.

Director Rice asked for clarification on ridership statistics and asked whether Connect is included. Mr. Betts and Ms. Whelan confirmed Connect is included.

President Moulton-Peters asked if there will be updates on the implementation of the upcoming service changes. Ms. Whelan confirmed that staff will monitor the service changes and report back to the Board.

4. Consent Calendar

- a. [Minutes for May 2, 2022 Board Meeting](#)
- b. [Adoption of Resolution 2022-09 Allowing for Continued Remote Public Meetings Under State Assembly Bill \(AB\) 361](#)
- c. [Marin County Transit District Third Quarter FY 2021/22 Financial Report](#)
- d. [Marin County Transit District Third Quarter FY 2021/22 Performance Report](#)
- e. [Metropolitan Transportation Commission Resolution for Transportation Development Act and State Transit Assistance Funds FY 2022/23](#)
- f. [Authorizing Resolution and Project List for California's State of Good Repair Program](#)
- g. [Agreement with BlinkTag Inc for On-Call Website Development and Support Services](#)
- h. [First Amendment to the Agreement with Uber Technologies Inc. to provide a mobility on-demand platform for the Connect program](#)
- i. [Update to Personnel Policies & Procedures: Section 4.5 Leaves of Absence: Paid Holidays and Vacation Leave Accrual](#)
- j. [Countywide Fare Free Promotional Campaign During the 2022 Marin County Fair](#)

**Recommended Action: Approve**

M/s: Vice President Rice – Director Colin

Ayes: President Moulton-Peters, Vice President Rice, Director Rodoni, Director Colin, Director Colbert, Director Connolly

Noes: None

Absent: Director Arnold, Second Vice President Lucan

Abstain: None

5. Marin County Transit District Final Operating and Capital Budget for FY 2022/23

Staff Report

Marin Transit's Director of Finance and Capital Programs, Lauren Gradia, presented the FY 2022/23 Expenditure Budget for Operations and Capital Projects of \$53.6 million. Marin Transit's draft budget for July 1, 2022 to June 30, 2023 was presented at the May 2, 2022 Board of Directors meeting. The operating expense budget of \$40.5 million is an eleven percent increase over the FY2022/23 budget and provides for a similar level of fixed route service, increased paratransit service and increased purchased transportation and fuel expenses.

Ms. Gradia outlined the Fixed Route Operations Service Plan as well as the Marin Access and Paratransit Operations Service Plan. Budget themes were introduced. Ms. Gradia also listed seven major Capital projects. Lastly, Ms. Gradia described the changes that have been made to the budget since the draft budget was presented.

Director Colin thanked Ms. Gradia for incorporating details of the pandemic into the calculation of the budget.

**Recommended Action: Adopt FY 2022/23 budget**

M/s: Director Colbert - Director Rodoni

Ayes: President Moulton-Peters, Vice President Rice, Director Rodoni, Director Colin, Director Colbert, Director Connolly

Noes: None

Absent: Director Arnold, Second Vice President Lucan

Abstain: None

6. [Measure AA Yellow School Bus Funding Allocation for FY 2023-25](#)

[Staff Report](#)

Christopher Whitlock, Operations Analyst at Marin Transit, requested Board approval of the Measure AA Yellow School Bus funding allocation formula and eligibility requirements for the FY2023-25 term. At the April Board meeting, staff provided an update on the new Measure AA three-year funding cycle and the Board approved the recommended allocation formula and eligibility requirements for the FY2023-25 term.

Mr. Whitlock provided an update on the status of the funds with the recommended funding allocations for the five eligible yellow school bus programs in the County of Marin. Mr. Whitlock listed the five participating programs and pointed out which programs are legacy programs. He explained that staff have determined approximately \$750,000 will be available for allocation to eligible programs in the new term, which is a 25 percent increase in funding. Mr. Whitlock described factors that impacted the recommended formula of the new funding allocation and explained the potential outcomes of the new funding allocation.

Mr. Whitlock reviewed reasons why there may be a recent decrease in school bus pass distribution.

Director Colin commended Mr. Whitlock on his report. She also asked if any programs had an increase in bus pass distribution. Mr. Whitlock said all the programs have decreased their distribution. Director Colin also asked if Mr. Whitlock discussed the new funding allocations with the schools. Mr. Whitlock confirmed he did. Director Colin emphasized that she agrees with the additional subsidy and hopes that the District will revisit adjusting the formula in a few years.

Director Colbert expressed appreciation to Marin Transit staff for their Yellow Bus program work.

Director Rodoni asked if Mr. Whitlock could talk about how a program may get reinstated in the next funding cycle. General Manager Nancy Whelan explained that the business managers and superintendents are responsible for engagement. Ms. Whelan also pointed out that there is a new participating program this year. Ms. Whelan emphasized the need for flexibility in considering any evaluation of past sales. Schools can always contact Marin Transit with any inquiries and to see if they met the participation eligibility requirements.

President Moulton-Peters asked if the calculations were based on annual or semester timeframes. Mr. Whitlock said they are based on annual timeframes. President Moulton-Peters remarked that the calculations seem very reasonable.

President Moulton-Peters thanked Mr. Whitlock for working with the Sausalito-Marin City School District.

Director Rice asked if the amounts listed on the subsidy chart are based on one-way pass prices. Mr. Whitlock answered yes—the subsidy is 77 percent of the one-way pass price. Director Rice confirmed she understood the amounts.

**Recommended Action: Approve funding allocations and authorize the General Manager to execute contracts with the approved funding allocations to five eligible yellow school bus programs for the new Measure AA three-year funding cycle (FY 2023-25).**

M/s: Director Connolly - Director Colin

Ayes: President Moulton-Peters, Vice President Rice, Director Rodoni, Director Colin, Director Colbert, Director Connolly

Noes: None

Absent: Director Arnold, Second Vice President Lucan

Abstain: None

**Adjourn** President Moulton Peters adjourned the meeting at 10:40 A.M.

SINE DIE

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PRESIDENT

ATTEST:

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CLERK



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August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Adoption of Resolution 2022-11 Allowing for Continued Remote Public Meetings Under State Assembly Bill (AB) 361**

**board of directors**

stephanie moulton-peters  
president  
supervisor district 3

katie rice  
vice president  
supervisor district 2

eric lucan  
2nd vice president  
city of novato

judy arnold  
director  
supervisor district 5

kate colin  
director  
city of san rafael

damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

Dear Board Members:

**RECOMMENDATION:** Staff recommends that your Board adopt Resolution 2022-11 finding that the proclaimed State of Emergency continues to impact the ability to meet safely in person and declaring that the District Board of Directors will continue to meet remotely to ensure the health and safety of the public.

**SUMMARY:** On September 16, 2021, Governor Newsom signed Assembly Bill (AB) 361 into law, effective October 1, 2021, to allow agencies to use teleconferencing for public meetings during proclaimed state of emergencies without requiring the teleconference locations to be accessible to the public or a quorum of the members of the legislative body of the agency to participate from locations within the boundaries of the agency's jurisdiction. AB 361 will sunset on January 31, 2024.

Your Board approved a resolution allowing for remote meetings at the October 4, 2021, November 1, 2021, December 6, 2021, January 10, 2022, February 7, 2022, March 7, 2022, April 4, 2022, May 2, 2022, and June 6, 2022 Board of Directors meetings. To continue meeting under AB 361, your Board is required to declare every 30 days that it has reconsidered the circumstances of the State of Emergency and determine if conditions meet one of the two criteria listed below.

1. State or local health officials have imposed or recommend measures to promote social distancing, or
2. The legislative body finds that meeting in person would present imminent risks to the health or safety of attendees.

Based on recommendations from the Marin County Health and Human Services, staff views that criteria 2 remains applicable. The attached letter from Marin County Health and Human Services Director, Benita McLarin, recommends a continued emphasis on social distancing measures such as using video/teleconferencing when it meets community needs and spacing at in-person

meetings so that individuals from different households are not sitting next to each other. There has been no update from Marin County Health Department officials that alters this recommendation.

**FISCAL IMPACT:** There is no fiscal impact.

Respectfully submitted,



Nancy Whelan  
General Manager

Attachments:

- A. Resolution 2022-11
- B. Marin County Health and Human Services Letter

**RESOLUTION #2022-11**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MARIN COUNTY  
TRANST DISTRICT MAKING FINDINGS THAT THE PROCLAIMED STATE OF  
EMERGENCY CONTINUES TO IMPACT THE ABILITY TO MEET SAFELY IN  
PERSON AND DECLARING THAT THE BOARD OF DIRECTORS WILL CONTINUE  
TO MEET REMOTELY IN ORDER TO ENSURE THE HEALTH AND SAFETY OF  
THE PUBLIC**

**WHEREAS**, the Marin County Transit District (the “District”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, all meetings of the District’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative body conduct their business; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

**WHEREAS**, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings electronically without a physical meeting place; and

**WHEREAS**, as a result of Executive Order N-29-20, staff set up Zoom teleconference meetings for all District Board of Directors meetings; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which specified that Executive Order N-29-20 would remain in effect through September 30, 2021, at which point it would expire; and

**WHEREAS**, since the issuance of Executive Order N-08-21, the Delta variant has emerged, causing a spike in COVID-19 cases throughout the state; and

**WHEREAS**, the Governor’s proclaimed State of Emergency remains in effect, and State and local officials, including the Marin County Director of Health and Human Services, the

California Department of Public Health, and the Department of Industrial Relations, have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on September 16, 2021, the Governor signed Assembly Bill 361 into law, as urgency legislation that goes into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed state of emergency, provided certain conditions are met and certain findings are made; and

**WHEREAS**, the continued local rates of transmission of the virus and variants causing COVID-19 are such that the Director of Health & Human Services has recommended that the County continue to emphasize social distancing in order to minimize the potential spread of COVID-19 during indoor, public meetings.

**WHEREAS**, the District cannot maintain adequate safe social distance between members of the public, Board members and staff in their respective meeting locations; and

**WHEREAS**, because of the rise in cases due to the Delta variant, the District is concerned about the health and safety of attendees, the District's Board of Directors desires to take the actions necessary to comply with AB 361 and to continue to hold its Board and committee meetings remotely.

**NOW, THEREFORE, THE MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS RESOLVES AS FOLLOWS:**

1. The Board has reconsidered the circumstances of the State of Emergency, and finds that:
  - a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the Board of Directors and District staff, and members of the public to meet safely in person; and
  - b. State and local officials continue to recommend measures to promote social distancing.
2. District Board of Directors meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361 and Government Code Section 54953(e)(2), in order to ensure the health and safety of the public while providing access to public meetings.
3. The Board will reconsider the circumstances of the State of Emergency and revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution.

REGULARLY PASSED AND ADOPTED this 1st day of August 2022.

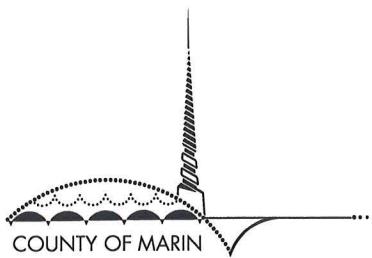
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Board President

ATTEST:

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Board Secretary



DEPARTMENT OF  
**HEALTH AND HUMAN SERVICES**  
Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE  
DIRECTOR

20 North San Pedro Road  
Suite 2002  
San Rafael, CA 94903  
415 473 6924 T  
415 473 3344 TTY  
[www.marincounty.org/hhs](http://www.marincounty.org/hhs)

September 22, 2021

Dennis Rodoni  
President, Board of Supervisors  
3501 Civic Center Drive, 3<sup>rd</sup> Floor  
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

On September 20, 2021, Governor Newsom signed AB 361. The legislation provides that local agencies may continue to hold certain public meetings via video/tele-conference as they have done during the Covid-19 emergency. The legislation allows such meetings to continue during a proclaimed state of emergency if state or local officials have recommended measures to promote social distancing.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele-conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other. I will notify you if this recommendation changes while the Governor's state of emergency for COVID-19 remains in place.

Respectfully,

Benita McLarin  
Director, Health & Human Services

cc: Matthew H. Hymel, CAO  
Brian E. Washington, County Counsel



711 grand ave, #110  
san rafael, ca 94901

ph: 415.226.0855  
fax: 415.226.0856  
[marintransit.org](http://marintransit.org)

August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Response to Comments on Regional Fare Integration Study**

Dear Board Members:

**RECOMMENDATION:** Information only.

**board of directors**

stephanie moulton-peters  
president  
supervisor district 3

katie rice  
vice president  
supervisor district 2

eric lucan  
2nd vice president  
city of novato

judy arnold  
director  
supervisor district 5

kate colin  
director  
city of san rafael

damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

**SUMMARY:** At the May 2, 2022 Marin Transit Board meeting project managers for the Regional Transit Fare Coordination/Integration Study and Business Case presented the study results and recommendations. Project co-managers Bill Bacon from the Metropolitan Transportation Commission (MTC) and Michael Eiseman from BART made the presentation. A copy of the May 2<sup>nd</sup> presentation is attached.

Public comment and questions on the report were received after the presenters left the meeting. Marin Transit staff contacted the project managers to request information to address public comments and have compiled the following responses to comments and questions.

*1. The presentation indicates that an increase in new daily ridership of 26,000 is expected. Over what period is that increase expected?*

The ridership increase is based on the implementation of a specific fare policy. The forecast of 26,000 new daily trips is based on delivery of no cost local transfers and reduced cost regional transfers.

*2. Does the equity definition that MTC and the study use include lower-income people? MTC has had a limited view of who is included in their equity list. Low-income people across Marin County rely on transit. Does MTC include lower income people in their equity analysis?*

Equity for this project is defined through the lens of MTC's Equity Priorities Communities framework. The Equity Priority Communities does include low-income individuals as a criterion in its definition. Marin County Equity Priorities Communities include portions of north San Rafael, the Canal area of San Rafael, and Marin City. More information can be found [here](#):

<https://mtc.ca.gov/planning/transportation/access-equity-mobility/equity-priority-communities>

3. *There is a large-county bias in this program. Small-county transit provider issues may not be identified in the pilot program. How will MTC get information from smaller counties on this project and the pilot?*

The larger transit operators carry most of the transit passengers in the region. Smaller operators have been represented on the Fare Integration Study Task Force and will continue to participate in regional transit coordination efforts highlighted in the Blue Ribbon Transit Recovery Task Force. Marin Transit actively participates in these regional efforts directly or through the smaller operator representatives.

4. *Are employee costs being included in the fare analysis? Employee costs for small transit providers are probably less than large transit providers. So, how is that factored in? There are benefits in that the costs will be held the same, but can we be assured about how it will play out in 5-10 years?*

This project did not focus on the costs of operating transit service like staff costs, fuel, capital state of good repair, facilities, etc. The study examined the costs and impacts of implementing various fare policy changes in the Bay Area, not on the cost of operating transit service.

**FISCAL IMPACT:** There is no fiscal impact.

Respectfully submitted,



Nancy Whelan  
General Manager

Attachment: Regional Transit Fare Coordination/ Integration Study and Business Case, presentation to Marin Transit Board of Directors May 2, 2022



**Fare Coordination/Integration Study and Business Case**  
Marin Transit Board of Directors  
May 2, 2022

# Overview of Key Actions

- 1** Project scope developed in 2019 by transit operators and MTC, project kicked off in early 2020
- 2** Draft Business Case Report released in fall 2021
- 3** Transit Fare Policy Vision Statement adopted by Fare Integration Task Force in November 2021
- 4** Project team working to implement first Policy Vision Statement action(s) in late summer 2022

Full Business Case Report: Available for download [here](#).



# Transit Operators & MTC Working Together

**Fare Integration Task Force – Project Ownership**

**Co-Project Managers – BART & MTC staff**

**Transit Operator Staff Working Group**

**Consultant team led by the firm Steer**

**Policymaker and Stakeholder Engagement**

**Policymaker Webinar**

**MTC Policy Advisory Council Subcommittee on  
Fare Coordination/Integration**

**Blue Ribbon Transit Recovery Task Force**

**Fare Integration Task Force**



San Francisco Bay Ferry

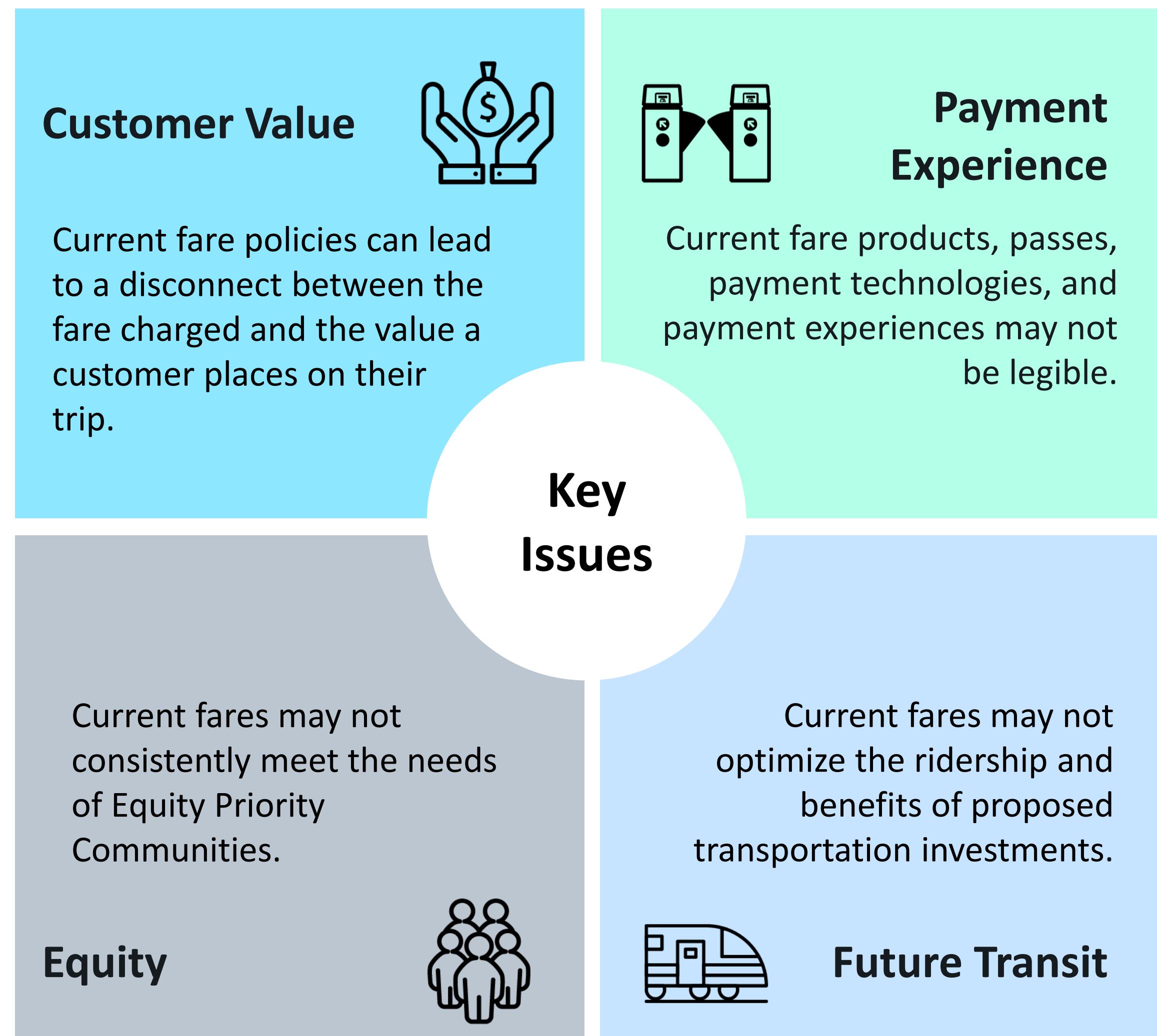


# Project Problem Statement

Fare policy is one among several factors that have constrained the growth of transit ridership in recent years. Current fare policies are informed **by funding and governance models that incentivize locally-focused fares** without providing a coherent set of policies to set fares that support ridership growth.

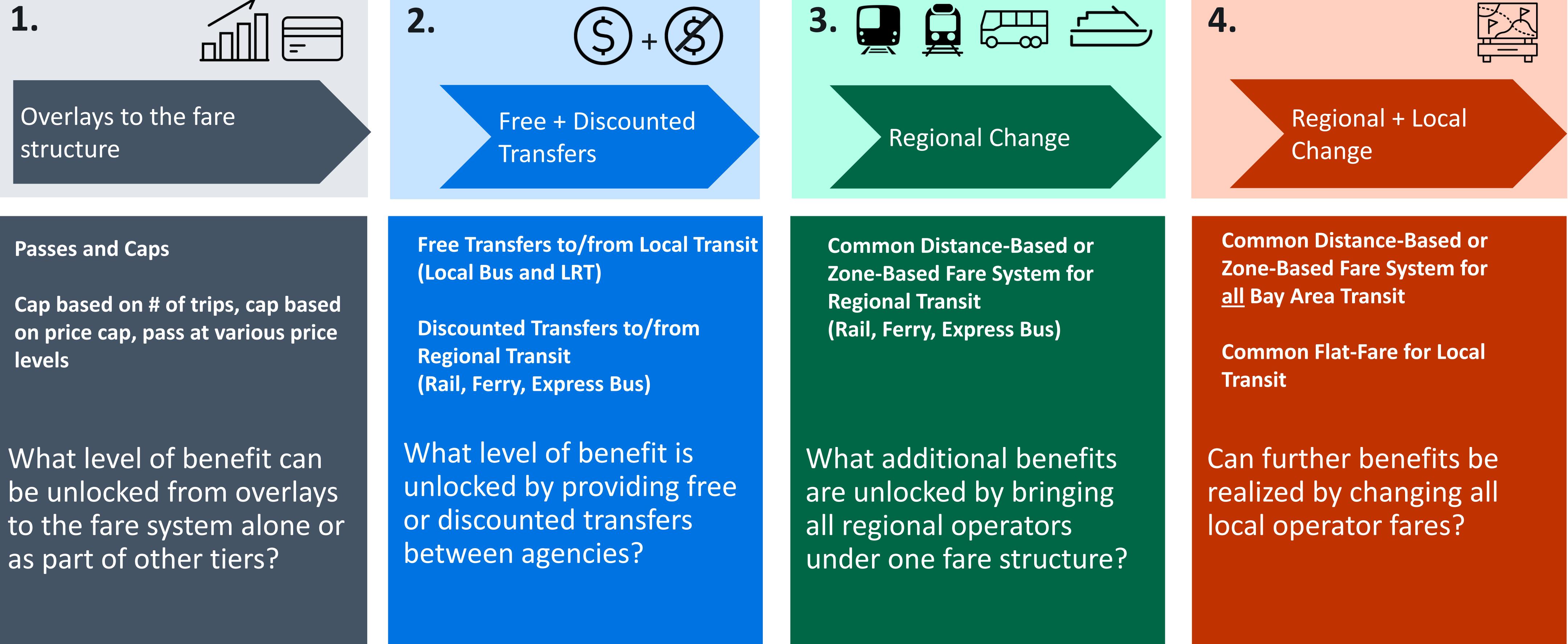
As a result, Fare Coordination and Integration has a role to play in restoring transit ridership, supporting recovery from the COVID-19 pandemic, and **delivering the transportation system the Bay Area needs** for its coming decades of growth.

**The following key issues define how fares impact ridership and contribute to the key challenges which detract from rider experience:**



# Fare Integration Tiers

The fare integration business case assesses the benefits, costs, and requirements associated with increasing tiers of fare policy integration in the Bay Area.



# How Were Options Evaluated?

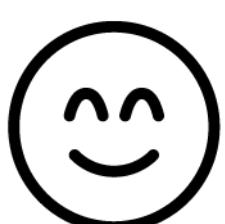
A business case framework is being used to make recommendations based on:



The overall benefits of integration

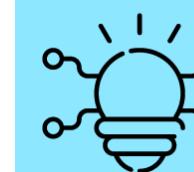


The comparative benefits of each tier



For tiers with multiple options, the specific benefits of each option and best option within a tier

Evaluation to determine the value and benefit of a fare structure



## Strategic Dimension

Why pursue fare integration?

- Advance key regional policies and goals
- Higher ridership, equity, financial sustainability, customer experience, and change in VMT

## Socio-Economic Benefit

## Cost Dimension



What is the value of fare integration?

- Monetizing the strategic benefits to estimate their overall value to the Bay Area

## Fare Structure Organization

- Reviewing financial impacts and risks and potential funding strategies

What are the financial requirements for successful integration?



## Financial Dimension

- Reviewing financial impacts, risks and funding strategies

How can fare integration be implemented and managed?

## Delivery and Operation Dimension



Evaluation to determine the risks and requirements required to deliver a structure

## — Key Findings

# Overview of Key Findings

**Are there fare integration options that offer a cost effective, equitable way to promote transit?**

Yes, especially in coordination with a broader user-focused regional strategy.



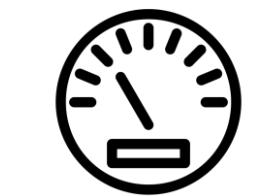
## Potential to drive ridership

Modeling suggests that fare structure changes could drive a small but significant increase in daily transit ridership (2 - 6%/22,000 - 70,000 trips, depending on the strategy & revenue recovery level)



## Cost-effective

Ridership benefits of targeted integration strategies appear reasonably cost efficient (~\$2-3 per new trip) as compared to alternatives such as global fare discounts (\$3/trip) or service enhancement and system optimization (~\$3-15/trip)



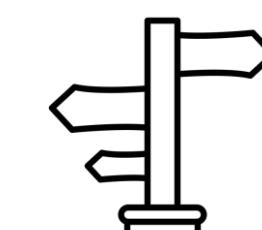
## Positive social ROI

Analysis suggests investment in fare integration would have a positive social return on investment through benefits such as lower VMT and travel time savings



## Balanced equity impacts

Fare integration strategies appear compatible with regional equity goals. Analysis indicates equity priority communities would receive a proportional share of the benefits of most strategies



## High uncertainty

There is uncertainty in the findings due to both the inherent uncertainty of modeling as well as post-pandemic uncertainty

## — Policy Vision Statement + Near-Term Actions

# Bay Area Transit Fare Policy Vision Statement

## What is it?

The purpose of the Transit Fare Policy Vision Statement is to allow the Fare Integration Task Force to articulate a policy direction it supports in principle and to provide direction to transit agency and MTC staff about how to prioritize upcoming work, including returning to the Task Force with specific actions related to the proposed pilot all-transit agency employer/institutional pass.

## What does it mean?

- Fare Integration Task Force wanted to *demonstrate support* for a fare policy vision, subject to certain complementary and necessary objectives, in order to provide direction to staff and signal a policy vision to outside stakeholders.
- The Policy Vision Statement *strengthens the case for new funding*, to support delivery of fare policy initiatives.
- The policy vision **does not** commit MTC or operators to any particular action or funding obligation.
- **The Policy Vision Statement was unanimously approved by the Fare Integration Task Force in November 2021.**

**Bay Area Transit Fare Policy Vision Statement**  
Based on the draft findings of the Fare Coordination and Integration Study (FCIS), the Fare Integration Task Force (Task Force) recognizes that the implementation of more coordinated and integrated transit fare policies may offer cost-effective options for improving the transit customer experience, promoting transit ridership recovery from the COVID-19 pandemic, and reducing regional vehicle miles traveled, greenhouse gas emissions, and transit travel times for customers, in ways that are compatible with the equity goals of transit operators, local stakeholders, MTC, and the State of California.

**Transit Fare Policy Initiatives for Further Development**  
The Task Force endorses continued work by transit operators and MTC staff to advance the following policy initiatives:

1. 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.
2. Implement no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2023, coinciding with the rollout of the Next Generation Clipper® system/Clipper® 2.
3. Continue to develop a proposal for implementing an all-transit agency pass product for the general public after the launch of the Next Generation Clipper® system/Clipper® 2 in 2023 or later (pending outcomes and data from the pilot noted in no. 1 above).
4. Continue to refine the vision of eventually creating a common fare structure (distance or zone-based) for regional rail, ferry, and express bus service after Next Generation Clipper® system/Clipper® 2 implementation. Direct transit operator staff and MTC staff to continue to evaluate the benefits and costs of a common fare structure for regional transit services in the context of a broader evaluation of post-COVID-19 pandemic ridership patterns, the role of regional transit service in the region, and the funding strategy for these regional transit services.

**Complementary and Necessary Objectives to Facilitate Delivery of Transit Fare Policy Initiatives**  
In collaboratively advancing these improvements for the benefit of the Bay Area's transit customers, we also recognize the continued economic challenges facing the region, and the transit industry in particular. The Task Force recommends that transit operator and MTC staff work to advance the above policies while also acknowledging that successful delivery will require pursuit of the following complementary and necessary objectives:

# Fare Policy Vision Statement

## Transit Fare Policy Initiatives for Further Development

The Task Force endorses continued work by transit operators and MTC staff to advance the following policy initiatives:

1. 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.
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# Fare Policy Vision Statement, cont.

## Complementary and Necessary Objectives to Facilitate Delivery of Transit Fare Policy Initiatives

In collaboratively advancing these improvements for the benefit of the Bay Area's transit customers, we also recognize the continued economic challenges facing the region, and the transit industry in particular. The Task Force recommends that transit operator and MTC staff work to advance the above policies while also acknowledging that successful delivery will require pursuit of the following complementary and necessary objectives:

- Implementation will not require the transfer of locally sourced funds between transit agencies.
- Prior to implementation of any of the Transit Fare Policy Initiatives, new funding sources will be sought to offset adverse transit agency revenue impacts resulting from implementation.
- Implementation of any of the Transit Fare Policy Initiatives will require approval by the appropriate transit agency governing body.
- Implementation of any of the Transit Fare Policy Initiatives will not result in a reduction of transit agency operating service levels.

# Institutional Pass Pilot

- A pilot institutional transit pass product is identified as the first action in the Policy Vision Statement



**Bay Area Transit Fare Policy Vision Statement**  
Based on the draft findings of the Fare Coordination and Integration Study (FCIS), the Fare Integration Task Force (Task Force) recognizes that the implementation of more coordinated and integrated transit fare policies may offer cost-effective options for improving the transit customer experience, promoting transit ridership recovery from the COVID-19 pandemic, and reducing regional vehicle miles traveled, greenhouse gas emissions, and transit travel times for customers, in ways that are compatible with the equity goals of transit operators, local stakeholders, MTC, and the State of California.

**Transit Fare Policy Initiatives for Further Development**  
The Task Force endorses continued work by transit operators and MTC staff to advance the following policy initiatives:

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**Complementary and Necessary Objectives to Facilitate Delivery of Transit Fare Policy Initiatives**  
In collaboratively advancing these improvements for the benefit of the Bay Area's transit customers, we also recognize the continued economic challenges facing the region, and the transit industry in particular. The Task Force recommends that transit operator and MTC staff work to advance the above policies while also acknowledging that successful delivery will require pursuit of the following complementary and necessary objectives:



**“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.”**



**Proposed Pilot Phases:**  
**Pilot Phase 1 (8/2022): Educational institutions and affordable housing properties**  
**Pilot Phase 2 (2023): Employers, especially in downtown SF and Oakland**

# Institutional Pass Pilot



## Objectives:

Demonstrate that an institutional transit pass covering all operators may increase transit ridership by better meeting the needs of users, who may not gain much value from a single agency transit pass. Evaluate program performance and collect data that could be used as the basis of a revenue model for permanent program.



## Proposed Participants:

**Phase 1:** Public community colleges + universities and affordable housing property managers that are existing customers of transit agency institutional passes.

**Phase 2:** Employers, especially in transit rich locations like downtown San Jose, San Francisco, and Oakland



## Financial Considerations:

**Phase 1:** Pass offered to educational institutions and affordable housing property managers at no additional cost, beyond existing transit agency institutional passes, for pilot period.

**Phase 2:** Price per pass during pilot will be negotiated based on size/location of employer



## Pilot Budget:

MTC Commission identified \$28 million for fare integration activities at an October 2021 Commission Workshop - \$6 million was targeted for the Institutional Pass Pilot, including to offset possible revenue losses at operators. Target is for pilot to last two years.

# Institutional Pass Pilot - Phase 1

## Scale and Participants



### Phase 1 Recommendations

Launch Date: August 2022

Scale: Up to 50,000 participants

Cost to Participants: None during pilot

Initial discussions underway with:



**Criteria used to develop the proposed participant list:**

- 1. Must be a public educational institution or non-profit affordable housing property manager**
- 2. Must offer students/residents an existing “all you can use” transit pass covering at least one transit operator (technical requirement for August 2022 launch).**
- 3. Geographic diversity of participants within the Bay Area**



# Institutional Pass Pilot - Phase 2



## Phase 2 Recommendations

Launch Date: Early 2023

Scale: Up to 10 employers of various sizes

Cost to Participants: Price per pass during pilot will be negotiated based on size/location of employer



- 1. Project team will engage with employers, transportation management associations (TMAs), and other stakeholder organizations to solicit interest in Phase 2 participation. Equity will be an important guide in developing Phase 2 recommendations.**
- 2. Goals include:**
  - Geographic diversity around the Bay Area**
  - Focus on transit rich employment centers**
  - Employers/organizations that have not been well served by existing institutional pass products**
- 3. Phase 2 would bring in new dollars to transit and would serve as an opportunity to test how a larger program could impact transit demand.**

# Pilot Project

## *Path to August 2022 Launch*



Task	2022 (by Month)
1. Finalize Management Structure	✓
2. Secure statements of interest from participants Institutions	✓
3. FITF reviews Phase 1 project budget/funding plan	✓
4. Finalize Title VI plan with FTA and agency civil rights staff	April - May
5. Agency Board Approvals	May - July
6. Work with institutional partners on site-specific administrative requirements & protocols (participant list, card distribution, etc.)	March - July
7. Develop communications/collateral	May - June
8. Establish research & evaluation plan	May - July
9. Card distribution/launch	July - August

# Institutional Pass Pilot

## Overall Funding Proposal



### Existing business relationships:

For pre-existing Phase 1 institution/agency pairs, business relationship not impacted by the pilot.

All transit agency pass would be layered on top of single agency product(s)



### Funding for Phase 1

Up to \$4.5 million over 2 years

#### Concept Proposal:

Distribute \$2.2 million of funding to operators up-front based on share of regional fare revenue in FY 2018-19  
(minimum of \$5,000 to each transit operator)

Hold \$2.2 million in reserve as a “top up” to distribute in year 2 of the pilot

### Funding for Phase 2

\$1 million over 2 years  
(placeholder)

#### Proposal:

Amount represents a placeholder reserve pending the design of Phase 2. While Phase 2 will bring in new dollars, given novel nature of program some revenue uncertainty exists

**Total =  
\$6 million**

**Other Administrative Costs: \$0.5 million** - Consulting support, Clipper card purchases, communications

<sup>18</sup>**Staffing Costs: 1.5 FTE** - Staff hired at BART (+1) and MTC (+0.5), funded from Transformation Action Plan staffing funds

# Delivery of Policy Vision Statement Recommendations – Next Steps

- **Next action in Policy Vision Statement is “no-cost and reduced cost transfers”**

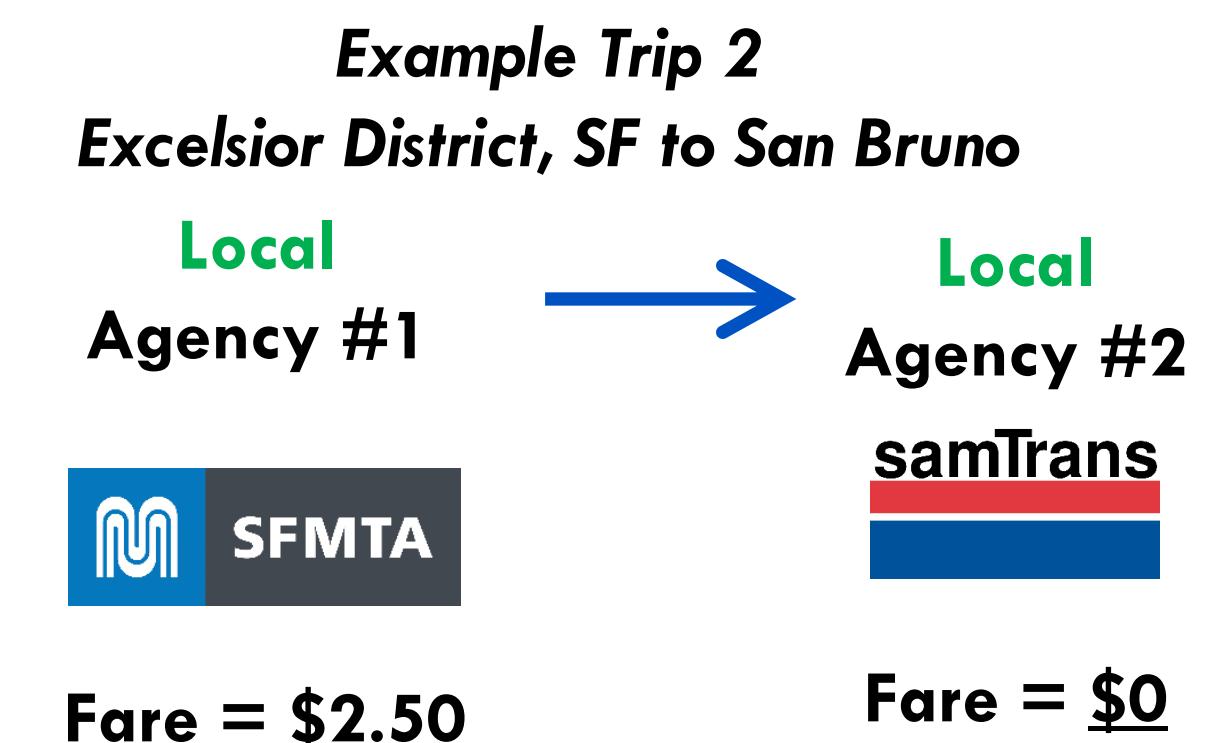
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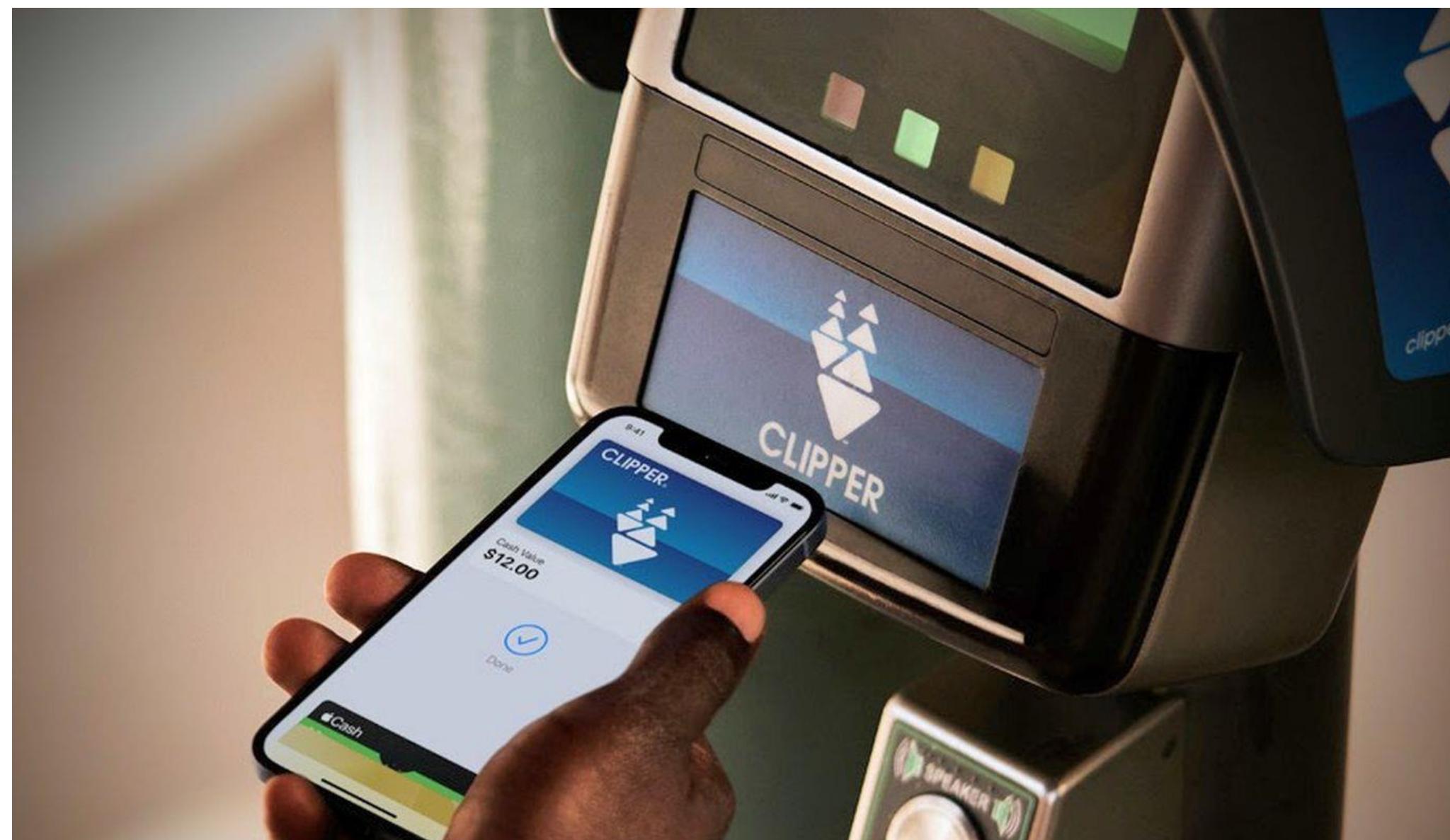
**Complementary and Necessary Objectives to Facilitate Delivery of Transit Fare Policy Initiatives**  
In collaboratively advancing these improvements for the benefit of the Bay Area's transit customers, we also recognize the continued economic challenges facing the region, and the transit industry in particular. The Task Force recommends that transit operator and MTC staff work to advance the above policies while also acknowledging that successful delivery will require pursuit of the following complementary and necessary objectives:

**“Implement no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2023, coinciding with the rollout of the Next Generation Clipper® system /Clipper® 2.”**



# “No-cost / Reduced Cost Transfers”

**“Implement no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2023, coinciding with the rollout of the Next Generation Clipper® system/Clipper® 2.”**

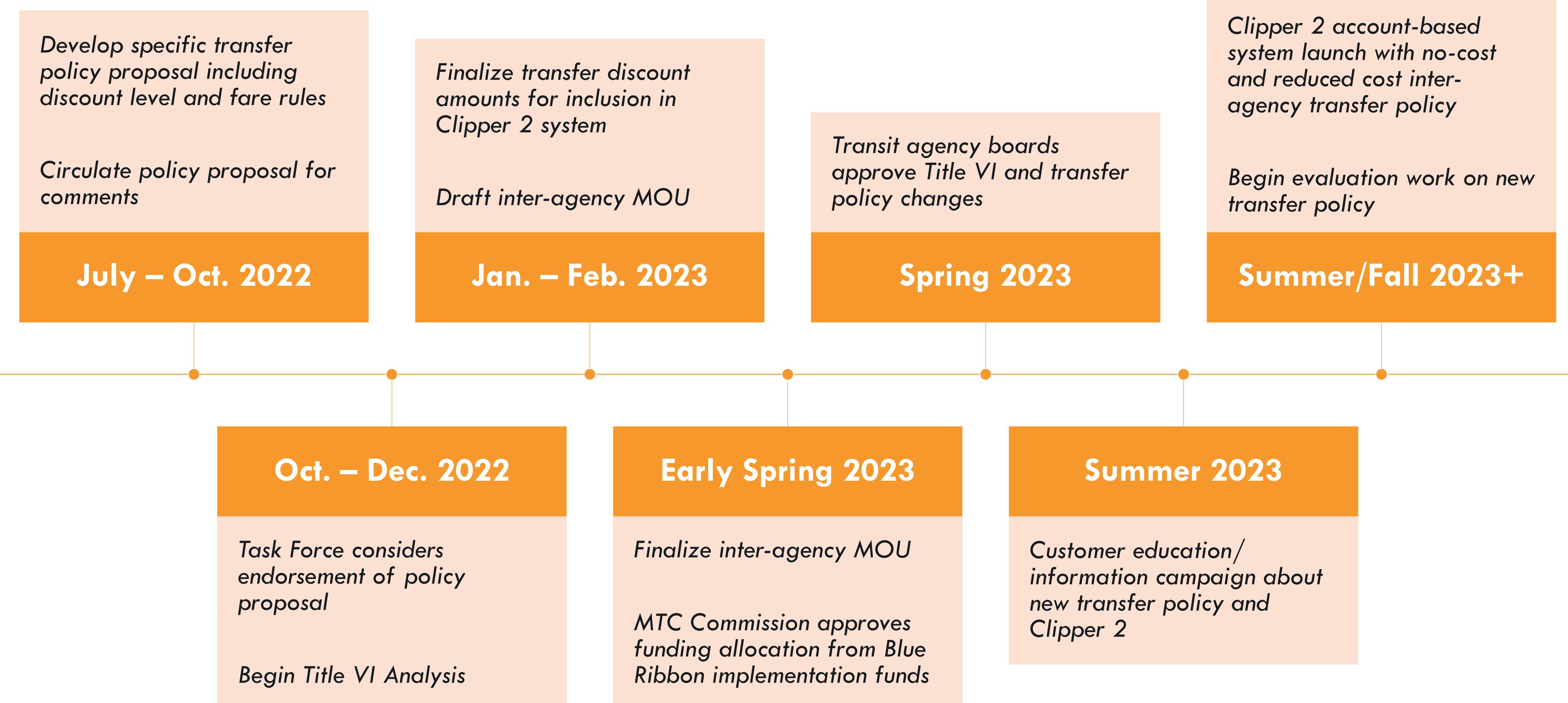


## Considerations for Stakeholders

- Approximately \$22 million in funding from BRTRTF set aside
- Most cost-effective fare policy action identified in the FCIS
  - +26,000 new daily transit trips
- Still time to deliver at Clipper 2 launch, but work will need to start soon
- Synergies with promoting ridership recovery and customer information about Clipper 2
- SB 917 – “Seamless Transit Transformation Act”

# Steps to Deliver “No-cost / Reduced Cost Transfers”

## Conceptual Timeline



**Feel free to get in touch with questions**

William Bacon - MTC

*Co-Project Manager, Fare Coordination/Integration Study + Business Case*

[wbacon@bayareametro.gov](mailto:wbacon@bayareametro.gov)

415.778.6628

Mike Eiseman - BART

*Co-Project Manager, Fare Coordination/Integration Study + Business Case*

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August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Purchase Agreement with Pacific Power Group for Performing Mid-Life Bus Refurbishment on Six Hybrid Buses.**

**board of directors**

stephanie moulton-peters  
president  
supervisor district 3

katie rice  
vice president  
supervisor district 2

eric lucan  
2nd vice president  
city of novato

judy arnold  
director  
supervisor district 5

kate colin  
director  
city of san rafael

damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

Dear Board Members:

**RECOMMENDATION:** Authorize General Manager to complete the purchase agreement with Pacific Power Group for an amount not to exceed \$304,000.

**SUMMARY:**

Staff recommends that your Board authorize the General Manager to sign a purchase agreement with Pacific Power Group - Allison Transmission, premier distributor & service provider in the western US to perform a mid-life ESS (Energy Storage System) battery refresh on six Gillig buses used on local service since 2016.

**Background**

In 2014 Marin Transit ordered eleven Gillig Hybrid buses (seven 40-foot and four 30-foot) for local service. Marin Transit started using these buses in early 2016. At this time, Marin Transit has federal funds for the refurbishment of six of the eleven buses in the fleet. The additional five vehicle refurbishments will be completed next year when additional federal funds are available. This is due rapidly increasing costs for the refurbishment kits and basing the request for federal funds in the regional planning cycle on lower pricing.

Mid-life refurbishment is a proactive maintenance activity to ensure optimal performance and a full life expectancy of 12 - 14 years of a hybrid transit bus. It is recommended by manufacturers and common practice in hybrid systems. Marin Transit will benefit from the following:

- Performing a refresh of the energy storage system (ESS) prolongs the life of the nickel metal hydride batteries.
- Refreshing the ESS allows for a thorough inspection of the ESS, to verify all components are in safe operating condition.
- Performing an ESS Refresh is optimal for preserving & extending the life of a bus.
- Prevents failures of other expensive components related to the ESS like the Dual Power Inverter Module (DPIM).

- The ESS Refresh kit comes with a 2 year/unlimited mileage warranty coverage.

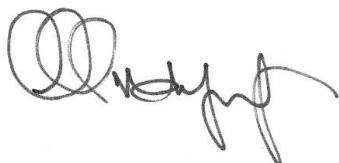
**Procurement**

Marin Transit will complete a sole source procurement for this purchase. Pacific Power Group is the sole source provider for the Allison hybrid product for the Northern California territory. They will supply all needed parts and perform the ESS battery refresh labor.

**FISCAL IMPACT:**

The total cost of the purchase order with Pacific Power Group for the six ESS battery refresh kits and installation labor will not exceed \$304,000. This purchase is funded with 80% federal Section 5307 funding and matched with Measure AA local sales tax. The project is included in Marin Transit's FY2022/23 Capital Budget (Project #HY) and the purchase will exceed the budget by \$4,000 due to increasing equipment costs.

Respectfully submitted,



Mohamed Osman  
Senior Operations Analyst



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August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Second Amendment to Agreement with Michael's Transportation Service, Inc. to Provide Pupil Transportation Services.**

**board of directors**

stephanie moulton-peters  
president  
supervisor district 3

katie rice  
vice president  
supervisor district 2

eric lucan  
2nd vice president  
city of novato

judy arnold  
director  
supervisor district 5

kate colin  
director  
city of san rafael

damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

Dear Board Members:

**RECOMMENDATION:** Authorize General Manager to execute an amendment to the contract with Michael's Transportation Service, Inc. (#1126) to exercise the second option year for Pupil Transportation Services through June 30, 2023 at an amount not to exceed \$600,118.

**SUMMARY:** On April 2, 2018 your Board approved a contract with Michael's Transportation Service Inc. (#171863) to provide yellow school bus services in the Ross Valley. The base contract was a three year duration, that started with the 2018/19 school year and ended in the 2020/21 school year. The District did not operate service in the final year of the agreement due to COVID-19 impacts on the academic year and the lack of transportation needed for the limited in-person curriculum. The contract allows for two additional option years if the parties mutually agree to exercise. The first option year was approved by your Board on July 12, 2021, for the 2021-22 school year. Service needed for this upcoming 2022-23 school year will be operated in the second option year of the agreement.

Since the start of this agreement and yellow school bus service in the Ross Valley, six buses were contracted to support the busing demands of student transportation. Based on a combination of reduced bus pass demand, limited program revenue, and an increase in expenditures, the second option year of the agreement will contract for five buses. Routes and schedules will largely remain the same apart from one fewer PM route. Most of the service will continue to focus on White Hill school (nine AM, seven PM routes) with one AM and PM route serving Hidden Valley and one AM and PM shared route with White Hill serving Ross Valley Charter.

Marin Transit staff met with the Ross Valley Joint Exercise of Powers Authority (JEPA) committee on March 21, 2022 to review the proposed service plan, budget, pass price, and contract option

year with Michael's Transportation. The JEPA recommended that Marin Transit approve the contract option year with Michael's Transportation.

**FISCAL/STAFFING IMPACT:** The contract with Michael's is pricing at a 4-hour daily rate for service. The base rate in year one of the base contract was \$598 per day, per bus with a \$20 per day, per bus discount if Marin Transit provided parking within Marin County. Marin Transit, under contract to the County of Marin, was able, and continues to provide parking in the County which allows for the lower rate. The contract allows for an annual increase in the daily rate based on the Consumer Price Index (CPI), or a maximum of 3%. Fortunately, Michael's honored the base year pricing in the first three years of the contract in an effort to keep the service financially sustainable for the District and the funding partners. However, due to many unexpected impacts on operations and costs for Michael's during the COVID-19 pandemic, the option years were to be billed based on the original escalation schedule. Table 1 below shows the allowable daily rate and the actual or expected rate paid in each year.

**Table 1: Estimated and Actual Contract Costs**

	<b># of Buses</b>	<b>Allowed Rate Per Day<sup>1</sup></b>	<b>Actual/Expected Rate Per Day<sup>1</sup></b>
FY2018/19	6	\$578	\$578
FY2019/20	6	\$595	\$578
FY2020/21	0	\$613	\$578
<hr/>			
<b>Option Years</b>			
FY2021/22	5	\$632	\$632
<b>FY2022/23</b>	<b>5</b>	<b>\$651</b>	<b>\$651</b>

**1. Rate reflects parking provided within Marin County**

**FISCAL/STAFFING IMPACT:** Assuming Ross Valley provides in-class instruction 180 days in the upcoming 2022-23 school year, the expected expenditures in the second option year are estimated to be an amount not to exceed \$600,118. This estimate includes the base daily cost to provide five bus equal to \$585,900 plus a 2% added daily fee for increased fuel costs (+\$11,718) and a \$50 per month, per bus added cleaning fee for COVID (+\$2,500). These expenses are offset by revenues from pass sales and contributions from the Town of Fairfax, the Town of San Anselmo, and the County of Marin. The remaining expenses are funded with Measure AA local sales tax allocated to student transportation. The cost of the contract to Michael's Transportation is included in Marin Transit's annual budget in the Yellow Bus budget. There is no staffing impact associated with this item.

Respectfully submitted,



Christopher Whitlock  
Senior Operations Analyst

Attachment: Second Amendment to Agreement

**SECOND AMENDMENT TO AGREEMENT**

**BY AND BETWEEN THE**

**MARIN COUNTY TRANSIT DISTRICT AND MICHAEL'S TRANSPORTATION SERVICES  
INC. FOR STUDENT TRANSPORTATION SERVICES, DATED JULY 13, 2022**

---

**THIS SECOND AMENDMENT** is made and entered into as of this \_\_\_\_ day of  
\_\_\_\_\_, 2022, by and between the Michael's Transportation Services Inc.  
(hereinafter referred to as the "Michael's") and the MARIN COUNTY TRANSIT DISTRICT,  
a political subdivision of the State of California (hereinafter referred to as "MCTD") for  
paratransit services.

**RECITALS**

WHEREAS, the MCTD and Michael's entered into an agreement (#171863) on April 2, 2018 for pupil transportation services; and

WHEREAS, the District desires to engage and the Contractor jointly agrees to provide student bus transportation services ("Services") by entering into this Agreement pursuant to all applicable laws; and

WHEREAS, the Contractor agrees to perform the Services described in this Agreement in accordance with the standards of its profession, to District's satisfaction, and in accordance with this Agreement; and

WHEREAS, the District and Contractor entered into amendment 1 (#1028) on July 12, 2021 to extend the contract for the first allowed option year; and

WHEREAS, the District and Contractor wish to extend the contract for second of the two allowed option years.

NOW, THEREFORE, the Parties agree as follows:

NOW, THEREFORE, IT IS AGREED:

- 1) Section 3.1 Contract Term and Renewal, of the Contract is deleted and replaced in its entirety with the attached revised section 3.1, Contract Term and Renewal.
- 2) Section 4 Payment and Payment Schedule, of the Contract is amended to included section 4.6  
4.6 Maximum Cost to District. In no event will the cost to the District for the services to be provided herein exceed the maximum sum of \$2,218,390.
- 3) Exhibit A Services, of the Contract is amended to include the attached 2022-23 routes.

- 4) Exhibit B Rate Schedule, of the Contract is deleted and replaced in its entirety with the attached revised Exhibit B Rate Schedule.
- 5) Except as otherwise provided herein all terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have entered into this Second Amendment on the date above written.

MARIN COUNTY TRANSIT DISTRICT:

MICHAEL'S TRANSPORTATION  
SERVICES INC.:

By: \_\_\_\_\_

By: \_\_\_\_\_

3.1 Contract Term and Renewal.

3.1.1. This Contract shall be in effect commencing on the Contract Effective Date of April 2, 2018 and shall continue in full force and effect to and including June 30, 2023 (“Contract Term”), unless this Contract is terminated during the Contract Term pursuant to this Article.

## EXHIBIT A

## 2022-23 ROUTE SCHEDULES

AM

	Bus 1	Bus 2	Bus 3	Bus 4	Bus 5
AM Start	7:35a	7:40a	7:30a	7:30a	7:30a
AM End	8:12a	8:42a	8:30a	8:43a	8:43a
Route	WH-1	WH-2	WH-3	WH-5	WH-6
Trip Start	7:35a Memorial Park Lot	7:40a San Anselmo Hub	7:30a Sequoia & Red Hill	7:30a Butterfield & Meadowcroft	7:30a Butterfield Rd & Caletta Ave (East)
Trip End	7:47a White Hill School	7:55a White Hill School	7:45a White Hill School	7:53a White Hill School	7:52a White Hill School
	Deadhead	Deadhead	Deadhead	Deadhead	Deadhead
Route	HV-1	WH-7	WH-17	WH-8	WH-18
Trip Start	7:52a SED & Claus	8:23a San Anselmo Hub	8:11a San Anselmo Hub	8:15a Butterfield & Meadowcroft	8:25a San Anselmo Hub
Trip End	8:12a Hidden Valley	8:42a White Hill School	8:30a White Hill School	8:43a White Hill School	8:43a White Hill School

PM

PM Start	3:00p	3:00p	3:00p	3:00p	3:00p
PM End	4:15p	3:35p	3:33p	4:03p	3:45p
Route	HV-1	WH-12	WH-15	WH-9	WH-10
Trip Start	3:00p Hidden Valley	3:00p White Hill School	3:00p White Hill School	3:00p White Hill School	3:00p White Hill School
Trip End	3:30p White Hill School	3:35p Red Hill & Sequoia	3:33p Red Hill & Sequoia	3:15p San Anselmo Hub	3:17p Memorial Park
Deadhead			Deadhead		
Route	WH-14	WH-13	WH-16		
Trip Start	3:35p White Hill School	3:45p White Hill School	3:35p Sir Francis Drake & Marinda		
Trip End	4:15p San Anselmo Hub via Butterfield	4:03p Red Hill & Sequoia	3:45p White Hill School		
Deadhead			Deadhead		

RVC	8:35 a / 3:10 p
HV	8:20 a / 2:50 p
WH	8:10 a / 9:00 a / 2:55 p

**EXHIBIT "B" TO PUPIL TRANSPORTATION SERVICES AGREEMENT – RATE SCHEDULE**

CONTRACTOR WILL PROVIDE THE SERVICES BASED UPON THE FOLLOWING RATE SCHEDULE, CALCULATION OF TIME IS FURTHER DEFINED IN "EXHIBIT F":

Rate Schedule (2018/19-2020/21)

Service Description		4-Hour Minimum		5-Hour Minimum		8-Hour Minimum	
		Daily Rate for 4 hour min (per bus)	Hourly rate for service exceeding 4 hours per bus	Daily Rate for 5 hour min (per bus)	Hourly rate for service exceeding 4 hours per bus	Daily Rate for 8 hour min (per bus)	Hourly rate for service exceeding 8 hours per bus
Home-to-school bus, 80 - 90 seat	Parking in Marin County	\$ 578.00	\$ 649.00	\$ 720.00	\$ 791.00	\$ 862.00	\$ 933.00
	No Parking	\$ 598.00	\$ 669.00	\$ 740.00	\$ 811.00	\$ 882.00	\$ 953.00
Home-to-school bus, 60 - 70 seat	Parking in Marin County	\$ 578.00	\$ 649.00	\$ 720.00	\$ 791.00	\$ 862.00	\$ 933.00
	No Parking	\$ 598.00	\$ 669.00	\$ 740.00	\$ 811.00	\$ 882.00	\$ 953.00

Rate Schedule (2022/23)

Service Description	4-Hour Minimum	
	Daily Rate for 4 hour min (per bus)	
Home-to-school bus, 80-90 seat or 60-70 seat	Parking in Marin County	\$651.00

Note:

1. If parking is not provided in Marin County, the daily rate will need to be re-negotiated.
2. An additional monthly COVID cleaning fee of \$50 per bus will be added until this requirement is no longer required by local health officials.
3. A one percent (1%) surcharge, not to exceed 2%, will be added for every 10 cents that the diesel fuel price rises above \$4.330/gallon, per the average California Diesel Fuel Price published by the Department of Energy at [http://www.eia.gov/dnav/pet/pet\\_pri\\_gnd\\_dcus\\_sca\\_w.htm](http://www.eia.gov/dnav/pet/pet_pri_gnd_dcus_sca_w.htm). (Note: The current average CA diesel fuel price reported at the DOE site is \$6.665/gal. So, if the fuel price exceeded \$4.300/gal., there would be a (1%) additional charge per bus per day; if it exceeded \$4.400/gal., there would be a further 1% increase (for a maximum 2% increase on the daily rate.



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August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Fiscal Year 2021/22 Contract Awards and Fiscal Year 2022/23 Contracting Opportunities**

**board of directors**

stephanie moulton-peters  
president  
supervisor district 3

katie rice  
vice president  
supervisor district 2

eric lucan  
2nd vice president  
city of novato

judy arnold  
director  
supervisor district 5

kate colin  
director  
city of san rafael

damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

Dear Board Members:

**RECOMMENDATION:** Information only.

**SUMMARY:**

Staff brought a report on contract awards for the first half of FY 2021/22 to your Board in February 2022. This report provides an update and lists all contracts awarded in FY 2021/22 and anticipated solicitations for FY 2022/23.

*FY 2021/22 Contract Awards*

Marin Transit entered into 96 agreements. Of these, 21 are revenue or non-financial agreements. Your Board awarded 30 agreements for a total value \$74.3 million. The General Manager has the authority to approve contracts up to \$50,000 and approved a total of \$595,835 in contract awards. With authority from your Board, the General Manager also approves Task Orders to authorize expenditure of previously awarded value and additional years of multi-year contracts as required. In total, the General Manager approved \$466,868 in Task Orders and multi-year agreements with Board authorizations. (Attachment A)

The biggest contract award was the Marin Access Operations and Maintenance valued at \$46.6 million. Option years on MV Transportation and Marin Airporter operation contracts were a total of \$12.8 million. The purchase of the 3010/3020 Kerner property was \$3.5 million (#1111). The new On Call Engineering contract was \$1.2 million (#1104).

Smaller awarded contracts were for printing, vehicle equipment, software, and professional services.

*FY 2022/23 Contracting Opportunities*

Your Board adopted the FY 2022/23 annual budget on June 7, 2022. Marin Transit staff anticipated the contract opportunities required to deliver the service and projects outlined in the Budget. These are

listed in **Table 1** below. Vehicle supply chain shortages are currently delaying paratransit vehicle purchases and may cause further delay.

**Table 1: FY 2022/23 Contracting Opportunities**

Product or Service	Type of Procurement	Procurement Method	Anticipated Release Date	Contract Value over or under \$1 Million	Federal
Hybrid Battery Packs	Equipment	Sole Source	Aug. 2022	Under	Yes
Building Demolition	Construction	IFB	Sept. 2022	Under	No
Staff Car (Electric)	Vehicles	RFQ	Sept. 2022	Under	No
Bus Stop Shelters	Equipment	Cooperative Agreement	Oct. 2022	Under	Yes
Financial Audit	Service	RFP	Oct. 2022	Under	No
Total Compensation Study	Service	RFQ	Oct. 2022	Under	No
Rush Landing Fencing and Lighting	Construction	IFB	Oct. 2022	Over	No
Ten Paratransit Vans	Vehicles	Cooperative Agreement	Nov. 2022	Under	Yes
Bus Stop Improvements	Construction	IFB	Nov. 2022	Over	No
Seven 40ft Hybrids	Vehicles	Piggyback	Nov. 2022	Over	Yes
Fixed Route Operations and Maintenance Contracts	Operations	RFP	Nov. 2022	Over	Yes
Demand Response Scheduling Software	Software	RFP	Nov. 2022	Under	No
Electric Cutaway	Vehicles	Cooperative Agreement	March 2023	Under	No

**FISCAL/STAFFING IMPACT:** There are no fiscal impacts associated with this information item.

Respectfully submitted,



Lauren Gradia  
Director of Finance and Capital Programs

Attachment A - FY2021/22 Contract Awards

**Attachment A**  
**FY2021/22 Contract Awards**

---

Contract #	Contract Title	Date of Award	Contractor	Board Awards	Other Awards (Under \$50,000)	Previous Board Authorizations
1028	Yellow Bus Service - 1st Option Year	7/12/2021	Michael's Transportation	\$571,300		
1029	Financial Reviews and Grants Assistance - Extension and add value	7/7/2021	NWC Partners Inc		\$25,000	
1030	Riders Guide Printing and Distribution	8/2/2021	Consolidated Printers, Inc.	\$50,000		
1031	Para Ops 2014 Amendment 9 - Extend one add'l month	8/2/2021	Vivalon	\$396,871		
1032	Support for Marin Access RFP, Amendment 1	7/21/2021	David Rzepinski		\$0	
1033	Downtown Novato Shelter Cleaning MOU	12/1/2021	Downtown Streets Team		\$6,039	
1034	Transit Operations 2018 Amendment 7	7/22/2021	MV Transportation		\$0	
1035	<i>prior period agreement</i>					
1036	Website Design and Support Amendment 4	8/5/2021	Blink Tag, Inc.		\$50,000	
1037	License Agreement for Yellow Bus Parking Los Gamos	7/28/2021	County of Marin		\$25,450	
1038	<i>revenue contract</i>					
1039	<i>revenue contract</i>					
1040	Task Order #2 - On Call Graphic Design	8/11/2021	We The Creative			\$55,000
1041	Photoshoot -Amendment 1-Time Extension	8/20/2021	Kara Brodgesell		\$0	
1042	Advertising-Base Contract	7/1/2021	Point Reyes Light		\$12,000	
1043	AVL Equipment for Two XHF Vehicles	8/27/2021	Syncromatics Corporation			\$18,070
1044	Move Camera Equipment for Two XHF Vehicles	8/30/2021	Seon			\$5,372
1045	Phone and Data Services 3000 Kerner	8/11/2021	Comcast		\$1200	
1046	Operations & Maintenance Fixed Route Amendment 3 - 6 month extension	9/13/2021	Golden Gate Transit (GGT)	\$5,320,311		
1047	Front and Curbside Decal Install on vehicle 1706	8/31/2021	Fast Signs		\$351	
1048	PR Support - Base Contract	8/5/2021	Civic Edge Consulting Services		\$25,000	
1049	711 Grand Office Lease Amendment #2 - Time Extension & Expansion	9/13/2021	Gabrielsen	\$707,761		

**Attachment A**  
**FY2021/22 Contract Awards**

Contract #	Contract Title	Date of Award	Contractor	Board Awards	Other Awards (Under \$50,000)	Previous Board Authorizations
1050	600 Rush Construction	9/13/2021	Arntz Builders, Inc	\$588,632		
1051	<i>revenue contract</i>					
1052	Copier Lease 2021	9/22/2021	KYOCERA Document Solutions Northern California, Inc.		\$6,621	
1053	<i>revenue contract</i>					
1054	<i>revenue contract</i>					
1055	Novato Parking Agreement	9/13/2021	Golden Gate Transit (GGT)	\$0		
1056	San Rafael Parking Agreement	9/13/2021	Golden Gate Transit (GGT)	\$0		
1057	3000 Kerner Environmental Testing	9/30/2021	Elite Environmental Consulting		\$1,600	
1058	<i>contract cancelled</i>	10/13/2021	Ongaro & Sons		\$0	
1059	<i>revenue contract</i>					
1060	Inspection 4 BEB Gilligs	10/21/2021	Vehicle Technical Consultants		\$2,520	
1061	RVSD Measure AA Yellow Bus Funding Agreement	10/4/2021	Marin Transit	\$76,224		
1062	Tiburon Peninsula JPA- Measure AA Yellow Bus Funding Agreement	10/4/2021	Tiburon Peninsula Traffic Relief JPA	\$97,117		
1063	San Rafael- Measure AA Yellow Bus Funding Agreement	10/4/2021	San Rafael School District	\$78,603		
1064	Miller Creek School District - Measure AA Yellow Bus Funding Agreement	10/4/2021	Miller Creek School District	\$42,168		
1065	Marin Access Operations and Maintenance - Base Contract	9/13/2021	Transdev Services, Inc.	\$46,644,308		
1066	Fleet Maintenance Review	11/1/2021	TRC Engineering	\$77,535		
1067	3000 Kerner Design	11/1/2021	Gutierrez/Associates Architects	\$124,935		
1068	<i>revenue contract</i>					
1069	<i>revenue contract</i>					
1070	3000 Kerner Sewer Lateral Replacement	11/4/2021	Benjamin Franklin Plumbing North Bay		\$18,524	
1071	<i>prior year contract</i>					

**Attachment A**  
**FY2021/22 Contract Awards**

Contract #	Contract Title	Date of Award	Contractor	Board Awards	Other Awards (Under \$50,000)	Previous Board Authorizations
1072	<i>prior year contract</i>					
1073	3000 Kerner Improvements - Fire Sprinkler Design and Install	11/1/2021	Todd Morris Fire Protection, INC.	\$77,750		
1074	GES 2017 - Task Order #15 - Designs for ADA Bus Stop Improvements	11/11/2021	Mark Thomas & Company			\$213,969
1075	AVAS & APC repairs	11/10/2021	Syncromatics Corporation		\$6,000	
1076	Staffing agreement and fee schedule	11/8/2021	Perfect Timing Personnel Services, Inc		NA	
1077	Appraisal Services	11/4/2021	Nannette Quigley		\$4,400	
1078	Purchase of 5 Accessible Vans	11/1/2021	Creative Bus Sales	\$330,000		
1079	Purchase of Shop Charger for use with Gillig Buses	12/2/2021	Gillig, LLC		\$33,217	
1080	3000 Kerner Demolition Services	11/29/2021	Costa Demolition		\$1,600	
1081	Camera Installation on 4 new Gillig EVs (EA)	12/16/2021	Seon	\$21,250		
1082	<i>revenue contract</i>					
1083	<i>revenue contract</i>					
1084	Bus Stop Maintenance Contract Extension	12/1/2021	Clean Solutions Services, Inc.		\$50,000	
1085	Electronic Signature Software	11/5/2021	DocuSign		\$3,260	
1086	3000 Kerner Asbestos Abatement	12/1/2021	CAL-INC Construction		\$1,394	
1087	3000 Kerner Fire Sprinkler System - Trenching and belowground pipe installation	11/1/2021	Wildcat Engineering dba Aanenson Wildcat Inc	\$79,750		
1088	3000 Kerner Warehouse HVAC Replacement	12/30/2021	Ongaro & Sons		\$48,535	
1089	Construction Contract for 3000 Kerner Blvd	1/10/2022	Velox Design & Construction	\$476,615		
1090	Printing of Marin Access Newsletter & Survey.	1/12/2022	Unicorn Group		\$7,500	
1091	Contract for transit advocacy workshops and collateral.	1/12/2022	Accessible Avenue		\$10,000	
1092	Data and phone cabling for 2022 office expansion	1/14/2022	Kray Cabling Inc		\$22,559	
1093	Operations and Maintenance, 8th Amendment for Option Year	5/2/2022	MV Transportation	\$3,300,000		

**Attachment A**  
**FY2021/22 Contract Awards**

Contract #	Contract Title	Date of Award	Contractor	Board Awards	Other Awards (Under \$50,000)	Previous Board Authorizations
1094	Operations and Maintenance, 4th Amendment for Option Year	5/2/2022	Marin Airporter	\$9,541,922		
1095	General Engineering Services - Time Extension	1/1/2040	Mark Thomas & Company			
1096	Legal Services	2/1/2022	Shute Mihaly & Weinberger		\$50,000	
1097	Construct ADA Parking Spot at 3000 Kerner Blvd, San Rafael	1/1/2040	Coastside Concrete		\$12,750	
1098	Engineering Services - Rush Landing Fencing and Lighting	3/3/2022	Mark Thomas & Company			\$99,179
1099	Moving service for 711 Grand Avenue	3/8/2022	Farnsworth		\$17,112	
1100	<i>Revenue Agreement</i>	3/17/2022	Caltrans			
1101	<i>Revenue Agreement</i>	3/18/2022	Marin Transit			
1102	Marketing Contract Amendment	3/25/2022	Civic Edge Consulting		\$25,000	
1103	Marin Access Video Production	3/25/2022	Radicchio Films, LLC		\$8,000	
1104	On Call General Engineering Services	4/4/2022	Mark Thomas & Company	\$1,200,000		
1105	Bus Stop Bench and Trash Receptacle	4/7/2022	Tolar Manufacturing Company Inc		\$3,380	
1106	Real time sign equipment support	1/1/2040	Daktronics		\$1,400	
1107	Graffiti Shields - Redwood & Grant	1/1/2040	Graffiti Shield, Inc.		\$12,819	
1108	Due Diligence and Design for 3010/3020	4/13/2022	Mark Thomas & Company			\$75,278
1109	Service Agreement for Phone and Internet	4/28/2022	Sonic		\$20,904	
1110	GFI Cash Boxes and Keys	1/1/2040	GFI Genfare		\$4,436	
1111	Purchase of 3010/3020 Kerner	5/2/2022	Defense of Animals	\$3,500,000		
1112	General graphics support	1/1/2040	Fehr & Peers		\$49,999	
1113	Revenue Agreement	5/11/2022	Caltrans			
1114	Website Development and Support	6/6/2022	BlinkTag Inc	\$170,000		
1115	Connect Software - Execute Option Year	6/6/2022	Uber Technologies Inc.	\$36,000		
1116	Planning support for contracted services- time extension	6/1/2022	David Rzepinski			

**Attachment A**  
**FY2021/22 Contract Awards**

Contract #	Contract Title	Date of Award	Contractor	Board Awards	Other Awards (Under \$50,000)	Previous Board Authorizations
1117	Larkspur Landing Parking Lease	5/27/2022	Golden Gate Transit (GGT)			
1118	Below Ground Fire Line Installation - 3000 Kerner	11/1/2021	Marin Municipal Water District (MMWD)	\$45,952		
1119	Measure AA School Funding Agreement	6/6/2022	Miller Creek School District	\$27,893		
1120	Measure AA School Funding Agreement	6/6/2022	Tiburon Peninsula Traffic Relief JPA	\$206,168		
1121	Measure AA School Funding Agreement	6/6/2022	Marin Transit	\$225,144		
1122	Measure AA School Funding Agreement	6/6/2022	San Rafael City Schools	\$254,100		
1123	Measure AA School Funding Agreement	6/6/2022	Sausalito-Marin City Schools	\$26,445		
1124	License Agreement for Yellow Bus Parking - Los Gamos	6/27/2022	County of Marin		\$26,210	
<b>Total Contract Values</b>				\$75,357,475	\$74,294,754	\$595,853
<b>Number of Expense Contracts</b>				<b>72</b>	<b>30</b>	<b>36</b>
<b>Number of Revenue Agreements</b>				13		
<b>Number of Non-Financial Agreements</b>				8		
<b>Number of Prior Year Recordings</b>				3		
<b>Total Number of Contracts</b>				<b>96</b>		



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August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Marin Transit's Disadvantaged Business Enterprise Participation (DBE) Goal for Marin Transit Contracting Opportunities in Federal Fiscal Years 2023-25**

Dear Board Members:

**board of directors**

stephanie moulton-peters  
president  
supervisor district 3

katie rice  
vice president  
supervisor district 2

eric lucan  
2nd vice president  
city of novato

judy arnold  
director  
supervisor district 5

kate colin  
director  
city of san rafael

damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

**RECOMMENDATION:** Approve three-year DBE goal for DBE participation in Marin Transit contracts supported by U.S. Department of Transportation funds.

**SUMMARY:**

Staff recommends that your Board approve a 1.6% goal for minority- and women-owned businesses participation in Marin Transit contracts that receive federal funds. As a direct federal recipient, Marin Transit is required to develop a methodology to identify and approve a three-year goal and monitor progress towards achieving that goal. The proposed goal was developed in accordance with the methodology outlined the District's updated Diversity Program for Contracts that your Board adopted on April 4, 2022. This program can be found on the Marin Transit website at [www.marintransit.org/purchasing](http://www.marintransit.org/purchasing). The calculations and methodology for the 2023-2025 goal are included in the attachment to this letter.

**BACKGROUND:**

The Federal Transit Administration (FTA) requires DBE programs for contracts related to federal funding for planning activities, capital projects, and operating assistance. Transit vehicle purchases have separate DBE compliance procedures and are not subject to transit agency DBE goals. Marin Transit's Diversity Program establishes procedures to obtain information and input regarding available businesses, monitor and enforce compliance of contractors, and develop corrective action plans if the DBE goal is not met. Marin Transit's DBE officer (Keith Green) actively participates in an outreach committee of staff from Bay Area transportation agencies who develop programs for minority and women-owned businesses to learn about proposal, bidding, and contracting procedures and increase awareness of upcoming contract opportunities.

To develop the goal, staff projected the amount of funds for the period subject to the DBE requirements and segmented them by the type of contract opportunity. A base figure, or target amount of DBE participation, was developed using the availability of DBEs by each type of contract opportunity. This figure was then adjusted to account for other factors like prior participation rates.

Utilizing the methodology results in a 1.6% overall goal that is based on staff's assessment of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate in federally assisted contracts. This goal is lower than the District's prior goal of 3.3% but higher than the current actual participation rate of <1%. Marin Transit has been more successful in recent procurements, like the Marin Access Operations contract in increasing DBE participation.

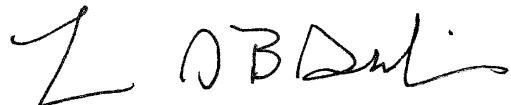
The analysis used in the goal development relies on U.S. Census 2019 Countywide Business Pattern data to obtain information on businesses that offer services related to the District's upcoming contract opportunities. Staff utilized the current California Unified Certification Program Directory to identify disadvantaged businesses. The attached description of the methodology for determining the goal follows current FTA guidance. Staff anticipates an overall DBE goal for Marin Transit's FTA-assisted contracts that will be achieved through race-neutral methods.

Marin Transit then used several methods to reach out to DBEs and the public to receive feedback on the methodology and proposed goal. Marin Transit is a member of the Business Outreach Committee (BOC) a group of 38 transit and transportation agencies located in the San Francisco Bay Area. The BOC held a joint online community-based organization and public participation meeting on June 7, 2022 to receive comments pertinent to the FFY 2023-2025 goal-setting processes. Members of the public were given opportunities to provide comments. Invitations to the consultation meeting were sent to 190 community organizations and small business resources centers. In the North Bay, these organizations include the Marin Small Business Development Center, North Bay Black Chamber of Commerce, Hispanic Chamber of Commerce of Marin, the Chambers of Commerce for individual Marin Cities and Towns, and the North Coast Builders Exchange.

On June 16, 2022, Marin Transit posted a Public Notice of the availability of the proposed DBE goal methodology in English and Spanish, with a link to this document, for public review and comment on the District's website at [www.marintransit.org](http://www.marintransit.org). The notice also informs the public that the proposed goal and rationale are available for inspection during normal business hours for 30 days following the date of the Public Notice. No comments were received during the public comment period. Following your Board's approval, Marin Transit will submit the FFY 2022-23 DBE goal methodology to the Federal Transit Administration for review and approval.

**FISCAL IMPACT:** None associated with this report.

Respectfully submitted,



Lauren Gradia  
Director of Finance and Capital Programs

Attachment – Marin County Transit District Overall Disadvantaged Business Enterprise (DBE)  
Goal for Federal Fiscal Years 2023-2025



**Marin County Transit District**

**Overall Disadvantaged Business Enterprise (DBE) Goal**

**Federal Fiscal Years 2023-25**

**Marin Transit**  
**Overall Disadvantaged Business Enterprise (DBE) Goal**  
**for Federal Fiscal Years 2023-25**

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## Introduction

Under the requirements of the Code of Federal Regulations 49 C.F.R. Part 26.45 (Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation (USDOT) Programs), Marin County Transit District developed an overall Disadvantaged Business Enterprise (DBE) goal for DBE participation from Federal Fiscal Year (FFY) 2023 through FFY 2025 in contracting opportunities that may include federal funding. Marin Transit's proposed overall DBE goal for FFY 2023-2025 is 1.63% of the federal financial assistance for FTA-assisted contracts, exclusive of contracts related to the purchase of transit vehicles.<sup>1</sup>

The regulations require federal recipients to prepare the overall goal using a two-step process. According to the *USDOT Tips for Goal Setting*, the recipient must first determine a base figure for the relative availability of certified DBEs and potentially certified Minority and Woman-owned Business Enterprises, hereafter collectively referred to as Disadvantaged Business Enterprises (DBEs), in the relevant market area. The base figure is intended to be a measurement of the current ready, willing, and able DBEs as a percentage of all businesses ready, willing, and able to perform the recipient's anticipated FTA-assisted contracts.

Next, the recipient must examine all relevant evidence to determine what adjustment, if any, is needed to the base figure in order to arrive at an overall goal. The final adjusted figure is the recipient's overall goal and represents the proportion of federal transportation funding that the recipient is expected to allocate to DBEs during the subsequent three federal fiscal years. Once the agency determines the adjusted overall goal, the process requires considering what portion of the goal will be met by race- and gender-neutral measures.

The District evaluates whether to maintain a race- and gender-neutral goal in accordance with 2005 case law<sup>2</sup> affecting federal recipients in California. A review of disparity studies will inform the recommendation.

This *Overall DBE Goal Setting Report* is based on the DBE regulations contained in 49 CFR Part 26.45, as amended, the decisions of the United States Federal Court, and the *USDOT Guidance Memorandum*. The goal identifies the relative availability of DBEs based on evidence of ready, willing, and able DBEs in relationship to all comparable businesses known to be available to compete in the Marin Transit's FTA-assisted contracts.

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<sup>1</sup> Effective February 28, 2011, the USDOT amended the DBE regulations set forth in 49 CFR Part 26 as described in the Federal Register, Volume 76, Number 22 and Vol.79 No. 221 October 2, 2014, Part II Disadvantaged Business Enterprise Program Implementation Modifications; 49 CFR Part 26 [Docket No. OST-2-12-0147]

<sup>2</sup> Western States Paving Co. v. United States & Washington State Department of Transportation, 407 F. 3d 983 (9th Cir. 2005).

Between April and June 2022, Marin County Transit District participated with peer Bay Area transit and transportation agencies in outreach sessions to obtain public participation and input in developing DBE goals. The overall DBE goal reflects staff's determination of the availability of DBE opportunities and the level of DBE participation expected absent the effects of discrimination.

Marin County Transit District will submit this goal methodology for FFY 2023-2025 to the Federal Transit Administration (FTA) for review. The District's recommended overall DBE goal for the period is 1.6%, which reflects the weighted base figure. The 1.6% goal will be achieved through race-neutral methods. The FTA reporting period for the recommended overall goal will be October 1, 2022 to September 30, 2025.

## **Marin Transit Federally Assisted Contract Opportunities from Fiscal Years 2023 through 2025**

Marin Transit has calculated the projected number, types of work, and dollar amounts of contracting opportunities that will be funded, in whole or in part, by U.S. DOT federal financial assistance for the three-year reporting period. Exclusive of contracts for vehicle purchases, FTA-assisted contracting opportunities for Fiscal Years 2023 through 2025 are expected to primarily consist of new fixed route operating contracts, improvements to ADA accessible bus stops, and paratransit services consulting. Additional projects may be undertaken if additional federal revenue becomes available, and Marin Transit will adjust the overall DBE goal if necessary. The anticipated contracts and purchases are listed below in **Table 1**. Note that DBE goals for Transit Vehicle Manufacturers are established through a separate FTA process.

**Table 1****Actual and anticipated value of FFY 2023-25 FTA-assisted contracts and percent of total amount**

Project	Federal Dollars	Percent of Total
Fixed Route Operations – Trunk Service	\$1,575,000	26.99%
Fixed Route Operations – Rural & Seasonal	\$2,800,000	47.97%
Landscaping	\$3,714	0.06%
Bus Shelters	\$139,285	2.39%
Concrete and Bus Stop Related Materials	\$485,577	8.32%
Bus Stop Construction	\$136,996	2.35%
Site Demolition	\$39,743	0.68%
Traffic Signal Modification	\$92,857	1.59%
Real Time Information Signs	\$50,000	0.86%
Marin Access Innovation Incubator	\$375,000	6.43%
ADA Paratransit Operations & Maintenance	\$112,500	1.93%
Vehicle Inspections	\$25,830	0.44%
<b>Total Anticipated Federal Value of New Contracts and Purchases</b>	<b>\$5,836,502</b>	<b>100%</b>

The total amount of anticipated funds available for DBE opportunities in federally assisted contracts and purchases is \$5,836,502 during the three-year reporting period. This amount excludes transit vehicle purchases.

## Overall DBE Goal Methodology

The overall goal is expressed as a percentage of the total amount of U.S. DOT funds Marin Transit anticipates expending in the three forthcoming fiscal years. As described below, Marin Transit used a two-step process to establish the overall DBE goal.

### Step 1: Compute Base Figure

As specified in 49 CFR 26.45(c), Marin Transit developed a base figure to determine the relative availability of DBEs to perform work on the anticipated contracts and purchases. The formula for calculating the relative availability of DBEs for each project is:

$$\text{Base figure} = \text{Ready, willing, and able DBEs} / \text{divided by} \\ \text{All firms ready, willing and able (including DBEs and} \\ \text{non-DBEs)}$$

Based on guidance from FTA and the U.S. DOT Office of Small and Disadvantaged Business Utilization, Marin Transit computed a weighted base figure that considers the relative size of the anticipated contracts.

The weighted base figure was developed by:

- 1) Using the **2022** California Unified Certification Program Directory to identify the number of registered DBEs willing to perform work in Marin County Transit District's market area for each of the anticipated procurements, based on the NAICS (North American Industry Classification System) code(s) most relevant to each contract or purchase. Marin County Transit District's market area is determined based on where the substantial majority of bidders are located, as documented in the District's Bidders List. For the purposes of the DBE goal, the market area is defined as the San Francisco–Oakland–Hayward, CA Metropolitan Statistical Area (MSA) combined with the Santa Rosa, CA Metro Area MSA. This combined area includes six counties: Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Sonoma Counties. The number DBEs in the market area, by NAICs code, is listed in **Table 2**.
- 2) Using **2019** County Business Patterns (CBP) data from the U.S. Census Bureau to identify the total number of businesses available in Marin County Transit District's market area for work on each contract, based on the same NAICS codes. This data was released on April 19, 2018. **Table 2** lists the number of businesses in the market area, by NAICs code.
- 3) Dividing the number of DBEs by the number of all businesses to determine the relative availability of DBEs in the market area for each contract and weighted for contracts with more than one identified work category. The proportion of DBEs available by each procurement type is listed under "% DBE" in **Table 3**.

**Table 2: Data on Availability of DBEs and Businesses for Anticipated Contracts by NAICS Code**

Anticipated Contracts	NAICS Code	Available Businesses in the CBP	# of Registered DBEs <sup>1</sup>
Fixed Route Operations – Trunk Service	485113-Bus & Other Motor Vehicle Transit Systems	11	0
Fixed Route Operations – Rural & Seasonal	485210-Interurban & Rural Bus Transportation	9	0
Landscaping	561730-Landscaping	1,403	17
Bus Shelters	332311-Portable Buildings, Prefabricated Metal, Manufacturing	5	0
Concrete and Bus Stop Related Materials	238110-Poured Concrete Foundation & Structure	224	31
Bus Stop Construction	237310-Highway and Street Construction	121	79
Site Demolition	238910-Site Preparation and Demolition	358	46
Traffic Signal Modification	334290-Other Communications Equipment Manufacturing	6	1
Real Time Information Signs	334220-Radio & Television Broadcasting & Wireless Communications Equipment Manufacturing	22	4
Marin Access Innovation Incubator	624120-Services for the Elderly and Disabled	673	0
ADA Paratransit Operations & Maintenance	485991-Special Needs Transportation	50	0
Vehicle Inspections	811198-All Other Automotive Repair and Maintenance	135	0
Notes:			
1) Available Business in Six County Business Census Patterns (Two MSA's Combined) by NAICS Code			
2)Based on DBEs in California Unified Certification Program			

**Table 3** extracts all the NAICS codes from the anticipated projects and identifies the proportion of DBEs available to work in Marin County using the CUPC database of DBEs and the data from U.S. Census County Business Patterns for the two Metropolitan Statistical Areas by code.

**Table 3: Relative Availability by NAICS Code for FFY 2023-25**

NAICS	Description	Available Businesses in the CBP	Available DBEs	DBE% of Available Businesses by NAICS
485113	Bus & Other Motor Vehicle Transit Systems	11	0	0.00%
485210	Interurban & Rural Bus Transportation	9	0	0.00%
561730	Landscaping	1403	17	1.21%
332311	Portable Buildings, Prefabricated Metal, Manufacturing	5	0	0.00%
238110	Poured Concrete Foundation & Structure	224	31	13.84%
237310	Highway and Street Construction	121	79	65.29%
238910	Site Preparation and Demolition	358	46	12.85%
334290	Other Communications Equipment Manufacturing	6	1	16.67%
334220	Radio & Television Broadcasting & Wireless Communications Equipment Manufacturing	22	4	18.18%
624120	Services for the Elderly and Disabled	673	0	0.00%
485991	Special Needs Transportation	50	0	0.00%
811198	All Other Automotive Repair and Maintenance	135	0	0.00%
<b>Total</b>		<b>3017</b>	<b>178</b>	<b>5.90%</b>

**Table 4** aggregates anticipated contract expenditures by NAICS code identified for contracting and possible subcontracting opportunities. The table assigns both a proportionate dollar amount for each code and a percentage of the total anticipated estimate of federal dollars.

**Table 4: Summary of Anticipated Dollar Amounts by NAICS Code**

NAICS	Description	Anticipated Contract Dollars	% of Total
485113	Bus & Other Motor Vehicle Transit Systems	\$1,575,000	26.99%
485210	Interurban & Rural Bus Transportation	\$2,800,000	47.97%
561730	Landscaping	\$3,714	0.06%
332311	Portable Buildings, Prefabricated Metal, Manufacturing	\$139,285	2.39%
238110	Poured Concrete Foundation & Structure	\$485,577	8.32%
237310	Highway and Street Construction	\$136,996	2.35%
238910	Site Preparation and Demolition	\$39,743	0.68%
334290	Other Communications Equipment Manufacturing	\$92,857	1.59%
334220	Radio & Television Broadcasting & Wireless Communications Equipment Manufacturing	\$50,000	0.86%
624120	Services for the Elderly and Disabled	\$375,000	6.43%
485991	Special Needs Transportation	\$112,500	1.93%
811198	All Other Automotive Repair and Maintenance	\$25,830	0.44%
<b>Total</b>		<b>\$5,836,502</b>	<b>100%</b>

The Base Figure is derived by dividing the number of ready, willing, and able DBE firms identified for each work category by the number of all firms identified for each corresponding work category (relative availability), weighting the relative availability for each work category by the corresponding work category weight from **Table 4** (weighted ratio), and adding the weighted ratio figures together.

$$\text{Base Figure} = \frac{\sum (\text{Number of Ready, Willing, and Able DBEs}) \times \text{Weight} \times 100}{\text{Number of All Ready, Willing, and Able Firms}}$$

**Table 5: Weighted-Base Figures for FTA-Assisted Contract Expenditures FFY 23-25**

NAICS	Industry Description	NAICS Base Figure	% Total Expenditures	Weighted Base Figure
485113	Bus & Other Motor Vehicle Transit Systems	0.00%	26.99%	0.00%
485210	Interurban & Rural Bus Transportation	0.00%	47.97%	0.00%
561730	Landscaping	1.21%	0.06%	0.00%
332311	Portable Buildings, Prefabricated Metal, Manufacturing	0.00%	2.39%	0.00%
238110	Poured Concrete Foundation & Structure	13.84%	8.32%	1.15%
237310	Highway and Street Construction	65.29%	2.35%	1.53%
238910	Site Preparation and Demolition	12.85%	0.68%	0.09%
334290	Other Communications Equipment Manufacturing	16.67%	1.59%	0.27%
334220	Radio & Television Broadcasting & Wireless Communications Equipment Manufacturing	18.18%	0.86%	0.16%
624120	Services for the Elderly and Disabled	0.00%	6.43%	0.00%
485991	Special Needs Transportation	0.00%	1.93%	0.00%
811198	All Other Automotive Repair and Maintenance	0.00%	0.44%	0.00%
<b>Total</b>			<b>100%</b>	<b>3.19%</b>

As shown in **Table 5** above, the **Weighted Base Figure** is equal to the sum of the **Weighted Ratios** for all NAICS Work Categories and is calculated at 3.19%.

## Step 2: Adjust Base Figure

Per 49 CFR 26.45(d), following calculation of a base figure, all available evidence must be examined to determine what adjustment, if any, is needed to the base figure to arrive at the overall DBE goal. The primary form of evidence available is the past participation of DBEs in Marin Transit contracting.

### Bidders' List - Section 26.45(c.3)

Marin Transit maintains a Bidder's list as set forth in 49 CFR Part 26.11 of bidders for its federal and non-federally assisted projects. Marin Transit has reviewed this list and determined that the data derived from this list substantiates the market area for contractors, including DBE contractors, as outlined above.

## **Sources from Organizations and Institutions - Section 26.45(g.1)**

Directly and through the Business Outreach Committee, Marin Transit communicates with various contractor associations, minority business associations, and the DBE and SBE business communities in general.

### **Applicability of Disparity Studies**

In developing the FFY 2023-25 DBE goal, Marin Transit staff reviewed two disparity studies. Findings from the Caltrans and SFMTA studies are described below. In both cases, the size and nature of their projects differ significantly from Marin Transit's projects. Marin Transit will consider the findings of these and future disparity studies in the conduct of its DBE participation program, including outreach and education activities with the Bay Area Business Outreach Committee, to ensure access to bid opportunities for all eligible MBE/WBE's.

Caltrans commissioned an FTA Disparity Study in July of 2020. The study was completed in August 2021. The study found that minority-and woman-owned businesses participation in transit-related contracts that Caltrans and subrecipient local agencies awarded during the study period was substantially lower than what one might expect based on the availability of those businesses for that work.

Results did vary substantially across individual groups as follows:

- Five groups exhibited disparity indices substantially below parity: Asian Pacific American-owned businesses, Black American-owned businesses, Hispanic American- owned businesses, Native American-owned businesses, and Subcontinent Asian American-owned businesses.
- Non-Hispanic white woman-owned businesses did not exhibit a disparity on all Caltrans and subrecipient local agency contracts considered together.

The Caltrans study also analyzed the results separately for transportation-related construction and professional services contracts. It found overall that minority-and woman-owned businesses participation was higher in construction work than in professional services work.

San Francisco Transportation Authority (SFMTA) completed a disparity study in early 2016. The SFMTA marketplace for construction and related goods contracts consists of four Bay Area counties (San Francisco, Alameda, San Mateo, and Santa Clara) and Los Angeles County. SFMTA's marketplace for professional services contracts are the same four Bay Area counties of San Francisco, Alameda, San Mateo, and Santa Clara. Marin Transit's market area includes the North Bay and does not include Santa Clara or Los Angeles Counties.

The SFMTA Disparity Study's findings include:

- SFMTA's race/gender-neutral measures appear to be effective for Minority-owned businesses (MBEs) in construction and professional services contract categories with two exceptions.
- Evidence supports a conclusion that race-neutral measures have not assisted Black American construction contractors to participate fully and equitably in SFMTA federally assisted construction contracts.

- Women-owned businesses (WBEs) are substantially underutilized on SFMTA FTA-funded contracts, whether WBEs participate as prime contractors or subcontractors in either construction or professional services contract categories, inclusive of goods.

Marin Transit will continue to participate in the DBE research, educational, and outreach activities with its San Francisco Bay Area peers in the Business Outreach Committee. Marin Transit will monitor its current and future procurements to identify possible trends in DBE participation, progress in meeting its race neutral goal, and determine whether a race conscious goal is needed in the future.

## **Historic DBE Participation in Marin Transit Contracts**

Marin Transit became a direct federal recipient in 2013. The District has had a limited number of federally assisted contracts.

The District submitted its third DBE goal and methodology to FTA in August 2019 for FFY 2020-2022, with an identified a DBE goal of 3.3 percent. Marin Transit's largest federally supported procurement for FFY 2020-22 was the issuance of an ADA Paratransit Operations and Maintenance contract.

The remaining projects for FFY 20-22 primarily consisted of highly specialized equipment purchases for new buses: fareboxes, on-board camera systems, driver radios, automated vehicle location systems, and regional electronic smart card readers. These are consistent with current equipment technologies and systems at the local Marin Transit and regional level. Two other projects required highly specialized skills and experience: a Travel Navigator program so support mobility management and information technology to support the paratransit program.

There is DBE participation in Marin Transit's rural 5311 contract through a subcontract, which the District has historically reported to Caltrans. Beginning April 1, 2020, Caltrans agreed to allow Marin Transit to report its DBE participation in a Section 5311 supported contract directly to FTA for FFY 20-22. Marin Transit expects to continue this practice for the FFY 23-25 period.

The District's experience with efforts to secure DBE participation in professional services contracts consists of the general engineering services contract and paratransit operations contract. Marin Transit encouraged bidders on both contracts to assist the District in meeting its 3.3% overall DBE goal. After extensive efforts to reach out to DBEs, the successful bidders were able to identify and subcontract with six certified DBE businesses as identified in Table 6.

**Table 6: DBE Business Contracted with in FFY 2020-22**

<b>DBE Firm</b>	<b>Service Provided</b>	<b>Contract</b>	<b>% of Contract</b>
Geocadd	Aerial Surveys	General Engineering Services	1.0%
Monument ROW	Real Estate Right of Way	General Engineering Services	5.0%
PARIKH Consultants, Inc.	Geotechnical Engineering	General Engineering Services	1.0%
Pennino Design Group	Construction Management	General Engineering Services	7.5%
CAPP Uniform Services	Uniforms	Paratransit Operations	0.05%
LI's Cleaning Solutions, Inc.	Janitorial	Paratransit Operations	0.30%

In the US DOT Tips for Goal Setting in the Disadvantaged Business Enterprise Program, page 7 suggests that an agency can make a Step 2 adjustment by averaging the base figure with the past median DBE participation.

Excluding the rural 5311 program reported to Caltrans, the DBE participation rate in Marin Transit's federally assisted contracts is based on the proportion of new federally assisted contracts awarded to DBEs during FFY 2020-22 as follows:

- FFY 2020: 0.06%
- FFY 2021: 0.30%
- First half of FFY 2022: 0%

Using the method in the *Tips for Goal Setting*, the median of .06% percent is the historic participation rate in federally supported procurements. An adjusted goal would be determined in the following formula:

1. FFY 2023-25 Base Figure = 3.19%
2. Median Past Participation = .06%
3. Adjustment Factor =  $(3.19\%) + (.06\%)$  divided by 2 = 1.63%

### **Consideration of an Adjusted Overall DBE Goal for FFY 2023-25**

Marin County Transit District has concluded that the 3.19 percent figure should be adjusted. This is based on the Step 2 analysis; experience with DBE participation in the District's general services contract (GES) and paratransit operations contract.

The District's experience with efforts to secure DBE participation in its contracts include the on-call general engineering services (GES) contract and paratransit operations contract. In these procurements, Marin Transit encouraged bidders to assist the District in meeting its 3.3 percent overall DBE goal. After extensive efforts to reach out to DBEs, the successful GES bidder was able to identify and subcontract with four consultants for approximately 14.5 percent of the total value of anticipated funding. The successful paratransit operations bidder was able to identify and contract with two companies for approximately .35% of the total value of anticipated funding.

### *FFY 23-25 Procurements and DBE Opportunities*

In FFY 2023-25, anticipated federally funded contract awards are for fixed route service, ADA bus stop improvements, paratransit planning consulting services, and vehicle inspections.

Marin Transit's DBE officer has identified three possible areas for unbundling the operations contracts: uniforms, information technology support, and janitorial services. Marin Transit's DBE officer has identified four possible areas for unbundling the ADA Bus Stop Improvements project: professional services, materials, demolition, and landscaping.

### **Use of Race-Neutral Methods and DBE Contract Goals**

The U.S. DOT regulations require that race-neutral methods be used to the maximum extent feasible to achieve the DBE overall goal. Race-neutral methods include making efforts to assure that bidding and contract requirements facilitate participation by DBEs and other small businesses; unbundling large contracts to make them more accessible to small businesses; encouraging prime contractors to subcontract portions of the work that they might otherwise perform themselves; and providing technical assistance, communications programs, and other support services to facilitate consideration of DBEs and other small businesses.

Because of the emphasis on race-neutral methods, Marin County Transit District does not propose to set contract-specific DBE goals on FTA-assisted contracts to be awarded in Federal Fiscal Year 2023 through Fiscal Year 2025. Instead, the District will focus on developing race-neutral methods for facilitating DBE participation. The District will advise prospective contractors of areas for possible subcontracting, and of the availability of ready, willing, and able subcontractors, including DBE firms, to perform such work. The District will carefully monitor its progress during the year and may establish contract-specific goals if race-neutral methods do not appear sufficient to achieve the overall DBE participation goals for Federal Fiscal Year 2023 through Fiscal Year 2025. It is anticipated that the DBE goal for FTA-assisted contracts will be achieved through race-neutral methods.

### **Public Participation in Setting the Overall DBE Goal**

Under 26.45(g), Marin Transit participates in various professional services and/or construction outreach and assistance events throughout the year. Marin Transit is a member of the Business Outreach Committee (BOC) a group of 38 transit and transportation agencies located in the San Francisco Bay Area that includes BART, SFMTA, Caltrans, Golden Gate Bridge, Highway and Transportation District, SamTrans/JPB, AC Transit, Alameda CTC, Sonoma County, Central Contra Costa Transit Authority, the Metropolitan Transportation Commission, and other smaller agencies.

The BOC held a joint online community-based organization and public participation meetings on June 7, 2022 to receive comments pertinent to the FFY 2023-2025 goal-setting processes. Six member agencies presented their upcoming

procurements along with other opportunities projected for FFY 2023 and beyond, and members of the public were given opportunities to provide comments. The purpose of these sessions was to obtain input in the goal-setting process, specifically on the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to compete for U.S. DOT-assisted contracts.

The BOC conducted the consultation meeting and public participation sessions to provide information about the DBE program applicable to U.S. DOT-funded contracts, and to obtain pertinent input from businesses and organizations that are most impacted by the DBE goals established for U.S. DOT-assisted contracts.

The BOC and other participating agencies disseminated copies of a notice inviting representatives of various groups, organizations, and agencies to attend the public participation session. These included minority, women's and general professional and trade organizations, and other organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the District's efforts to establish a level playing field for the participation of DBEs.

Copies of the notice were emailed in May 2022 to disadvantaged, minority, and women-owned businesses and to over 190 general contractor groups and community organizations. These organizations are knowledgeable about the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on contracting opportunities for DBEs. In the North Bay, these organizations include the Marin Small Business Development Center, North Bay Black Chamber of Commerce, Hispanic Chamber of Commerce of Marin, the Chambers of Commerce for individual Marin Cities and Towns, and the North Coast Builders Exchange.

The session provided information about the goal DBE goal setting process, including history of the DBE legal environment and explanation of the data used in goal calculation. The session also provided information about the availability of certified and potential DBEs willing and able to compete for DOT-assisted contracts, an opportunity to discuss their concerns, and perspectives on how DOT recipients might more effectively administer their programs to improve DBE participation. During the public participation session, BOC member agencies discussed their respective DOT-assisted contracting opportunities projected for FFY 2023, and a forecast of contracting opportunities through FFY's 2023/2024 and 2024/2025.

104 firms registered and 59 firms attended the June 7, 2022, public participation meeting, many emphasizing the need for more outreach to the DBE community and for additional notification about upcoming procurement activities. Concern was also expressed regarding the efficacy and methodology of the Federal DBE program. Questions and comments included:

- Multiple statements and comments that the DBE goals and certification processes are complicated, regressive, ineffective, and in need of change. A

congressional review is needed to address racial disparities in the FTA procurement processes.

- Request to the panelists to address availability and effectiveness of DBE certification mentor / protege programs at their respective agencies.
- Across all agencies, why are the goals so low? Low goals are discouraging to DBEs and an impediment to participation in the program. Goals should be over 20%. Less than 10% will discourage DBEs and lead to reduced participation.
- Comment that DBE certification is costly in terms of time commitment necessary to prepare documents and attend public outreach meetings. The costs yield unsustainable returns on investment in terms of new business.
- Scheduling of public DBE outreach meetings should take into consideration smaller mom-and-pop businesses that find it challenging to attend meetings during regular business hours; daytime meeting attendance will be low because small businesses do not have sufficient staff to both run their businesses and attend meetings.
- Funding is needed to allow transit agencies to hire more staff dedicated to DBE outreach, education, and mentor programs.
- Dismal results of disparity studies are not sufficiently considered during the goal setting process in a way that will increase DBE participation.
- Positive DBE participation outcomes in individual FTA funded projects should be highlighted on social media as a means to attract greater DBE participation.
- Staff at the agency level need to innovate new ways to put DBEs in contact with prime contractors and advocate for DBEs with their respective boards and other stakeholders.
- Please include specific NAICS codes in RFPs.
- Is it possible to have the NAICS code assigned to my business changed or re-evaluated?
- Caltrans has minor contracts and emergency contracts that are often smaller in size dollar wise. Do the panel agencies have similar sized projects that may be more accessible for DBEs to prime on?
- Transit staff need more agency to respond immediately to feedback from Caltrans, DBEs, internal stakeholders and the FTA.

Additional comments included requests to improve notification of upcoming opportunities a general lack of effectiveness of the DBE program.

The BOC advised the participants that it holds quarterly events, such as networking sessions, insurance and bonding, how to get certified, etc. The BOC issues a quarterly newsletter with upcoming contracting opportunities, helpful hints on how to respond to bids, information on no-cost educational courses, and contact information for each BOC member's DBE Liaison and/or Contract Administrators.

On June 16, 2022, Marin Transit posted a Public Notice of the availability of the proposed revised DBE goal methodology in English and Spanish, with a link to this document, for public review and comment on the District's website at [www.marintransit.org](http://www.marintransit.org). The notice also informs the public that the proposed goal and rationale are available for inspection during normal business hours for 30 days following the date of the Public Notice.

## Conclusion

Marin Transit has prepared this goal setting and methodology report for submission to FTA, in compliance with the procedures outlined in 49 CFR Part 26, as amended, requiring DOT grantees to establish a DBE overall goal as a percentage of all FTA funds expected to be expended in the three forthcoming federal fiscal years. A 1.63% DBE overall goal has been established for all FTA-funded contracts anticipated to be awarded for FFY 2023-2025.

Marin Transit will monitor progress on the DBE overall goal by tracking each individual contract throughout the term of the contract for DBE participation and payments respective to the federal fiscal year of award.

Interested parties are encouraged to submit comments to:

Keith Green, DBE Liaison Officer  
Marin County Transit District  
711 Grand Avenue, Suite 110  
San Rafael, CA 94901

Or

Federal Transit Administration, Region IX  
Attention: Civil Rights Officer  
San Francisco Federal Building  
90, 7th Street, Suite 15-300  
San Francisco, CA 94103

## Attachment 1

### **Public Notice Disadvantaged Business Enterprise (DBE) Goal For Federal Fiscal Years 2023-2025**

In accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, Marin County Transit District announces its proposed goal over the following Federal Fiscal Years 2023, 2024, and 2025 goal of 1.63% for DBE participation on contracts assisted by the Federal Transit Administration (FTA).

The proposed goal and its rationale are available for public review for the next 30 days during normal business hours from 8:30 a.m. to 5:00 p.m., Monday through Friday, at the offices of Marin County Transit District, 711 Grand Avenue, Suite 110 in San Rafael, CA 94901, and on our web page at [www.marintransit.org/purchasing.html](http://www.marintransit.org/purchasing.html).

Written comments will be accepted by Marin County Transit District and FTA for 30 days following publication of this notice. The District's Federal Fiscal Year 2023-2025 goal may be adjusted by any comments received.

Interested parties are encouraged to submit comments to:  
Keith Green, DBE Liaison Officer  
Marin County Transit District  
711 Grand Avenue, Suite 110  
San Rafael, CA 94901

Comments may also be submitted to the Federal Transit Administration, Region IX, Attention: Civil Rights Officer, San Francisco Federal Building, 90, 7th Street, Suite 15-300, San Francisco, CA 94103.

### **Empresa Comercial en Desventaja (DBE) meta de Marin Transit para los años fiscales 2023-2025**

De acuerdo con las regulaciones del Departamento de Transporte de los EE. UU. (DOT), 49 CFR Parte 26, el Distrito de Tránsito del Condado de Marin (Marin Transit) anuncia su objetivo propuesto para los siguientes Años Fiscales Federales 2023, 2024 y 2025 objetivo de 1.63% para la participación de DBE en contratos asistidos por la Administración Federal de Tránsito (FTA).

La meta propuesta y su justificación están disponibles para revisión pública durante los próximos 30 días durante el horario laboral normal de 8:30 a. m. a 5:00 p. m., de lunes a viernes, en las oficinas del Distrito de Tránsito del Condado de Marin,

711 Grand Avenue, Suite 110 en San Rafael, CA 94901, y en nuestra página web en [www.marintransit.org/purchasing.html](http://www.marintransit.org/purchasing.html).

El Distrito de Tránsito del Condado de Marin y la FTA aceptarán comentarios por escrito durante los 30 días posteriores a la publicación de este aviso. La meta del año fiscal federal 2023-2025 del Distrito puede ajustarse por cualquier comentario recibido.

Se anima a las partes interesadas a enviar comentarios a:

Keith Green, DBE Liaison Officer  
Marin County Transit District  
711 Grand Avenue, Suite 110  
San Rafael, CA 94901

Los comentarios también pueden enviarse a la Administración Federal de Tránsito, Región IX, Atención: Oficial de Derechos Civiles, Edificio Federal de San Francisco, 90, 7th Street, Suite 15-300, San Francisco, CA 94103.

Keith Green, DBE Liaison Officer  
Marin County Transit District  
711 Grand Avenue, Suite 110  
San Rafael, CA 94901



711 grand ave, #110  
san rafael, ca 94901  
  
ph: 415.226.0855  
fax: 415.226.0856  
[marintransit.org](http://marintransit.org)

#### **board of directors**

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president  
supervisor district 3

katie rice  
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damon connolly  
director  
supervisor district 1

dennis rodoni  
director  
supervisor district 4

brian colbert  
alternate  
town of san anselmo

August 1, 2022

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

#### **SUBJECT: Marin Access and Measure B funding**

Dear Board Members:

**RECOMMENDATION:** Information only.

#### **SUMMARY:**

The Measure B Vehicle Registration Fee administered by Transportation Authority of Marin (TAM) provides critical funding to support transit service to older adults and people with disabilities. The District receives 35% of this funding, amounting to \$7.5 million in the first ten years that revenue was collected and expended.

In 2022, TAM began the Measure B expenditure plan review process as required in the legislation. TAM staff invited program sponsors, including Marin Transit, to present information about how Measure B funding is used to support programs and services to the TAM Citizens' Oversight Committee on June 21, 2022. Marin Transit staff presented information on how the funding has been used to successfully support the Marin Access suite of programs and services and demonstrated the growing need for additional funding to maintain and expand mobility options in Marin.

Based on the growing population of older adults and the increasing costs of providing services, District staff requested an increase in the allocation of Measure B funding to improve transit for older adults and people with disabilities from 35% to 45%. The increase would allow staff to work with community members and stakeholders to determine the highest priority needs to improve and/or expand existing programs such as the volunteer driver program, the low-income fare assistance program, and innovative pilot programs.

The Measure B Expenditure Plan allocates a percentage share of the annual revenue collected to four programs; local streets, pathways, reducing congestion/pollution, and senior/ADA transit. If the percentage share were to be increased to a program such as Marin Access services, one or more of the other programs would need to decrease. Thus, the expenditure plan review must account for competing needs and the "zero sum" nature of any changes to percentage shares. Marin Transit is the only program sponsor that requested an increase in Measure B funding shares.

The TAM Citizen's Oversight Committee will develop a recommendation for changes, if any, to the Measure B Expenditure Plan in September 2022. The TAM Executive Committee and Board will consider the proposed Expenditure Plan amendments October 2022 – January 2023. TAM is scheduled to consider adoption of an updated Expenditure Plan in March 2023 following a 45-day public comment period.

At the August 1, 2022 Marin Transit Board meeting, staff will present information on how Measure B funding is used to fund and leverage additional funding for expanded mobility programs included in the Marin Access suite of programs and services.

**FISCAL/STAFFING IMPACT:** None with this report.

Respectfully submitted,



Nancy Whelan  
General Manager

Attachment A - Marin Access + Measure B Presentation



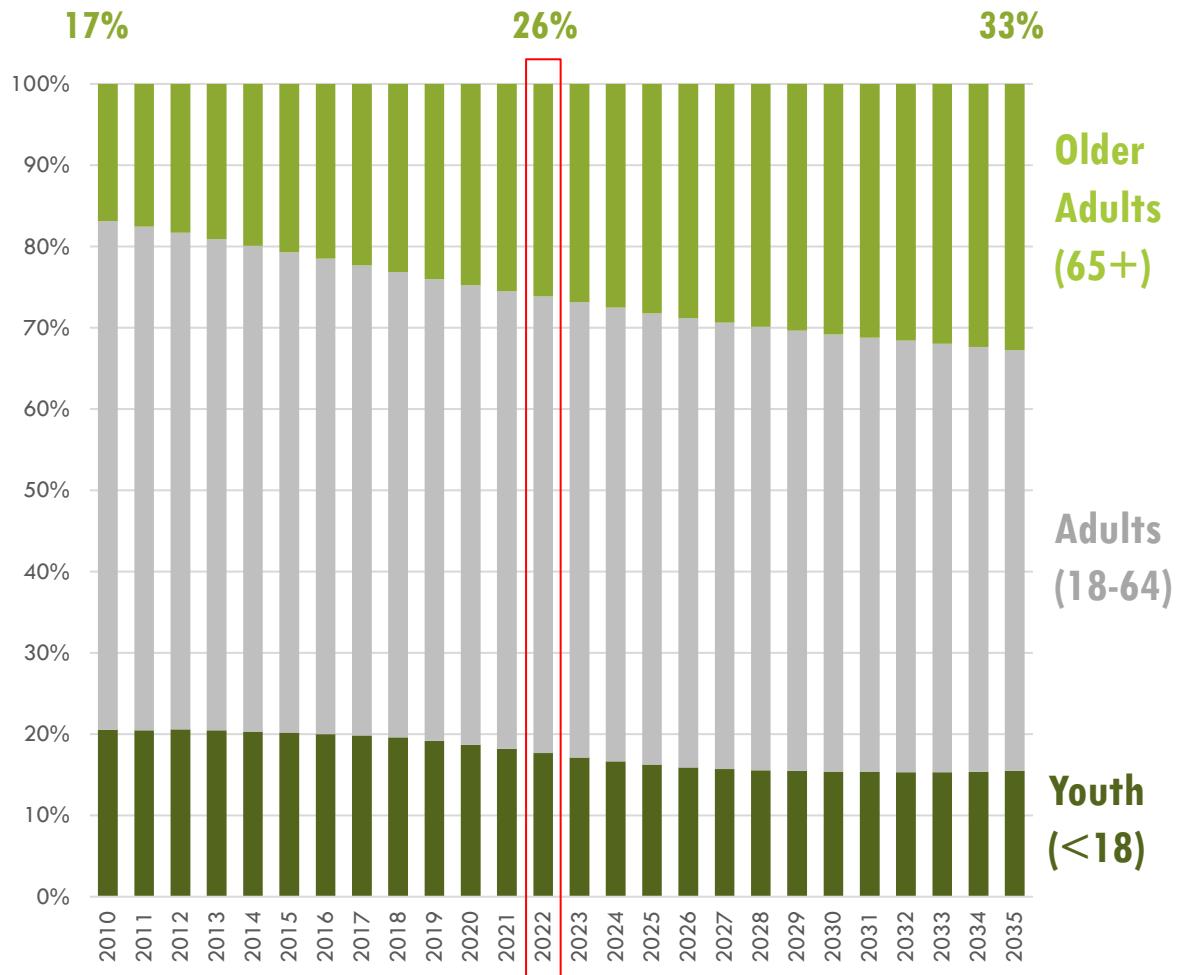
# Marin Access & Measure B Funding

Marin Transit Board of Directors  
August 1, 2022

# Marin County Population is Aging



Marin County Population Projections, by Age (% of Total)



Older Adults (65+)



Adults (18-64)

Youth (<18)

# Measure B Expands Transit Options



-or-



Marin's Vehicle Registration Fee

=





## Paratransit

Door-to-door, shared ride service  
for ADA-eligible riders



## Travel Navigators

One-stop resource for program  
information & eligibility



## Volunteer Driver

Mileage reimbursement for  
seniors & people with disabilities



## Travel Training

Group presentations on public  
transit & other mobility options



## Catch-A-Ride

Discounted taxi rides for seniors  
& people with disabilities



## Fare Assistance

Fare assistance for those that  
qualify via Medi-Cal or income



## Marin Transit CONNECT

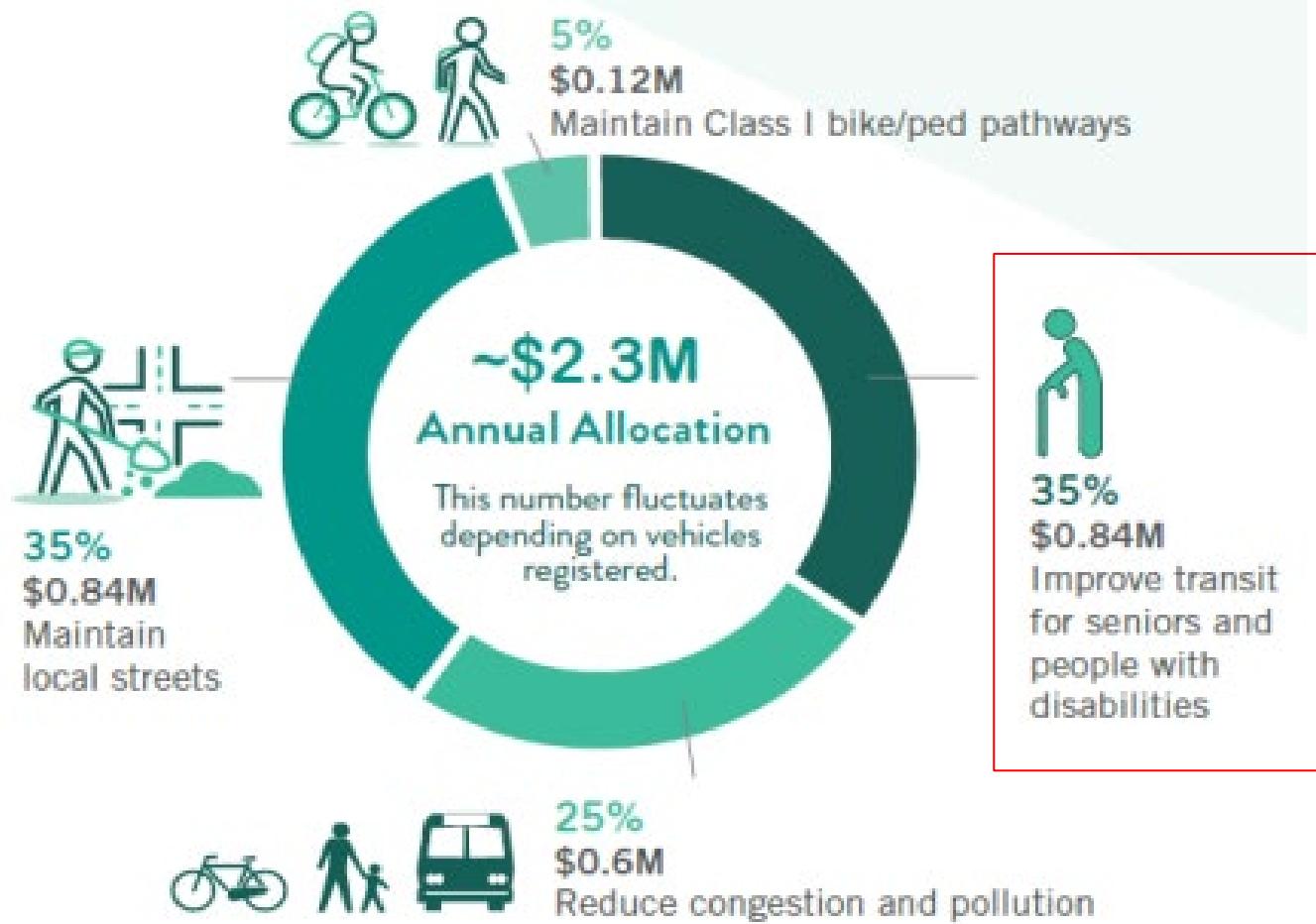
On-demand, general public  
shuttle service



## Dial-A-Ride

Pre-scheduled, general public  
shuttle service

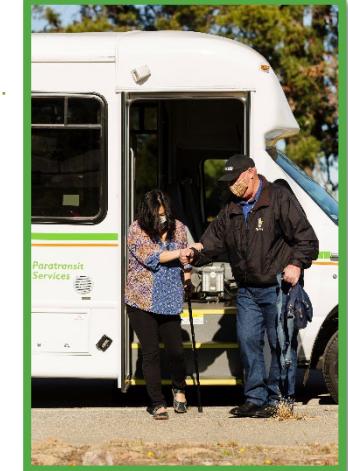
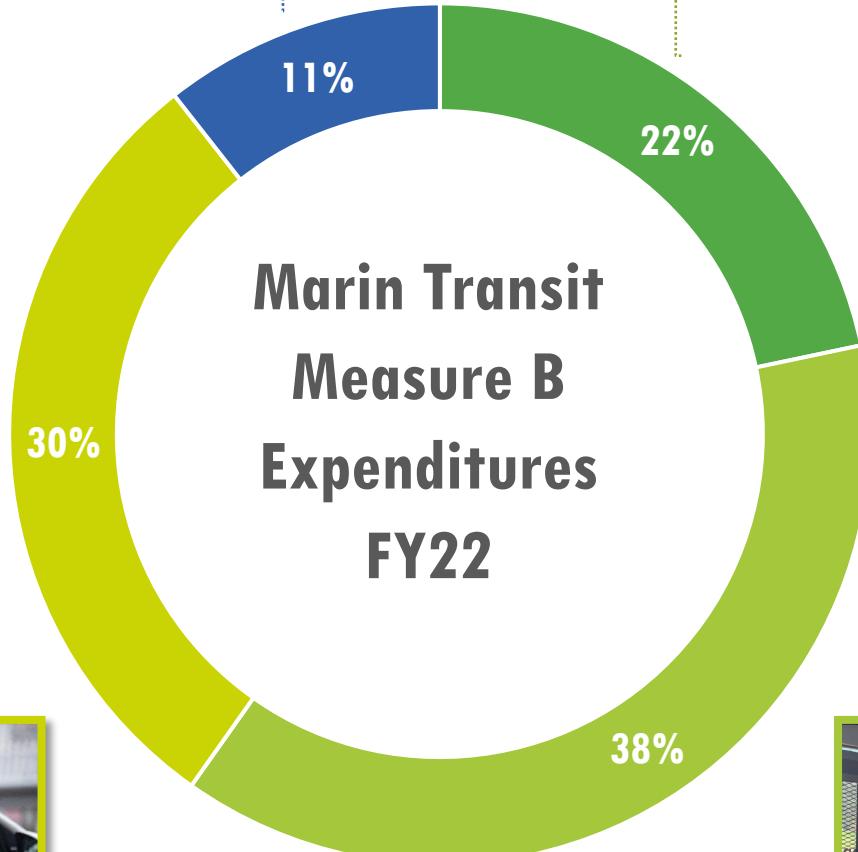
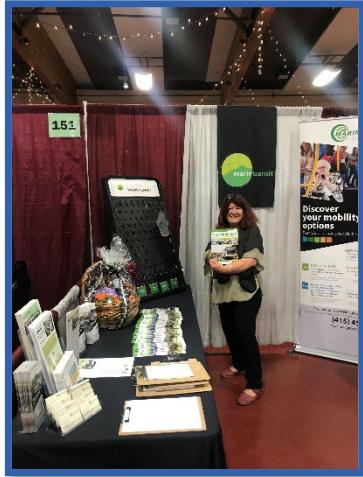
## \$10 VEHICLE REGISTRATION FEE (Approved November 2010)



# Measure B Expenditures: Transit for Older Adults & ADA



## Mobility Management



# Strategy 1: Oversight and Travel Training



## Travel Training

Group presentations on public transit & other mobility options

**114**  
Events

**5,634**  
Attendees

**45**  
Locations

*"It was the key to being able to use the whole area, to go to the store, go to the doctors, it's just turned my life on... it's allowed me to be an independent mover for the most part and that means everything to a human being, I think"*

*- Kate, resident of Tiburon*



100%  
Funded  
by  
Measure B

# Strategy 2: Marin Access Travel Navigators



## Travel Navigators

One-stop resource for program information & eligibility

- » Information & application assistance
- » Referrals to additional social services
- » Marin Access eligibility determinations
- » Outreach, Travel Training, & Trip Planning support



# Strategy 3: Marin Access Catch-A-Ride



## Catch-A-Ride

Discounted taxi rides for seniors & people with disabilities

**116,000**  
Rides

**3**  
Taxi Partners

**\$2.7 M**  
Subsidy Distributed



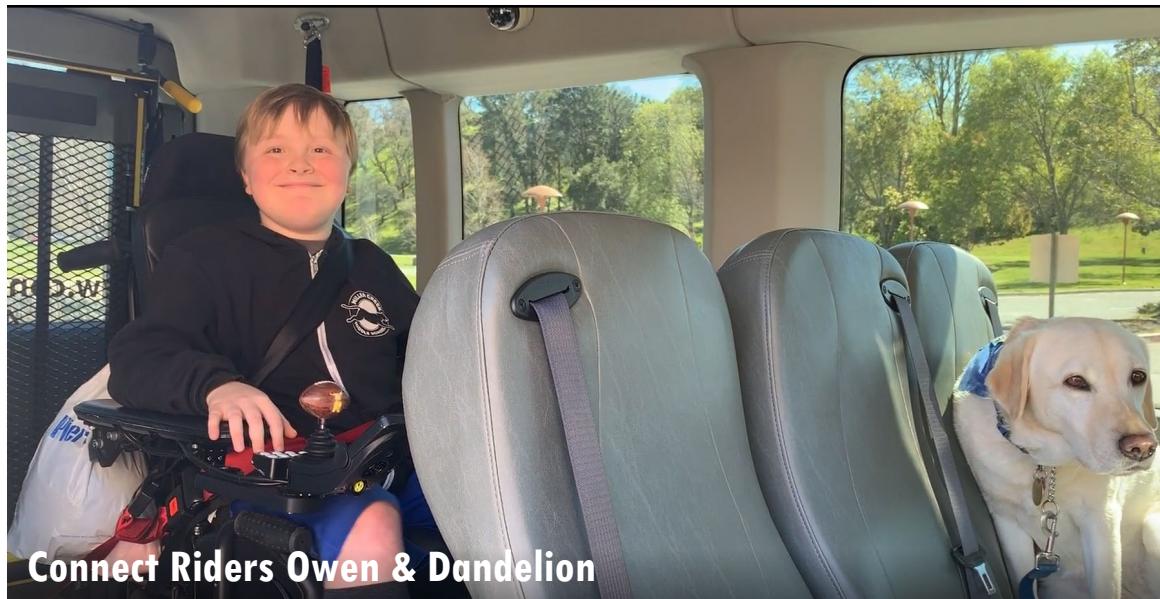
**100%**  
Funded  
by  
Measure B

# Strategy 3: Marin Transit Connect



## Marin Transit CONNECT

On-demand, general public shuttle service



**\$3**

Fare for Marin Access  
Riders

**32,000**

Total trips  
since FY18

**55%**

Riders that were  
ADA Eligible or 65+

# Strategy 4: Marin Access Volunteer Driver Programs



## Volunteer Driver

Mileage reimbursement for seniors & people with disabilities

100%  
Funded  
by  
Measure B

**140,000**  
Rides

**1.8 M**  
Miles Reimbursed

**\$1.1 M**  
Amount Reimbursed



# Strategy 4: Marin Access Low Income Fare Assistance



## Fare Assistance

Fare assistance for those that qualify via Medi-Cal or income

100%  
Funded  
by  
Measure B

**665**  
Participants

**56,000**  
Annual Trips

**\$160,000**  
Annual  
Disbursement



# Strategy 4: Marin Access Innovation Incubator



The Marin Access Innovation Incubator (formerly the gap grant program) allows Marin Access to fund innovative projects to expand mobility throughout the county.

100%  
Funded  
by  
Measure B

5

Programs Funded

\$122,536

Funding  
Distributed

3

Program  
Conversions



*"We have been able to offer technology training on transportation related topics such as how to use rideshare apps, look up bus routes and buy passes online... For some of our lower income older adults, these classes would not have been possible without this funding."*

*- Technology4Life*

# Pandemic Support



- Funding allowed all Marin Access services to continue throughout the pandemic
- Drivers supported community programs including transportation to testing and vaccination sites, grocery & pharmacy delivery, and prepared meals delivery



## Marin Transit Request to TAM:

**Increase Measure B funding for seniors and people with disabilities to 45%**

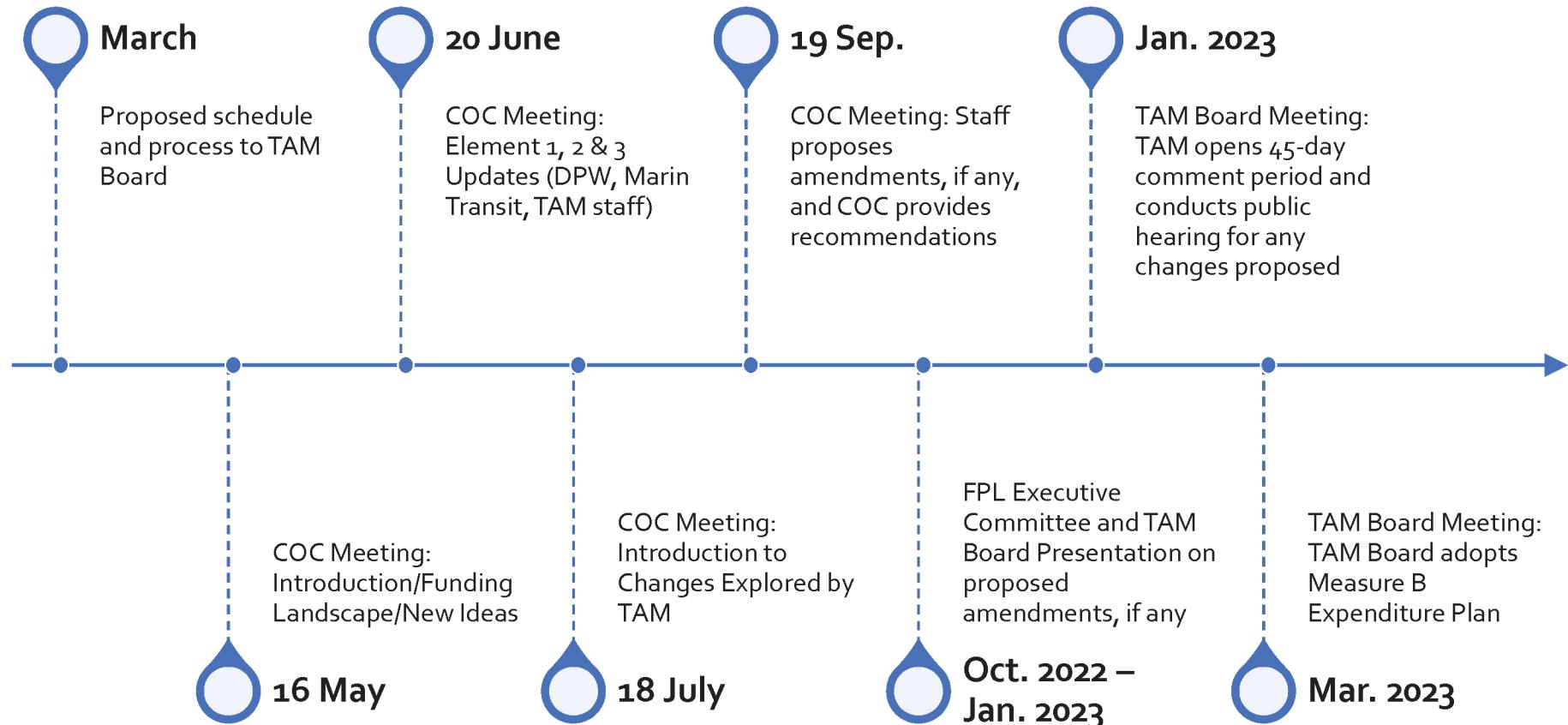
- Fund existing programs and allow for expansion:**

- Maintain and expand low-income fare subsidy programs
- Increase outreach efforts
- Expand service area for premium programs
- Pilot innovative programs to meet growing needs

- Expected outcomes:**

- Accommodate future growth in older adult & ADA markets
- Increased mobility for older adults
- Support for the most vulnerable – low-income older adults and people with disabilities

# Measure B Expenditure Plan Timeline & Process



# Questions?



**Robert Betts**  
Director of Operations & Planning  
[rbetts@marintransit.org](mailto:rbetts@marintransit.org)