



Agenda Item No. (4)

To: Transportation Committee/Committee of the Whole
Meeting of January 27, 2022

From: Jon Gaffney, ADA Compliance and Program Manager
Ron Downing, Director of Planning
Mona Babauta, Deputy General Manager, Bus Transit Division
Denis J. Mulligan, General Manager

Subject: **APPROVE EXECUTION OF A MULTI-YEAR AGREEMENT WITH MARIN TRANSIT FOR REGIONAL PARATRANSIT SERVICE EFFECTIVE FEBRUARY 1, 2022 THROUGH JUNE 30, 2025 WITH OPTIONS FOR THREE ADDITIONAL YEARS, AND RELATED ACTIONS**

Recommendation

The Transportation Committee recommends that the Board of Directors approve execution of a multi-year agreement with the Marin County Transit District for provision of the Golden Gate Bridge, Highway and Transportation District's Americans with Disabilities Act (ADA) regional paratransit services (Paratransit Agreement). The Paratransit Agreement has a total estimated cost not to exceed \$2 million, effective February 1, 2022 through June 30, 2025, for a three-year and five-month base contract term. The Committee also recommends that the Board authorize the General Manager to take all related actions to effectuate the terms of the new Paratransit Agreement, including the discretion to exercise three one-year options for extension through June 30, 2028.

This matter will be presented to the Board of Directors at its January 28, 2022 meeting for appropriate action.

Background

For many decades the Golden Gate Bridge, Highway and Transportation District (District) has contracted with Marin County Transit District (MT) for the provision of regional paratransit services. This arrangement provides a single contact for customers, seamlessly addressing their paratransit needs whether or not their trips leave Marin County.

In September 2021, after going through a competitive procurement process, MT awarded a new paratransit operations contract to Transdev Services, Inc. (Transdev). District staff participated with MT staff in the evaluation of the vendor proposals as the selected vendor will also provide regional paratransit services. As a result of MT's contract award, local paratransit service within Marin County, and the District's regional paratransit service, will now be provided by Transdev,

effective February 1, 2022. The Paratransit Agreement between MT and the District spells out the terms and costs associated with the provision of regional paratransit services.

Under a separate agreement (Fixed-Route Agreement), effective July 1, 2015 through December 2022, MT pays the District to provide a portion of MT's local fixed-route bus service in Marin County. Based on circumstances when the Fixed-Route Agreement was negotiated, the District previously agreed to contribute a portion of the costs of local paratransit service within Marin County. That District's contractual duty to pay a portion of local paratransit service costs within Marin will remain in effect during the term of the Fixed-Route Agreement and would not be modified by the Paratransit Agreement.

ADA Paratransit Obligation

As a provider of fixed-route bus transportation, the District is obligated under the Americans with Disabilities Act and implementing regulations to provide complementary paratransit service for riders with disabilities who are unable to ride buses on the District's fixed-routes as a result of their disabilities. "Complementary" in this context means that the District must ensure paratransit is available during the same days, times and geographic areas as its fixed-route services, with trips taking comparable amounts of time. Paratransit is typically offered as a shared-ride service with advance reservations required, and fares are allowed to be twice as much as fixed-route fares on the service most likely to be used by passengers taking a similar trip using fixed-route services. Certain trips are exempt from paratransit obligations, including "commuter bus" trips, which are:

“characterized by service predominantly **in one direction during peak periods, limited stops**, use of multi-ride tickets, and **routes of extended length, usually between the central business district and outlying suburbs**. Commuter bus service may also include other service, characterized by a limited route structure, limited stops, and a coordinated relationship to another mode of transportation.”
(Title 49 Code of Federal Regulations § 37.3, emphasis added.)

The District operates regional bus service along the Highway 101 and Richmond –San Rafael corridors, as well as commuter bus service between the North Bay and San Francisco. District routes that meet the definition of "commuter bus" are exempt from the federal paratransit mandate.

The District's regional bus service that is not "commuter bus" service generates its obligation for regional paratransit service that will be met with the proposed Paratransit Agreement. Accordingly, staff recommends that the Board authorize an agreement with MT for regional paratransit services in accordance with the terms of MT's contract with its new paratransit service operator, Transdev, so as to be effective with Transdev's start date on February 1, 2022.

Local Paratransit Cost-Sharing

Subsequent to the execution of the existing Fixed-Route Agreement, the actual number and percentage of local bus passenger trips occurring on the District's buses has declined, while MT's share has increased. Additionally, when the Fixed-Route Agreement was negotiated, MT's bus service stopped in the early evening, while District regional buses served local customers along the corridor late into the night.

MT is to be commended for expanding its local service in recent years in terms of routes, frequency of service and how late its service operates. As a result of these changes, MT now carries a much larger share of local bus riders within Marin County relative to the District. As a result, the District's local paratransit obligations have diminished as a proportion of paratransit trips taken in Marin County overall.

Negotiations of a new Fixed-Route Agreement with MT are ongoing and should conclude in early 2022. When staff returns to the Board with a new proposed Fixed-Route Agreement, staff may also return with an amendment to the Paratransit Agreement to incorporate terms for cost-sharing for local paratransit services.

Parking and Facilities

Another significant change reflected in the proposed Paratransit Agreement is the provision of parking spaces for the joint District-MT paratransit vehicle fleet. In past solicitations for paratransit operators, some vendors declined to submit proposals because they felt that they could not secure a location within Marin County for parking the fleet of paratransit vehicles. In this most recent procurement process, the agencies decided to provide vehicle parking to encourage more proposers to submit proposals. The paratransit vehicle parking to be used by Transdev will be located on District-owned properties in Novato and San Rafael pursuant to revocable licenses issued by the District, as well as an amendment to the District's agreement with Marin Airporter for the San Rafael property. MT will provide access to property with a building to be used by Transdev for maintenance purposes, dispatching vehicles, a call center, and an eligibility screening office.

Transdev Contract

Key terms of the contract between MT and Transdev include:

1. Contract Term: The base term will be from February 1, 2022 through June 30, 2025. Three one-year options may be exercised for FY 25/26, FY 26/27 and FY 27/28.
2. Labor Code 1072: Transdev will comply with California Labor Code 1072 and retain all drivers and front-line staff who choose to transition from the prior vendor, Vivalon (formerly known as Whistlestop Transportation or Whistlestop Wheels), with the transfer of the contract. Transdev is offering increased starting wages for drivers and enhanced benefits. In addition, all bilingual staff will receive a premium added to their base wages.
3. Facilities and Parking: In July 2021, MT completed the purchase of a new facility at 3000 Kerner Blvd in San Rafael to support the paratransit vehicle maintenance and house paratransit scheduling, dispatch and eligibility functions. As discussed above, the District will offer vehicle parking areas. This will be the first instance when the District and MT have provided the paratransit contractor with all needed facilities and a full fleet of vehicles for the operation.
4. Cost: Transdev's hourly rates are lower than under the current contract with Vivalon/Whistlestop. However, Transdev's fixed costs are significantly higher, mainly due

to increases in staff wages proposed by Transdev to ensure that it offers competitive wages for this geographic area that will attract and retain quality staff.

5. Fleet Acquisition. The District will be responsible for providing the full complement of paratransit vehicles required for regional trips, including replacement or potential expansion vehicles, as well as its proportionate share of vehicles needed for the Marin local paratransit trips. The District and MT will conduct a joint annual review to determine the vehicle needs for upcoming budget years and funding cycles. Transdev will not be responsible for the provision of any vehicles for the life of its agreement with MT, but instead will operate the vehicles provided jointly by the District and MT.
6. Liquidated Damages: MT’s contract with Transdev includes a provision for liquidated damages, which was not in the contract with Vivalon/Whistlestop.

Fiscal Impact

The projected costs over the life of the Paratransit Agreement for regional paratransit service are shown below. The estimated fiscal impact is \$194,000 for the balance of this fiscal year, the estimated fiscal impact is approximately \$2 million for the first three years and five months of the Paratransit Agreement, and it is estimated that an additional \$1.8 million will be required if the three one-year options are exercised (FY 25/26-27/28). Funds for the remainder of FY 21/22 are included in the adopted annual budget for FY 21/22 and will be included in the budget development process in subsequent years.

Estimated Regional Paratransit Costs

	Base Contract				Option Years		
	FY 21/22 (5 months)	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
Regional Paratransit Cost	193,511	585,814	580,947	591,411	597,181	606,701	618,531
	Base Contract 1,951,683				Option Years 1,822,412		

The District will continue to contribute to the cost of local paratransit trips within Marin County pursuant to the rates and terms outlined in our current Fixed-Route Agreement while it remains in effect. Under the Fixed-Route Agreement, the District will pay approximately \$562,000 for local paratransit through the end of the current fiscal year. Absent a new Fixed-Route Agreement, the total cost to the District for local paratransit in calendar year 2022 would be approximately \$1.3 million.