



Marin County Transit District Board of Directors

Monday, October 7, 2024, 9:30 a.m.

Marin County Civic Center

Board of Supervisors' Chambers
3501 Civic Center Drive, Room 330
San Rafael, CA 94903

Join via Zoom or Teleconference:

<https://www.zoom.us/j/87972683373>

+1 669 900 6833

Webinar ID / Access Code: 879 7268 3373

Providing Public Comment

- To provide written public comment prior to the meeting, email info@marintransit.org or use the comment form at www.marintransit.org/meetings. Submit your comments no later than **5:00 P.M. Sunday, October 6, 2024** to facilitate timely distribution to the Board of Directors. Include the agenda item number you are addressing, your name, and address. Your comments will be forwarded to the Board of Directors and will be included in the written public record.
- Public comment 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.
- Participating on Zoom or teleconference: Ensure that you are in a quiet environment with no background noise. 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.

General Meeting Information

- Late agenda material can be inspected at the office of Marin Transit, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
- In case of Zoom outage, dial 515-604-9094; meeting ID: 142-334-233
- All Marin Transit public meetings are conducted in accessible locations.
- Documents are available in accessible formats or additional languages by request. If you require translation or other accommodation, call (415) 226-0855 or 711. Requests must be received no less than five working days prior to the meeting.
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- Nếu bạn cần thông dịch hoặc các hỗ trợ khác, hãy gọi (415) 226-0855 hoặc 711. Để truy cập các hướng dẫn này bằng tiếng Việt, [hãy nhấp vào đây](#).

9:30 a.m. Convene as the Marin County Transit District Board of Directors

- 1. Consider approval of Directors request to participate remotely and utilize Just Cause or Emergency Circumstance per AB 2449**
- 2. Open Time for Public Expression**
(Limited to two minutes per speaker on items not on the District's agenda)
- 3. Board of Directors' Matters**
- 4. General Manager's Report**
 - a. General Manager's Oral Report
 - b. [Monthly Monitoring Report: July 2024](#)
- 5. Consent Calendar**
 - a. [Minutes for September 9, 2024 Board Meeting](#)
 - b. [Federal Legislative Report](#)
 - c. [Marin Transit Financial Management Policies Update](#)
 - d. [Marin Transit Diversity Program for Contracts Update](#)

Recommended Action: Approve.

6. [Public Hearing: Clipper 2.0 and Regional Transfer Pilot](#)

Recommended Action: Receive public comment and close the public comment period on the Marin County Transit District's adoption of the Regional Transfer Pilot program.

7. [Public Engagement Update and Fare Free Days](#)

Recommended Action: Receive an update on the District's Public Engagement Efforts and authorize six new fare free days or periods through August 2025.

Convene in Closed Session**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: 1075 Francisco Blvd East, San Rafael, CA, APNs 009-191-37 and 009-191-38

Agency negotiators: Kerry Gerchow Counsel, Marin County; Nancy Whelan, General Manager, Marin Transit; Deborah Miller, Outside Legal Counsel, Shute, Mihaly & Weinberger LLP

Negotiating parties: Marin Hospitality Inc.

Under negotiation: Price and terms of payment

Report from Closed Session**Adjourn**



711 Grand Ave, #110
San Rafael, CA 94901
ph: 415.226.0855
marintransit.org

Board of Directors

Brian Colbert

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Town of San Anselmo

Eric Lucan

Vice President
Supervisor District 5

Mary Sackett

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Supervisor District 1

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Stephanie

Moulton-Peters
Director
Supervisor District 3

Dennis Rodoni

Director
Supervisor District 4

Maribeth Bushey

Director
City of San Rafael

Fred Casissa

Alternate
Town of Corte Madera

October 7, 2024

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

Subject: General Manager Report – Monthly Report: July 2024

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 July 31, 2024. The monthly reports summarize statistics on the performance of Marin Transit services and customer comments.

Overall, Marin Transit experienced strong systemwide ridership in July 2024. Total ridership was 6% higher than the previous year (July 2023) and 10% lower than pre-COVID (July 2019).

Fixed route ridership continued to be strong this month, with ridership being 8% higher than the previous year (July 2023) and 98% of pre-COVID (July 2019). Note that, as of the performance monitoring update which your Board approved on September 9, 2024, the Muir Woods Shuttle is no longer included in fixed route ridership.

Marin Access ridership had plateaued at just below half of pre-pandemic ridership starting in September 2022. January 2024 was the first month since then where Marin Access ridership exceeded the prior year. This month, July 2024, continued that trend, with Marin Access ridership increasing by 28% relative to the prior year (July 2023). Staff believe that this trend of increasing ridership is due to the Marin Access service changes implemented last year, in July 2023, and are optimistic it will continue to have a positive effect on ridership going forward.

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.

Respectfully Submitted,

A handwritten signature in black ink that reads "Nancy E. Whelan".

Nancy Whelan
General Manager

Attachment A: Monthly Ridership Report and Customer Comments

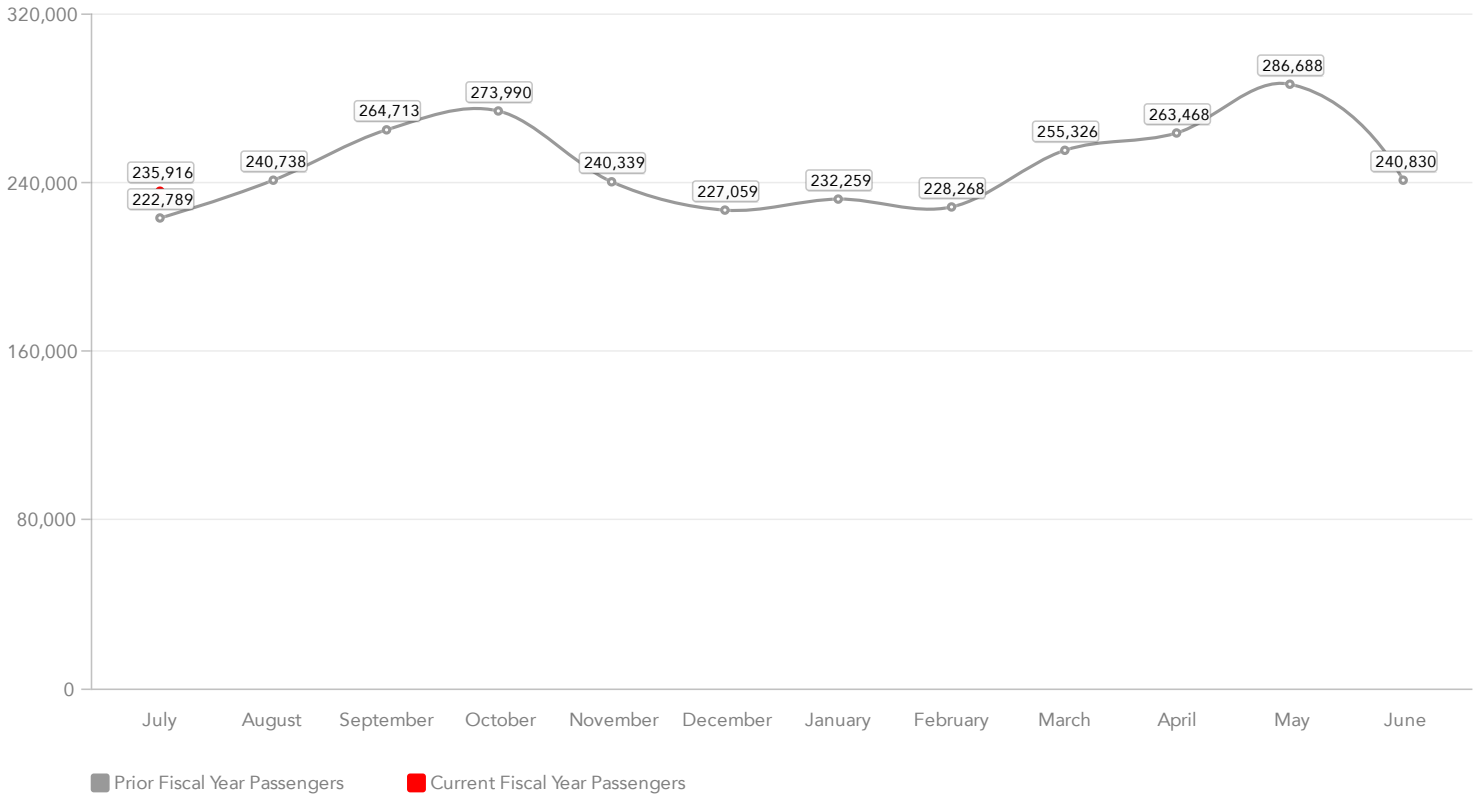
Month: July 2024		Program							Total
Category	Fixed-Route Local	Fixed-Route Community	Stagecoach & Muir Woods	Supplemental & Yellow Bus	Demand Response	Mobility Management	Systemwide		
Commendation	3	0	0	0	16	0	3	22	
Service Delivery Complaint	30	10	2	0	0	1	0	43	
Accessibility	3	3	0	0	0	0	0	6	
Driver Conduct Complaint	7	1	1	0	0	0	0	9	
Driving Complaint	8	2	1	0	0	0	0	11	
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	2	0	0	0	0	0	0	2	
Missed Connection	2	0	0	0	0	0	0	2	
Missed Trip	0	0	0	0	0	1	0	1	
No-Show	2	0	0	0	0	0	0	2	
Off-Route	1	1	0	0	0	0	0	2	
Pass-Up Complaint	4	3	0	0	0	0	0	7	
Service Structure Complaint	6	0	0	0	4	0	9	19	
Bus Stop Improvement Request	1	0	0	0	0	0	1	2	
Fares	0	0	0	0	0	0	0	0	
Other Complaint	3	0	0	0	4	0	3	10	
Scheduling Complaint	0	0	0	0	0	0	0	0	
Service Improvement Suggestion	2	0	0	0	0	0	5	7	
Safety Complaint	0	0	0	0	0	0	0	0	
Total Service Hours	10,537	3,519	1,366	0	2,361	0	17,783	17,783	
Commendations per 1,000 Hours	0.3	0.0	0.0	-	6.8	-	0.2	1.2	
Complaints per 1,000 Hours	3.4	2.8	1.5	-	1.7	-	0.5	3.5	
Total Passengers	186,556	27,846	9,386	0	4,526	2,147	242,589	242,589	
Commendations per 1,000 Passenger	0.0	0.0	0.0	-	3.5	0.0	0.0	0.1	
Complaints per 1,000 Passengers	0.2	0.4	0.2	-	0.9	0.5	0.0	0.3	

Attachment A

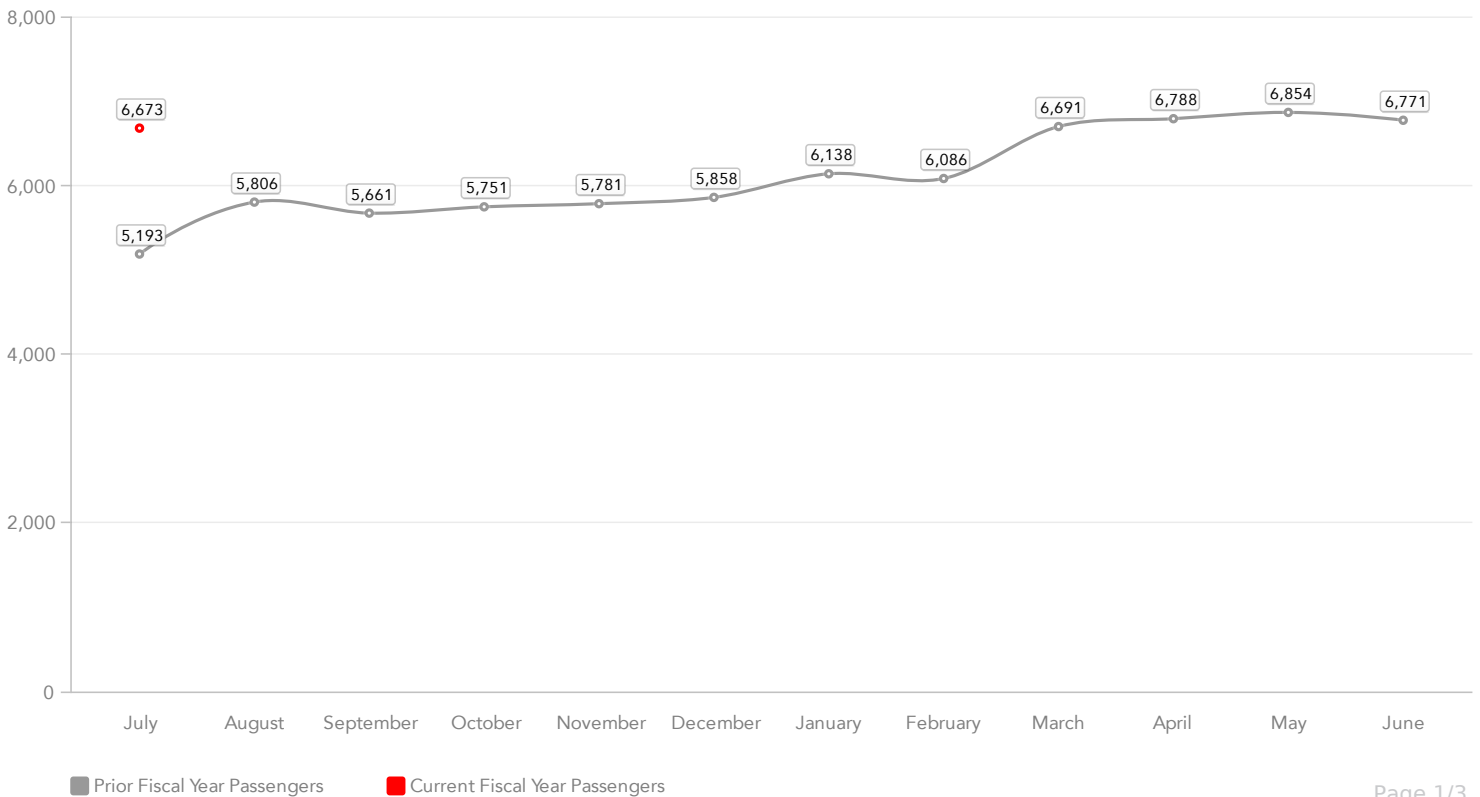
FISCAL YEAR: 2025
 MONTH: All

Year-to-Date Ridership Trends

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



Demand Response Passengers by Month

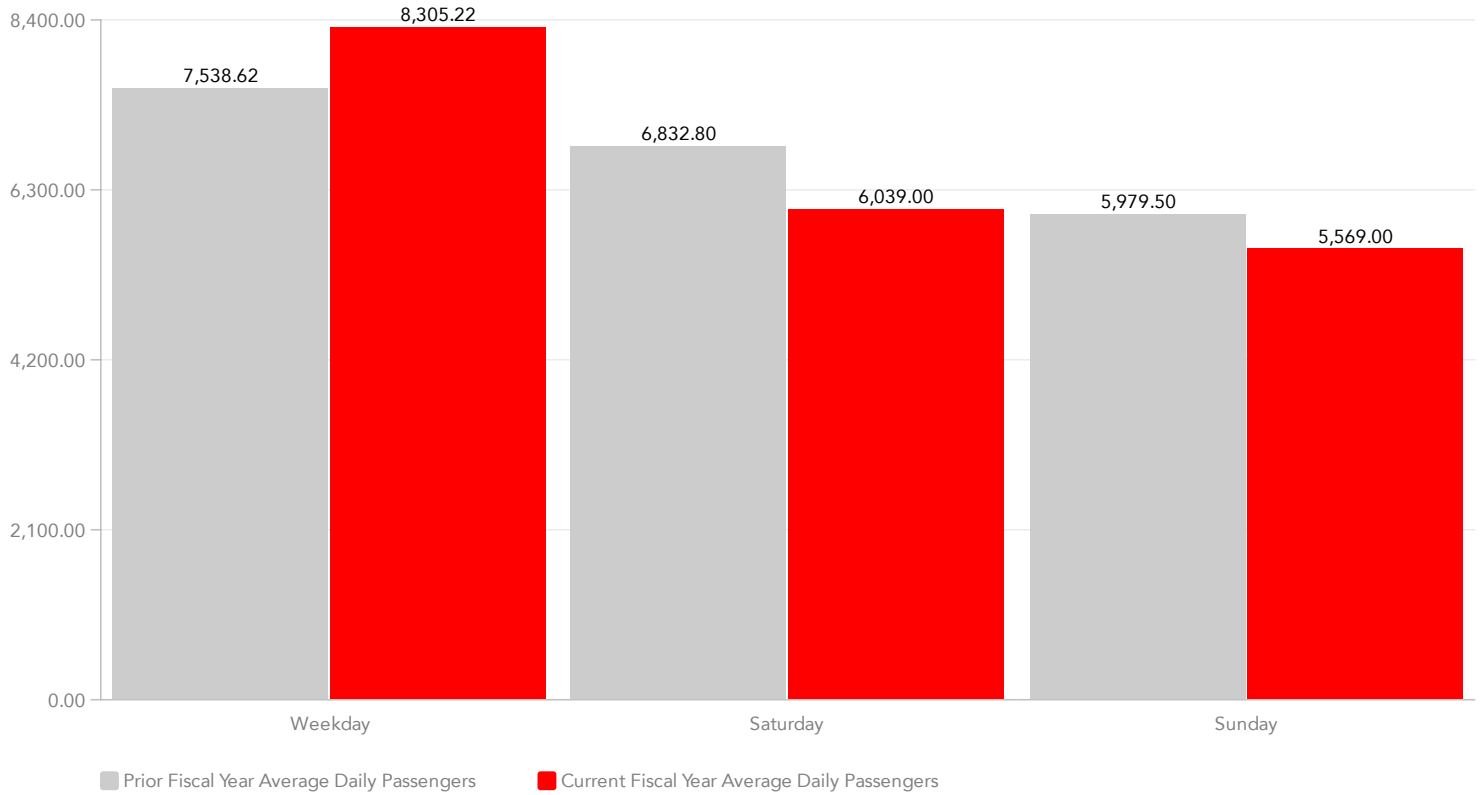


Monthly Comparison

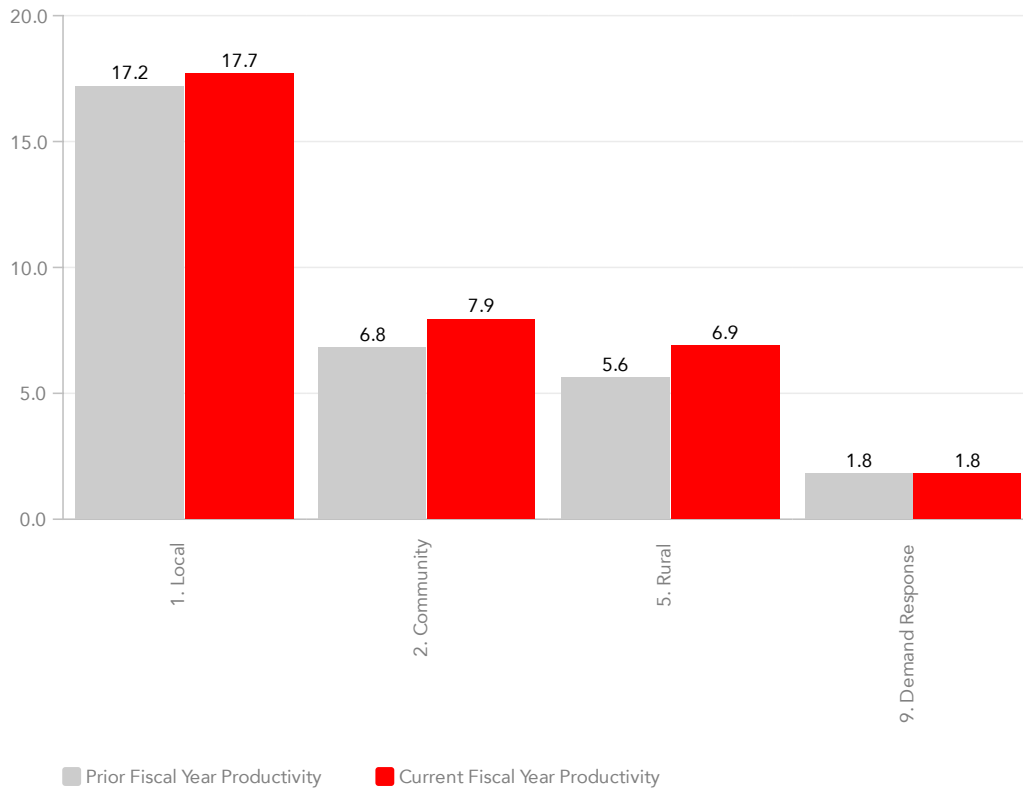
MONTH

Jul

Average Systemwide Daily Passengers



Productivity (pax/hr) by Typology



Route Typologies

- 1. Local:
Routes 17, 22, 23, 35, 36, 49, 71
- 2. Community:
Routes 219, 228, 29, 233, 245, 57
- 5. Rural:
Routes 61, 68
- 9. Demand Response:
Local Paratransit, Marin Access Shuttles

REGULAR MEETING OF THE MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS

Held Monday, September 9, 2024 at 9:30 A.M.

Roll Call

Present: **President Colbert, Vice President Lucan, Second Vice President Sackett, Director Rice, Director Moulton-Peters, Director Rodoni, Director Bushey, Director Casissa**

Absent: **None**

Director Casissa was in attendance as a non-voting member.

Board President Rice opened the meeting at 9:34 A.M.

1. [Consider approval of Directors request to participate remotely and utilize Just Cause or Emergency Circumstance per AB 2449](#)

Administrative Assistant & Board Secretary Kate Burt reported there were no requests for remote participation by any Directors.

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

President Colbert asked if any member of the public wished to speak.

Susannah Saunders suggested the District should wait to purchase electric buses until electric bus technology has advanced to suit the District's needs. She expressed concerns regarding the use of gas fuel and hybrid buses.

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

President Colbert asked if any member of the Board wished to speak.

Second Vice President Sackett thanked staff for their improvements to the Miller Creek School District school bus program.

President Colbert announced that his daughter had recently taken a Marin Transit bus and had a positive experience.

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

- a. [General Manager's Oral Report](#)
- b. [Monthly Monitoring Report: June 2024](#)
 - i. [Item 4b – Staff Report](#)

General Manager Nancy Whelan provided an update on recent Marin-Sonoma Transit Coordination efforts.

Director Moulton-Peters asked about the timeline of the Marin-Sonoma Transit Coordination efforts.

Ms. Whelan responded that draft information from the planning study would be available in fall of 2024, and staff would provide an update at the November 2024 Board meeting. Final recommendations would be presented at the February 2025 Board meeting.

Director Bushey asked if Board members could volunteer.

Ms. Whelan stated that volunteers had not been appointed yet.

Director Bushey asked President Colbert if Directors who are interested in volunteering should let President Colbert know.

President Colbert said they should, and he will work with Ms. Whelan to coordinate.

Ms. Whelan clarified they would like input during two meetings.

Director Rodoni requested that staff update the Board on the North Bay's free transit pilots.

Ms. Whelan reported on two Transit Month efforts that staff are supporting. She announced that public Wi-Fi is now available on all the District's buses. She reported on fixed route and demand response ridership from June 2024.

Director Moulton- Peters asked if staff communicate with the National Park Service (NPS) regarding parking reservations. She wondered if Muir Woods Shuttle ridership was reduced due to an increase in visitors parking their personal vehicles at Muir Woods.

Ms. Whelan responded that staff regularly work with NPS. Staff will look into whether there was a change in parking lot usage. She noted that parking lots at Muir Woods have limited capacity.

5. [Consent Calendar](#)

- a. [Minutes for August 5, 2024 Board Meeting](#)
- b. [Federal Legislative Report](#)
- c. [Marin Transit Quarterly Performance Report for the Fourth Quarter of FY 2023/24](#)
- d. [Award Contract to Urban Transportation Associates Inc. for an Automated Passenger Counter System](#)
- e. [Policy Update: Marin Transit's Personnel Policies and Procedures \(HR-02\)](#)
- f. [Resolution to Amend the Marin County Transit District Governmental 401\(a\) Plan](#)
- g. [Revised 2024 Marin County Transit District Board Meeting Calendar](#)

General Manager Nancy Whelan highlighted the change to the Board meeting calendar proposed in agenda item 5g.

Recommended Action: Approve.

M/s: Second Vice President Sackett – Vice President Lucan

Ayes: President Colbert, Vice President Lucan, Second Vice President Sackett, Director Rice, Director Moulton-Peters, Director Rodoni, Director Bushey

Noes: None

Absent: None

Abstain: None

6. [Transit Priority in Marin County](#)

[Staff Report](#)

Britt Tanner from the Metropolitan Transportation Commission (MTC) defined transit priority and outlined its benefits. She listed transit priority tools and noted each tool's potential time savings. Ms. Tanner explained MTC's regional transit priority efforts and transit priority funding opportunities.

Director of Operations & Service Development Robert Betts summarized transit priority efforts in Marin County.

Second Vice President Sackett asked how agencies are involved in the evaluation of transit priority treatment options.

Ms. Tanner stated that MTC's anticipated Regional Transit Priority Policy would address that. The existing Complete Streets Policy states that all projects that receive discretionary funding over \$250,000 must follow a Complete Streets checklist. The checklist requires that transit operators stay informed regarding the project. The Regional Transit Priority Policy would encourage coordination between transit agencies and cities.

Second Vice President Sackett asked how the District could be involved and considered in earlier phases of projects.

Director Moulton-Peters noted that similar issues would be raised in the Countywide Transportation Plan, which would be brought to the Transportation Authority of Marin (TAM)'s Board soon. Director Moulton-Peters noted the example of a bike lane project at Bridgeway in Sausalito. She asked if the presentation from the agenda item would be brought to Public Works Managers and City Managers.

General Manager Nancy Whelan stated that while staff participate in Public Works Directors meetings, there likely has not been an opportunity to make a similar presentation.

Director Moulton-Peters suggested staff should make a presentation to the Public Works Directors. She added that she is interested in an assessment of Route 17's corridor. She noted that the Fire Department has Transit Signal Priority (TSP). She asked if the District could coordinate with TAM's funding application for their Signal Coordination Project.

Ms. Tanner explained that TSP is already included in TAM's work.

Director Moulton-Peters commented on the 101 Freeway Contraflow bus lane.

Director Bushey asked if staff are working productively with Marin County's Public Works team on the priority areas in Marin County.

Mr. Betts confirmed they are and explained their recent efforts.

Director Bushey noted that transit is an important consideration of many new developments in San Rafael.

Vice President Lucan asked how TAM's Part Time Transit Lane project may affect nearby transit routes and traffic patterns.

Mr. Betts explained that buses would only use Part Time Transit Lanes once traffic reaches a certain congestion point. In Novato, the Part Time Transit Lane may enable bus routes to serve more local stops instead of only the 101 Freeway bus pad stops.

Vice President Lucan said that he would be happy to offer anecdotal evidence regarding local traffic.

Recommended Action: Discussion item.

7. [Clipper 2.0 and Regional Transfer Pilot Update](#)

[Staff Report](#)

Senior Transit Planner Asher Butnik summarized the recent fare study and recommendations. He explained the changes that will be implemented with Clipper 2.0. Mr. Butnik highlighted the features of the Regional Transfer Pilot. He reviewed the agenda item's recommended Board action and outlined Clipper 2.0's timeline.

Director Bushey asked about transfers from the District's bus service to other operators.

Mr. Butnik stated that transfers to other operators would receive a flat discount equal to the largest local fare in the region.

Vice President Lucan asked if Clipper 2.0 is live in any system as a pilot or test phase.

Mr. Butnik responded that there is testing currently happening.

Vice President Lucan asked if all operators would implement Clipper 2.0 at the same time.

Mr. Butnik explained the implementation will happen nearly at the same time for each operator, however there will be a small period when individual Clipper Cards will need to be flipped to the new system. Staff plan to wait to promote Clipper 2.0's implementation until all Clipper Cards have been flipped.

Vice President Lucan asked how card readers will know which digital card to use.

Mr. Butnik answered that riders will likely be able to adjust the settings in their phones.

Vice President Lucan said that he hoped that issue had been thought of in the development of Clipper 2.0.

Mr. Butnik stated he would pass along Vice President Lucan’s feedback.

Director Moulton-Peters suggested that staff make a presentation to the Marin County Council of Mayors & Councilmembers (MCCMC).

Director Casissa asked about transfers from the Golden Gate Ferry to the SMART Train.

Mr. Butnik explained that riders would receive a discount.

Second Vice President Sackett asked about the simplification of the youth and senior discount system.

Recommended Action: Set a public hearing for Monday, October 7, 2024, at 9:30 am, to receive public comment on the Marin County Transit District’s adoption of the Regional Transfer Pilot program and begin public outreach and education about upcoming changes to Clipper.

M/s: Director Bushey – Director Rice

Ayes: President Colbert, Vice President Lucan, Second Vice President Sackett, Director Rice, Director Moulton-Peters, Director Rodoni, Director Bushey

Noes: None

Absent: None

Abstain: None

8. [Performance Monitoring](#)

[Staff Report](#)

Senior Transit Planner Asher Butnik listed the seven service typologies that staff track as well as the targets for each typology. He explained the structure and purpose of the District’s Service Review Committee and the Service Implementation Committee. Mr. Butnik reported on productivity and cost efficiency for Fiscal Year 2024. He reviewed how staff developed their proposal for new service targets and listed the proposed service targets. He explained what would happen if a typology were to not meet its designated standard.

Director Bushey asked if staff would consider changing the name of the Supplemental Routes.

Mr. Butnik stated that staff would consider it.

General Manager Nancy Whelan explained the reasoning behind the Supplemental Route terminology.

Director Rice asked how the District's demand response data compared to other agencies.

Mr. Butnik responded that the District's subsidy per passenger data was lower than or comparable to other agencies. He said he would look into the District's productivity data compared to other agencies.

Director Rice noted that productivity might be difficult to analyze, and it is important to try to make service cost effective. She expressed support for staff's proposed changes.

Director Moulton-Peters asked if the proposed changes would affect the District financially.

Mr. Butnik explained that the effects would be mostly internal, and staff found that riders were mostly unaware of typologies.

Director Moulton-Peters asked if the simplification of targets would decrease the number of deeper assessments done by staff.

Mr. Butnik clarified that staff would still analyze each route individually.

Vice President Lucan asked if staff would be able to determine the average distance traveled by each typology.

Mr. Butnik said staff currently have an estimate, however staff will obtain more precise data with the new Automated Passenger Counters (APCs).

Vice President Lucan requested that staff include data regarding distances traveled in future reports.

Director Bushey asked how staff determined the proposed subsidy per passenger target.

Mr. Butnik responded that staff compared costs experienced by the District and costs experienced by peer agencies. Staff also accounted for the transportation services Consumer Price Index (CPI).

Recommended Action: Approve new service typologies and performance targets.

M/s: Director Moulton-Peters – Second Vice President Sackett

Ayes: President Colbert, Vice President Lucan, Second Vice President Sackett,
Director Rice, Director Moulton-Peters, Director Rodoni, Director Bushey

Noes: None

Absent: None

Abstain: None

Adjourn President Colbert adjourned the meeting at 10:54 A.M.

SINE DIE

PRESIDENT

ATTEST:

CLERK



711 Grand Ave, #110
San Rafael, CA 94901
ph: 415.226.0855
marintransit.org

Board of Directors

Brian Colbert

President
Town of San Anselmo

Eric Lucan

Vice President
Supervisor District 5

Mary Sackett

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Supervisor District 2

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Moulton-Peters
Director
Supervisor District 3

Dennis Rodoni

Director
Supervisor District 4

Maribeth Bushey

Director
City of San Rafael

Fred Casissa

Alternate
Town of Corte Madera

October 7, 2024

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

Subject: Federal Legislative Report

Dear Board Members:

In March 2023, your Board approved a contract for federal advocacy services with Carpi & Clay. Carpi & Clay provide a monthly Federal Update as a part of their services. The attached monthly report for September 2024 provides an overview of federal transportation activity including federal appropriations, congressional hearings, grant opportunities, and regulatory announcements. A few items of note are:

- Congress passed a [Continuing Resolution](#) (CR) on September 25th to fund federal agencies through December 20th.
- A group of California Democratic Representatives sent a [letter](#) to Caltrans calling on the state to eliminate redundant and expensive federal environmental reviews for major transportation projects.
- FTA issued a [General Directive](#) to address the significant and continuing national-level safety risk related to assaults on transit workers.

Respectfully Submitted,

Nancy Whelan
General Manager

Attachment A: Federal Update September 2024

FY25 Appropriations Update

By a strong bipartisan vote in both the House and Senate, Congress passed a [Continuing Resolution](#) (CR) on September 25th to fund federal agencies through December 20th. The CR includes additional funding for the Secret Service and the Presidential Transition, and it extends several expiring authorizations, including the Temporary Assistance for Needy Families (TANF) and the National Flood Insurance Program (NFIP). While no additional funding was allocated for the Federal Emergency Management Agency (FEMA), the resolution allows FEMA to spend at an accelerated rate to respond to disasters during the CR period. Speaker Mike Johnson (R-LA) acknowledged that while the clean CR was not ideal for House Republicans, it is the most prudent option to avoid a government shutdown. Looking forward, the November elections are expected to influence the final Fiscal Year (FY) 2025 appropriations, with Congress also needing to address significant legislative items such as FY25 National Defense Authorization Act and the Water Resources Development Act of 2024.

CONGRESSIONAL ACTIVITY

House Passes EV Bill. On September 12th, the House passed the *End Chinese Dominance of Electric Vehicles in America Act* ([H.R. 7980](#)) by a vote of 217 to 192. The bill expands restrictions on electric vehicles (EVs) eligible for federal tax credits, excluding those with batteries containing critical minerals from foreign entities of concern or tied to specific licensing agreements. The bill now moves to the Senate for consideration.

California Democrats Urge Caltrans to Eliminate Redundant Federal Environmental Reviews. A group of California Democratic Representatives sent a [letter](#) to California Secretary of Transportation Toms Omishakin and Department of Transportation (Caltrans) Director Tony Tavares, calling on the state to eliminate redundant and expensive federal environmental reviews for major transportation projects. The letter states that lawmakers want Caltrans to “recognize that California’s state environmental review process makes any federal review redundant, a waste of taxpayer funds, and needlessly dilatory” as funding from the Bipartisan Infrastructure Law (BIL) is awarded to the state.

House Republicans Urge President Biden to Resolve East and Gulf Coasts Port Labor Dispute. A group of House Republican Representatives, led by House Transportation and Infrastructure Committee Chair Sam Graves (MO) and Subcommittee on Coast Guard and Maritime Transportation Chair Daniel Webster (FL), sent a [letter](#) to President Biden urging him

to assist in the negotiations between the United States Maritime Alliance (USMX) and the International Longshoremen's Association (ILA). The Master Contract between USMX and ILA regarding terms and conditions for employment at ports on the East and Gulf Coasts expires on September 30th, and negotiations between the two entities have not produced a new Master Contract. The letter warns of the supply chain and economic impacts of a work stoppage at East and Gulf Coast ports should no agreement be reached before October 1st and urges the "Administration to provide any and all support it can offer to both parties as these negotiations continue."

Bipartisan Coalition Supports Forest Service Use of LEO Satellites for Wildfire Detection. A bipartisan group of Representatives sent a [letter](#) to Forest Service Chief Randy Moore requesting the issuance of a request for proposals from the agency for the use of Low-Earth Orbit (LEO) satellite data for wildfire detection. The letter notes that the satellites currently used for fire detection have "substantial limitations" and that more advanced satellites, "particularly those equipped with higher-resolution thermal infrared sensors," would improve the agency's ability to track and monitor wildfire development throughout the fire season. The lawmakers also state that more advanced satellites would improve fire mapping, enhance situational awareness, cut costs by proactively fighting fires, improve environmental and ecological outcomes during fire season, and promote public safety by reducing the risk of fires spreading into adjacent communities.

FEDERAL FUNDING OPPORTUNITIES

AmeriCorps Announces 2025 State and National Grants Competition. AmeriCorps announced it is accepting applications for the [2025 State and National Grants Competition](#) for organizations wishing to host AmeriCorps members beginning in the summer of 2025. Eligible applicants include State Service Commissions, nonprofit organizations, higher education institutions, local governments, and tribal governments. Applications are due by January 23rd.

EPA Announces \$965 Million Available for Clean School Bus Rebate Program. The EPA announced the availability of \$965 million through the Clean School Bus Rebate Program. The rebate program will fund bus procurement and infrastructure costs for awardees requesting zero-emission school buses, driver training programs, and other workforce development opportunities. Applicants may request up to \$325,000 per bus, with a maximum of 50 buses per application. Applications are due by January 9th.

FEMA Releases State and Local Cybersecurity NOFO. FEMA released a \$279.9 million [NOFO](#) through the FY24 State and Local Cybersecurity Grant Program. The funding will support state, local, and territorial governments in managing and reducing cyber risk. Applications are due by December 3rd.

FHWA Publishes LCTM Program NOFO. The Federal Highway Administration (FHWA) published a [NOFO](#) for the availability of \$800 million under the Low Carbon Transportation Materials (LCTM) Program. The program helps to reimburse or provide incentives to eligible

recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to estimated industry averages of similar materials or products as determined by EPA. Applications are due by November 25th.

FHWA Publishes National Scenic Byways Program NOFO. FHWA published a [NOFO](#) for \$26.95 million available through the National Scenic Byways Program. The program grants states and federally recognized tribes to implement eligible projects on highways designated as National Scenic Byways or All-American Roads (collectively America's Byways®). Applications are due by December 16th.

FTA Publishes Rural Transportation Assistance Program NOFO. The Federal Transit Administration (FTA) published a [NOFO](#) for the availability of \$3.25 billion through the Rural Transportation Assistance Program. The program will select an entity to administer a National Rural Transit Assistance Program (RTAP). The National RTAP will carry out activities to design and implement training and technical assistance projects and other support services tailored to meet the specific needs of transit operators in rural areas, including tribal transit services. Applications are due by November 12th.

IRS and DOE Accepting Applications for IRA Low-Income Communities Bonus Credit Program. The Internal Revenue Service (IRS) and DOE are [accepting applications](#) for the 2024 Program Year Inflation Reduction Act (IRA) Low-Income Communities Bonus Credit Program under Section 48(e) of the Internal Revenue Code. Applications for renewable energy and energy efficiency projects located in low-income communities, qualified low-income residential building projects, and qualified low-income economic benefit projects are being accepted on a rolling basis until October 10th. Applications for projects on Indian Lands are being accepted until November 12th.

GRANT AWARD ANNOUNCEMENTS

DOE Announces \$62 Million for Clean Hydrogen Infrastructure Development. DOE [announced](#) \$62 million for 20 projects in 15 states to support research, development, demonstration, and deployment of clean hydrogen infrastructure. The projects selected focus on hydrogen fueling infrastructure, deployment of heavy-duty hydrogen-powered vehicles, and industry-wide technical development.

DOL Announces \$7.4 Million for California Disaster Recovery. DOL [announced](#) an additional \$7.4 million in funding for disaster relief employment and workforce training for Californians affected by winter storms in late 2022 and early 2023. The funding is provided through the National Dislocated Workers Program and will fund efforts to expand the service capacity of dislocated worker programs at the state and local levels.

DOT Announces SS4A Grant Awards. The Department of Transportation (DOT) [announced](#) \$1.07 billion in Round 1 and 2 Safe Streets and Roads for All (SS4A) grant program to 354 local, regional, and tribal communities to help provide funding for implementation, planning,

and demonstration activities as a part of a systematic approach to help prevent roadway deaths.

FTA Announces Ferry Grant Awards. FTA [announced](#) \$300 million in grants to 18 projects in 14 states through the Ferry Grant Program. The grants will help fund projects replacing old vessels with electric ships to reduce greenhouse gas emissions, improve air quality, expand fleets, and build new terminals and docks.

FTA Announces EPD Pilot Program Grant Award. FTA [announced](#) a \$893.3 million grant to the Los Angeles County Metropolitan Transportation Authority (LA Metro) through the Expedited Project Delivery (EPD) Pilot Program, the first under this program. The grant will help to fund the construction of a 6.7-mile light rail line along Van Nuys Boulevard in the East San Fernando Valley.

NOAA Announces \$45 Million for Coast Habitat Restoration and Resilience Projects. The National Oceanic and Atmospheric Administration (NOAA) [announced](#) \$45 million in funding for 27 projects through the Coastal Habitat Restoration and Resilience Grants for Tribes and Underserved Communities program. \$20 million will support tribal initiatives, and \$25 million will support coastal projects in underserved communities.

FEDERAL AGENCY REGULATORY ACTIONS

President Biden Signs EO on Prioritizing Union Labor for Federally Funded Projects. President Joe Biden signed an Executive Order (EO) titled “[Executive Order on Investing in American and Investing in American Workers](#).” The EO directs federal agencies to prioritize union involvement when making funding decisions for programs authorized in the American Rescue Plan Act, the Bipartisan Infrastructure Law, the Inflation Reduction Act, and the CHIPS Act.

FTA Issues Required Actions Regarding Assaults on Transit Workers General Directive. FTA issued a [General Directive](#) to address the significant and continuing national-level safety risk related to assaults on transit workers. The General Directive requires each transit agency subject to FTA’s Public Transportation Agency Safety Plans (PTASP) Final Rule to conduct a safety risk assessment, identify safety risk mitigations or strategies, and provide information to FTA on how it is assessing, mitigating, and monitoring the safety risk associated with assaults on transit workers. Each transit agency serving a large, urbanized area must involve the joint labor-management Safety Committee when identifying safety risk mitigations. Responses to the General Directive are due by December 26th.

FTA Issues Enhanced Mobility of Seniors and Individuals with Disabilities Circular. FTA issued a [new grant program guidance](#) titled “Enhanced Mobility for Seniors and Individuals with Disabilities. Program Guidance (Section 5310) Circular (C. 9070.1H)” that incorporates changes into law since the previous circular update and does not include policy changes. The circular is applicable beginning November 1st.

FTA Issues Award Management Requirements Circular. FTA issued a new [Award Management Requirements Circular](#) (C 5010.1). The updated circular combines requirements applicable to all FTA financial assistance awards (referred to as “crosscutting” requirements) and supersedes the previous Award Management Requirements Circular C 5010.1E. The circular is applicable on November 1st.

FTA Issues Rural Areas Formula Grant Programs Guidance Circular. FTA issued a newly [updated circular](#) to assist grant recipients in implementing the Rural Areas Formula Program and the rural component of the Grants for Buses and Bus Facilities Program. The update and consolidation of the circulars incorporates provisions from the Fixing America’s Surface Transportation (FAST) Act; the Infrastructure Investment and Jobs Act (IIJA), also known as BIL; the Uniform Administrative Requirements for Federal awards to non-Federal entities; and current FTA policies and procedures. The circular is applicable on November 1st.

IRS Publishes Alternative Fuel Vehicle Refueling Property Credit NPRM. The Internal Revenue Service (IRS) published a [notice of proposed rulemaking](#) (NPRM) for the Alternative Fuel Vehicle Refueling Property Credit, updated by the Inflation Reduction Act. The credit applies to property placed in service between December 31st, 2022, and January 1st, 2033, offering 30% of the cost for non-depreciable property and 6% for depreciable property, which can increase to 30% if wage and apprenticeship conditions are met. To qualify, the property must be in an eligible census tract, defined as either a low-income community or a non-urban area. The regulations also provide guidelines for calculating the credit and defining eligible refueling property. Comments are due by November 18th.

OSHA Releases Proposed Heat Injury and Illness Prevention Rule. The Occupational Health & Safety Administration (OSHA) released its “Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings” [proposed rule](#). The proposed rule contains a programmatic standard that requires employers to create a heat injury and illness prevention plan to evaluate and control heat hazards in their workplace. It establishes requirements for identifying heat hazards, implementing engineering and work practice control measures at or above two heat trigger levels, developing and implementing a heat illness and emergency response plan, training employees and supervisors, and retaining records. The standard would apply to all employers conducting outdoor and indoor work in all general industry, construction, maritime, and agriculture sectors where OSHA has jurisdiction, with limited exceptions. Comments are due by December 30th.

Treasury Proposes New Technology Neutral Clean Energy Tax Credit. The Department of the Treasury (Treasury) proposed [new clean energy tax credits for low-income areas](#) that are technology-neutral as opposed to focused on solar and wind resources. The 48(e) low-income tax credit was finalized in 2023 for wind and solar installation by developers, and it will sunset in 2025. The proposed 48E(h) credit would allow developers to claim investments in geothermal, hydropower, nuclear, and other low-carbon energy resources through the tax credit beginning in 2026. Comments are due by October 3rd and Treasury is hosting a public hearing on the proposal on October 17th at 10 am ET.

FEDERAL AGENCY ANNOUNCEMENTS AND PERSONNEL CHANGES

CEQ Announces New Clean Energy Director. The Council on Environmental Quality (CEQ) announced that Dan Delurey will serve as Director for Clean Energy in CEQ's Office of the Federal Chief Sustainability Officer. He previously served as a Senior Fellow for Energy at Vermont Law and Graduate School.

DOT Announces ACAA Advisory Committee Appointments. DOT [announced](#) 17 Air Carrier Access Act (ACAA) Advisory Committee appointments. The ACAA Advisory Committee is tasked with assessing the existing and emerging disability-related access barriers for passengers with disabilities, evaluating the extent to which the Department's programs and activities are eliminating disability-related access barriers, and recommending actions to improve the air travel experience of passengers with disabilities. This Committee will report its assessment and recommendations to the Secretary.

FHWA Administrator Steps Down. FHWA Administrator Shailen Bhatt left the agency effective September 10th. Administrator Bhatt began in the role of FHWA Administrator in January 2023. FHWA Deputy Administrator Kristin White is now the Acting Administrator.

FHWA Publishes Study on Ways to Address Road Safety Among the Homeless. FHWA published a report titled [Promising Practices for Transportation Agencies to Address Road Safety Among People Experiencing Homelessness](#). The study presents strategies for improving safety for homeless individuals facing higher road fatalities risks. It recommends engaging with homeless individuals in planning, using data to guide decisions, leveraging DOT resources for affordable housing, offering staff training, and coordinating with social services to provide a humane approach to encampment management. The study emphasizes proactive, collaborative measures that prioritize dignity and safety while aiming to achieve zero roadway deaths.

FTA and Department of Education Publish Joint Fact Sheet on Increasing Students' Access to Reliable Transportation. FTA and the Department of Education released a [new fact sheet](#) highlighting strategies to reduce chronic absenteeism by increasing students' access to safe, accessible, reliable transportation to and from school.

FTA Releases Rail Grade Crossing Safety Fact Sheet. FTA released the "[Rail Grade Crossing \(RGX\) Fact Sheet](#)" to promote safety at non-grade separated rail crossings. The fact sheet provides data from the National Transit Database regarding incidents, injuries, and fatalities at transit grade crossings from 2016 through 2023.

GAO Publishes Report on FTA's Pilot Program for Nonemergency Medical Transportation. GAO published a report titled "[Nonemergency Medical Transportation: Leading Practices Would Help the Federal Transit Administration Evaluate Its Pilot Program](#)." The report found that while seven Federal Transit Administration (FTA) grant programs can support nonemergency medical transportation (NEMT), the Pilot Program for Innovative Coordinated Access and Mobility (ICAM) is the only one that explicitly targets NEMT. The FTA did not fully follow best practices for pilot programs, lacking an assessment

methodology, evaluation plan, and scalability criteria for ICAM. The report recommends that FTA develop a comprehensive evaluation plan to assess ICAM's effectiveness and scalability. Additionally, the GAO noted that FTA's information on how its funds can support NEMT is scattered and insufficient, recommending FTA consolidate and publish clearer guidance to help stakeholders better utilize funding for NEMT services.

NOAA Announces Partnership with Climate Mayors. NOAA announced a [new partnership](#) with Climate Mayors, a bipartisan network of over 350 mayors from communities nationwide. The new MOU will advance collaborative efforts between NOAA and local governments to accelerate the use of climate data and expertise at the local level. The MOU will remain in effect for five years and will be reviewed every two years.

USGCRP Launches Interagency Sea Level Rise Website. The U.S. Global Change Research Program (USGCRP) released a new website called [SeaLevel.GlobalChange.gov](#). USGCRP partnered with EPA, FEMA, NOAA, USACE, the Department of Defense, the National Aeronautics and Space Administration, and the U.S. Geological Survey to provide data and educational information on sea level rise so that the public can understand the causes and effects of rising sea levels.

##



711 Grand Ave, #110
San Rafael, CA 94901
ph: 415.226.0855
marintransit.org

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Town of Corte Madera

October 7, 2024

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

Subject: Marin Transit Financial Management Policies Update

Dear Board Members:

Recommendation

Adopt revised Marin Transit *Financial Management Policies and Procedures* (FN-01 #4).

Summary

Staff recommends that your Board adopt revised Financial Management Policy (#FN-01) revision 4. The revision includes updating *Section 1.7: Cash* to add interest-bearing accounts at Bank of Marin to enable the District to receive interest revenue on operating funds.

In accordance with Marin Transit's investment policy, the District's reserves are held and invested by the County of Marin. Marin Transit's primary operations accounts are at Bank of Marin and used for day-to-day receipts and disbursements. The District strives to hold an operations balance at Bank of Marin sufficient to ensure the District can meet financial obligations and have sufficient liquidity. On August 7, 2023 your Board approved increasing the target operations account balances to \$3.5- \$7.0 million based on increased bi-weekly check run amounts. This increase has provided liquidity to respond to the variability in check run amounts, but also increased the District's balance in non-investment accounts.

Money Market Account

The current policy revision adds an interest-bearing account at Bank of Marin to provide the opportunity to earn interest on operations funds while maintaining the needed liquidity. The primary interest-bearing account will be a new money market account. The General Manager will give the Director of Finance the ability to balance funds between accounts at Bank of Marin. All accounts are reconciled monthly and all disbursements from Bank of Marin require multiple approvals. The money market account will have a variable interest (initially around 2%). The value of using this account will vary in accordance with interest rates which are declining. Staff will continue to follow the investment policy goals when determining account allocations.



Investment policy goals:

- Compliance with all applicable laws, statutes, ordinances, and regulation requirements
- Preservation of capital
- Liquidity to meet required cash demands
- Maximization of income

Limited Term Certificate of Deposit (CD)

For the potential right-of-way (ROW) acquisition, the District anticipates needing up to \$14 million to close escrow. The purchase will be 75% funded with a Federal Transit Administration (FTA) grant, but based on the timing of the transaction, local funds will be used and then reimbursed by FTA. To meet this obligation, the General Manager authorized Marin County to transfer of \$14 million of the District's capital reserves from the Investment Account (at County of Marin) to the Operations Account (Bank of Marin) with a requested transfer date of October 3, 2024. The funds were transferred early and received in the District's operation account on September 23, 2023.

Staff determined the best way to continue to generate income on the funds while maintaining needed liquidity was to place them in a one-month Certificate of Deposit (CD) account at Bank of Marin. The General Manager and Director of Finance authorized the opening of the account on September 23, 2024. The account has a fixed 2.75% APR and it is anticipated the funds will generate about \$32,000 in interest. This CD will be closed following the one-month period and funds will either be used for the ROW purchase or returned to the investment account held by Marin County.

Fiscal/Staffing Impact

Staff anticipates holding an average of \$2 million of the targeted \$5 million in operations funds in the new money market account. At a 2% APR this would generate \$40,400. However, based on historic trends and the current interest rate declines the account could generate far less. It will require staff time to monitor and maintain account balances. If interest rates drop to <1%, staff can reduce or discontinue usage of the account until rates increase.

Short term usage of the Certificate of Deposit account is anticipated to generate about \$32,118. These funds will be recorded as operations interest revenue in FY2025 and available for operations or capital expenses.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "L. Gradia".

Lauren Gradia
Director of Finance and Capital Programs

Attachment A: Marin Transit Financial Management Policies



MARIN TRANSIT

FINANCIAL MANAGEMENT POLICIES

Policy #:	FN-01
Subject:	Finance
Effective Date:	05/14/2014
Revision Date(1):	04/18/2016
Revision Date (2):	05/07/2018
Revision Date (3):	08/07/2023
Revision Date(4):	10/07/2024 Pending

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1 GENERAL INFORMATION

1.1 Organization Background

The Marin County Transit District (Marin Transit or the District) is a special district created by the authority of the Marin County Transit District Act of 1964. Marin Transit’s purpose is to develop, finance, organize, and provide local Marin County transit service. Revenues are derived principally from property taxes, local tax measures, state and federal grants, transportation contract revenue, and transit fare revenue.

Marin Transit is governed by a Board of Directors comprised of the members of the Board of Supervisors of the County of Marin (the County) and two members chosen from city council persons or mayors of cities within the county. Marin Transit is a component unit of the County because the County controls Marin Transit’s Board of Supervisors and may impose its will on the district.

1.1.1 Measure A/AA

On November 6, 2018, Marin County voters passed Measure AA, a renewal to the county’s ½-cent transportation sales tax and new expenditure plan. The first ½-cent sales transportation sales tax (Measure A) was a 20-year measure passed in 2004 to provide local funding and investment for transportation infrastructure and programs. Under the sales tax expenditure plan, fifty-five percent (55%) of Measure AA is available for local transit service. The Transportation Authority of Marin (TAM) is the transportation sales tax authority in Marin County. TAM makes Measure AA funding available to Marin Transit based on projections, and adjusts future year balances to account for actual sales tax receipts. Marin Transit requests Measure AA funds on a reimbursement basis and does not carry an unspent balance of these funds.

1.1.2 Measure B

In 2010, Marin County voters approved Measure B, the vehicle registration fee initiative that collects \$10 annually for each vehicle registered in Marin for the purpose of improving transportation within the County. The Measure B expenditure plan designates thirty-five percent (35%) of the funds generated to be used to fund senior and disabled transportation services in Marin, and Marin Transit is the designated agency to manage this component. Marin Transit requests Measure B funds from TAM on a reimbursement basis and does not carry an unspent balance of these funds.

1.2 Basis of Accounting

Marin Transit’s resources are allocated to and accounted for in the financial statements as an enterprise fund type of the proprietary fund group. Enterprise funds are accounted for on a flow of economic resources measurement focus. Marin Transit also uses the accrual basis of accounting, recording revenues when earned, and recording expenses at the time the liability is incurred. Grant revenue is

recognized when program expenditures are incurred in accordance with program guidelines. Proprietary funds further distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations.

When both restricted and unrestricted resources are available for use, it is Marin Transit's policy to use restricted resources first then unrestricted resources as they are needed.

1.3 Reserve Balance¹

Marin Transit maintains an unrestricted reserve consisting primarily of property tax revenues. The District is dependent on many diverse funding sources for the operation of its services that are subject to state and federal funding availability and administrative processes. The reserve balance is essential to mitigate current and future risk of revenue shortfalls and unanticipated expenditures. The following reserve balance policy provides parameters on desired levels and uses of unrestricted reserve funds. The reserve balance levels are defined to minimize disruptions to the District's services due to fluctuation in funding and in accordance to the Government Finance Officers Association (GFOA) recommendations.

The District shall strive to maintain a reserve balance equivalent to a minimum of two months and up to a maximum of six months operating expenses based on the adopted budget.

Any reserve balance equal to but not exceeding two months operating expenditures is defined as the **emergency reserve**. The emergency reserve will be available for use during prolonged revenue shortages to sustain District operations until service reductions, program cuts, or fare increases are made to reestablish a balanced budget and restore the emergency reserve.

Any reserve balance greater than two months of operating expenditures, but less than four months of operating expenditures, is defined as the **contingency reserve**. The contingency reserve is available to maintain current service levels during short-term periods of declining revenue or slower than anticipated revenue growth.

When the emergency reserve is fully funded and the contingency reserve is funded with the equivalent of at least two months of operations funds, the District may fund a **capital reserve** through the budgeting process. The capital reserve is available to provide resources for high priority capital projects or grant matching funds. The reserve is designed to reduce the District's future needs for borrowing or bonding for large capital projects. With Board approval, capital reserve funds can be transferred to the contingency reserve or the emergency reserve if these funds fall below the target levels.

If, for a prolonged period, the total reserve balance held in emergency and contingency reserves exceeds six months of operating expenditures, Marin Transit will consider options such as, but not

¹ This policy supersedes the previous Board adopted Reserve Policy #11001, originally adopted 9/20/2010.

limited to: expanding transit service or decreasing fares in an effort to provide the optimal level of transit service and benefits to Marin County.

1.4 Internal Control

Marin Transit organizes and assigns work duties and responsibilities so that no single employee performs a complete accounting cycle. In addition, established procedures require proper authorizations by designated officials for all actions taken.

1.5 Records and Reports

Marin Transit keeps and maintains complete and accurate financial records and prepares required reports in accordance with the uniform system of accounts and records adopted by the Controller of the State of California. Financial statements are generated and presented to the Board on a quarterly basis to allow the Board an opportunity to review Marin Transit's financial status and provide fiscal and operational accountability.

1.6 Accounting Software

Marin Transit utilizes project-based fund accounting software to record and report on revenues and expenditures. The accounting software used by Marin Transit must have the ability to restrict user access to allow for appropriate segregation of duties and multiple approval layers. The accounting software must also maintain an edit-proof audit trail. Accounting software user rights are granted by the Director of Finance.

1.7 Cash

Marin Transit maintains both operating and investment accounts. Transfers between accounts are initiated by accounting staff and approved by two approval tiers. Cash reconciliations are performed on a monthly basis for each account by the Accounting Manager and approved by the Director of Finance and General Manager.

1. Operating Accounts – Operating funds are currently held in Marin Transit's bank account at the Bank of Marin. Online access to these accounts is limited to finance staff and the General Manager. Online access is further controlled by bank procedures. Any action taken within the bank's online system requires two users to authorize the transaction. Marin Transit maintains three operating accounts:

1-a. Primary Operating Account: All day-to-day cash receipts and disbursements are processed through this account. Online access to this account is limited to finance staff and the General Manager. Online access is further controlled by bank procedures. Any action taken within the bank's online system requires two users to authorize the transaction.

b. Transactional Operating Account – This account is used to segment more frequent transactional receipts from the districts credit card processing portals that customers use for the purchase and payment of transit passes and other fare media.

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2.c. Money Market Account: This is an interest bearing account and will be used to hold operating funds when not immediately needed for disbursements. The account will provide an option for the District to receive interest while retaining liquidity.

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3.2. Investment funds – Investment funds are currently held with the County of Marin (the “County”) as a separate fund within their accounting system. Access to the County’s accounting system is limited and governed by the County’s Information Technology Department.

1.8 Investment Policy

It is the policy of Marin Transit to invest all public funds in accordance with the following goals:

- Compliance with all applicable laws, statutes, ordinances, and regulation requirements
- Preservation of capital
- Liquidity to meet required cash demands
- Maximization of income

Investment funds are held by the County, and as such, follow the investment policy of the County as written².

All funds not required for near-term cash flow are retained in the investment account. Marin Transit strives to maintain in the investment account all funds in excess of those needed to meet current monthly operating and near-term capital expenditures. When the funds in the operating account exceed seven million dollars (\$7,000,000), the excess amount will be transferred to the investment account. When the funds in the operating account fall to less than three and a half million dollars (\$3,500,000), funds will be transferred in from the investment account to bring the operating account balance up to approximately five and a half million dollars (\$5,500,000). Transfers will be made between accounts in one hundred thousand dollar (\$100,000) increments. Exceptions to these balances may be made by staff when there are anticipated expenditures or deposits, within three to four weeks, which will significantly affect the operating balances.

2 REVENUES

2.1 Grants

It is the responsibility of the Director of Finance to oversee applications for all applicable federal, state, and regional funding grants and to account for funds and maintain records in accordance with grantor requirements.

2.2 Invoicing and Accounts Receivable

Unless otherwise stipulated by contract or necessity, Marin Transit invoices for accounts receivable on a quarterly basis. The Marin Transit Board approves all amounts determined to be uncollectible and written off.

² County of Marin STATEMENT OF INVESTMENT POLICY; Department of Finance; Roy Given, Director

2.3 Fare Collection

Marin Transit utilizes the services of multiple contractors to operate transit services. At the initiation of each contract, and throughout the life of the contract, Marin Transit works with each contractor to ensure that procedures are in place for processing fares to ensure secure cash handling. Marin Transit monitors the fare revenues collected and periodically audits each contractor based on farebox revenue reports generated by the electronic fare registering farebox equipment, ridership data, or historical trends.

2.4 Sale of Fare Media

Sale of Marin Transit fare media is authorized through multiple outlets, including the Marin Transit administration office. Each outlet has procedures in place for tracking and reporting pass sales. Marin Transit periodically audits pass sales against revenues received and pass inventory.

2.5 Payment Receipts

Marin Transit maintains a check receipt log to monitor incoming payments by check. This log is cross-referenced by two separate staff members to ensure accountability. Funds are also received directly to Marin Transit's bank account by electronic funds transfer (EFT). The Director of Finance regularly monitors the accounts receivable balance and inquires directly with grantors or partner agencies regarding past due balances.

3 EXPENDITURES

3.1 Invoice Processing

Invoices are processed by Finance Department staff, and approved by the staff member at Marin Transit who can best verify the validity of the invoiced amount. Typically, approving an invoice indicates verification that the goods or services invoiced have been received or provided. Expenditure authority is governed by Marin Transit's procurement policy.³

3.2 Employee Expenses

Employees requesting reimbursement for personal expenditures must do so by submitting a Marin Transit expense report.

Documentation, generally in the form of a receipt, is required for all expenditures itemized on the expense report other than mileage. Mileage reimbursement rates are set by the Internal Revenue Service (IRS) and updated annually. Any employee-claimed expense that is found to not be for Marin Transit business will be rejected. Expenditures that have not been pre-approved may also be rejected.

Examples of typical reimbursable expenses include (but are not limited to): mileage, transportation, lodging, meals, conference fees, memberships, tolls, and supplies. Meals are reimbursed on actual expenses only, in an amount not to exceed the U.S. General Services Administration (GSA) rates for per diem & incidental expenses in the location of the expenditure in the given year.⁴

³ Marin Transit Procurement Policies and Procedures, Policy #PU-02, effective 4/30/12

⁴ <http://www.gsa.gov/portal/category/100120>

Expense reports are available from the Finance Department, and are to be completed as soon as possible after the expenditure. Expenses are to be reported at least monthly and any expense over two months old may be rejected. Expenditures for alcoholic beverages cannot be reimbursed due to federal government regulations. Each expense report is to be signed and dated by the employee completing the report.

3.3 Credit Cards

Management Employees may be provided with a Marin Transit Credit Card. Marin Transit Credit Cards may only be used for Marin Transit expenses and may not be used for expenses of a personal nature.

3.3.1 Responsibilities

- a. Individuals holding Marin Transit credit cards are responsible for:
 - Using the cards only for their intended purpose
 - Submitting receipts and providing explanations for all credit card transactions
 - Notifying the appropriate authority if the credit card is lost or stolen
- b. Operating managers/supervisors are responsible for:
 - Limiting the use of credit cards to those employees who require a card for Marin Transit business
 - Reviewing and authorizing credit card statements used by their employees
- c. The Finance Department is responsible for:
 - Issuing new and replacement cards
 - Ensuring that all credit card transactions are properly authorized
 - Processing payments for credit card statements on a timely basis
 - Implementing purchase limits for individual cards

3.3.2 Purchase Limits

The spending limit for each Marin Transit credit card is determined by the cardholder’s position at Marin Transit, as follows:

Title	Single Purchase Limit	Total Monthly Credit Limit
General Manager	\$10,000	\$20,000
Director of Finance	\$5,000	\$20,000
Other Management Employees	\$5,000	\$10,000

Splitting a single purchase into multiple transactions to avoid the single purchase limit is specifically prohibited.

Purchases of \$3,000 or greater must be purchased using price quotes. Please refer to Marin Transit’s procurement policy.⁵

3.3.3 Purchase Types

Credit card purchases are only to be made in the event that the vendor is not equipped to invoice Marin Transit and accept payment on Marin Transit’s standard payment schedule. Examples of appropriate

⁵ Marin Transit Procurement Policies and Procedures, Policy #PU-02, effective 4/30/12

credit card use are: on-line purchasing, traditional retail outlets, and travel expenses such as airfare, hotels, and restaurants.

All transactions of a personal nature are prohibited, including (but not limited to) the following:

- Airphone
- Bail and bond payments
- Betting, casino gaming chips, off track betting
- Cash advance
- Court costs, alimony, child support
- Direct marketing insurance services
- Fines
- Foreign currency, traveler's checks
- Government loan payments
- Overpayments
- Personal purchases
- Political organizations
- Religious organizations
- Savings bonds
- Security brokers/dealers
- Tax payments
- Timeshares
- Wire transfer or money order

Use of Marin Transit Credit Cards for any of these prohibited transactions may result in disciplinary action up to and including dismissal. It may also result in the expenses being deducted from the employee's pay check. Any card holder's failure to comply with these policies (i.e. – repeated instances of lost receipts) will result in the loss of access to a Marin Transit credit card.

4 PAYROLL

Marin Transit employees are hired directly by Marin Transit. The Director of Finance oversees the payroll process within the accounting software. Employees are paid on a semi-monthly basis. The General Manager indicates approval of the payments by creating the electronic payment file in the accounting software. The electronic payment file is then uploaded to the bank's online system, which requires two approvers.

Payroll tax reports and payments are generated according to the timelines established by the State of California and the Internal Revenue Service. Payments are processed electronically and recorded to the accounting software in the same manner as other vendor payments.

Policies regarding retirement, benefits, and other employment-related guidelines can be found in Marin Transit's personnel policy.⁶

5 FIXED ASSETS

Fixed assets are governed by Marin Transit's fixed asset policy.⁷

6 INDIRECT COST RATE PROPOSAL

In order to provide for the reasonable and consistent allocation or distribution of costs to its various grants and funding programs, Marin Transit develops an Indirect Cost Rate Proposal (ICRP) annually. The ICRP is designed in accordance with 2 CFR Part 200⁸ and is approved by the Federal Transit Administration (FTA). Indirect costs are applied only upon receipt of the approved ICRP from FTA.

7 PURCHASING & CONTRACTS

Purchasing and contracts are governed by Marin Transit's procurement policy.⁹

8 BUDGET ADMINISTRATION

8.1 Annual Budget Adoption

The Marin Transit Board of Directors adopts an annual budget for Marin Transit's fiscal year starting July 1 and ending June 30. Under the direction of the Director of Finance, staff develops a balanced budget for the Board of Directors that provides sufficient and sustainable funding for local transit service needs using the following guidelines:

- Maintain adopted reserve level
- Preserve a balance of revenues and expenditures over a ten-year horizon
- Provide for Short Range Transit Plan (SRTP) adopted service levels
- Allow for innovative growth

The Board adopts the annual budget for the coming fiscal year no later than the June Board of Director's meeting.

8.2 Budget Amendment

Budget control occurs at the total cost center level (Administration, Local, Rural, Special, Capital). Deviation from budgeted line item amounts are acceptable as long as the total cost center expenses do not exceed the budget authority.

⁶ Marin Transit Personnel Policies and Procedures, Policy, for Board approval on 6/23/14

⁷ Marin Transit Fixed Asset Management Policies and Procedures, Policy #FA-01, effective 4/18/11

⁸ Updated in Revision 2 of Policy from Circular A-87, effective 5/7/2018

⁹ Marin Transit Procurement Policies and Procedures, Policy #PU-02, effective 4/30/12

Attachment A

Budget authority transfers between cost centers require General Manager approval and must be made such that total budget expenditures are not exceeded.

In the event that overall expenditures are anticipated to exceed the approved annual budget authority, Board of Directors' approval is required prior to incurring the expense. Requests for budget amendments must include adequate supporting documentation and identification of available revenue to support the expenditure. If circumstances require immediate action, the General Manager may act in place of the Board of Directors but must present the expenditure to the Board of Directors at the next possible opportunity.

All budget amendments are reported to the Board quarterly, as part of the quarterly finance reports.



711 Grand Ave, #110
San Rafael, CA 94901
ph: 415.226.0855
marintransit.org

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Alternate
Town of Corte Madera

October 7, 2024

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

Subject: Marin Transit Diversity Program for Contracts Update

Dear Board Members:

Recommendation

Approve Marin Transit's updated *Diversity Program for Contracts*.

Summary

As a direct recipient of federal funds, Marin Transit is required to comply with regulations that ensure that minority and women owned businesses have an equal opportunity to contract for federally funded projects. Written Disadvantaged Business Enterprise (DBE) programs are required of Federal Transit Administration (FTA) recipients of planning, capital, and/or operating assistance that will have contracting opportunities (excluding transit vehicle purchases) exceeding \$250,000 with those funds in a Federal fiscal year.

Your board adopted the District's DBE Program in March 2013, and it was updated in July 2019 as part of the goal setting process and again in 2022 to improve readability and reflect staffing changes. The DBE program plan is not an annual submission, and grantees do not submit regular updates of their DBE programs. However, significant changes to the programs must be submitted for approval. This update includes new requirements issued in the U.S. Department of Transportation's DBE Final Rule on April 9, 2024. Additionally, the updated program reflects the designation of the Director of Administrative Services as the DBE Liaison Officer.

Staff recommends that your Board adopt this updated program governing all DBE activities at the District.

Updates

On April 9, 2024, the U.S. DOT published a DBE Final Rule in the Federal Register to modernize and streamline the DBE program regulations. Rule updates specific to FTA grant recipients included a new tiered system designed to increase data collection from more FTA grant recipients and provide clarity around prohibited discriminatory practices, which will help FTA ensure that contractors bidding for or working on transit projects do not experience discrimination in the award and administration of FTA-funded contracts.



Marin Transit is designated as a Tier I Recipient. Tier I is defined as: FTA grant recipients who award more than \$670,000 in federal transit funds annually in third-party contracts are subject to all provisions in the DBE program. Tier II recipients awarding \$670,000 or less annually are subject to a subset of provisions, including reporting requirements and the small business element but do not need to submit a DBE Program to the FTA.

Other rule updates effecting the District's policy include:

1. Data Collection & Reporting

- a. The Uniform Report, which captures contracting data, now collects information on individual DBEs and contracts
- b. Recipients are required to submit their bidders lists to DOT

2. DBE Performance Plans on Design-Build Contracts

- a. Prime bidders on race-conscious design-build contracts are allowed to submit a plan for subcontractor DBEs throughout the life of the project to meet their DBE goals
- b. Prime bidders are no longer required to list all commitments at the bidding stage

3. DBE Credit/Counting Updates

- a. Includes clarifications and changes to how recipients and primes count DBE participation
- b. Affects counting for regular dealers, material suppliers, distributors, manufacturers, and more

4. Monitoring & Prompt Payment

- a. Requirements for prompt payment and return of retainage have been clarified, and the language is stronger, but the requirements have not changed
- b. DOT's expectations for monitoring are codified

Additionally, the Final Rule also clarifies the requirements for FTA-assisted transit vehicle procurements and simplifies the definition of transit vehicle manufacturers (TVMs).

These updates are now incorporated in the *Marin Transit Diversity Program for Contracts* (Attachment A). If approved by your board today, staff will submit the revised program document to the FTA by the October 9, 2024, deadline.

Fiscal/Staffing Impact

There is no fiscal impact associated with approving this DBE policy

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Holly B. Lundgren".

Holly Lundgren
Director of Administrative Services



Attachment A: *Marin Transit Diversity Program for Contracts*

**Marin County Transit District (Marin Transit)
Diversity Program for Contracts**

October 2024 update

711 Grand Avenue, Suite 110
San Rafael, CA 94901
(415) 226-0855

Marin Transit Diversity Program for Contracts

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MARIN TRANSIT DIVERSITY PROGRAM FOR CONTRACTS

I. POLICY (Section 26.23)

Marin County Transit District ("Marin Transit") is committed to a Diversity Program for the participation of Disadvantaged Business Enterprises ("DBEs") and Small Business Enterprises ("SBEs") in Marin Transit's contracting opportunities in accordance with 49 Code of Federal Regulations (CFR) Part 26, effective March 4, 1999, as may be amended ("Regulations"). It is the policy of Marin Transit to ensure nondiscrimination on the basis of race, color, sex or national origin in the award and administration of the U.S. Department of Transportation ("U.S. DOT") assisted contracts. It is the intention of Marin Transit to create a level playing field on which DBEs and SBEs can compete fairly for contracts and subcontracts relating to Marin Transit's construction, procurement and professional services activities.

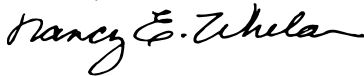
The Board of Directors is responsible for establishing the DBE policy of Marin Transit. The General Manager of Marin Transit is responsible for ensuring adherence to this policy. The Disadvantaged Business Enterprise Liaison Officer, in coordination with Marin Transit Managers, is responsible for the development, implementation, and monitoring of the Diversity Program for Contracts in accordance with Marin Transit's nondiscrimination policy. The DBE Liaison Officer/DBELO will submit a revision of this DBE Program to FTA whenever there are substantive changes to content or agency staffing, organization, or leadership. It is the expectation of the Board of Directors and the General Manager that all Marin Transit personnel shall adhere to the provisions and procedures as well as the spirit of this Program.

This policy will be circulated to all Marin Transit personnel and to members of the community that perform or are interested in performing work on Marin Transit contracts. The complete Diversity Program for Contracts and the annual overall DBE goal analyses are available for review from the:

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

If you have any questions or would like further information regarding this Program, please contact the Disadvantaged Business Enterprise Liaison Officer (DBELO), Holly Lundgren, by email at hlundgren@marintransit.org, or by telephone 415/226-0862.

Date: 10/2024



General Manager

II. General Requirements (Numbers Reference Sections of 49 CFR 26 Requirements)

A. Applicability (Section 26.3)

Marin Transit, a recipient of federal financial assistance from the Federal Transit Administration (“FTA”) and the Federal Highway Administration (“FHWA”) of the U.S. DOT, is required to implement a Disadvantaged Business Enterprise (DBE) Program in accordance with 49 CFR Part 26, which is incorporated herein by this reference. The Program outlined herein applies to all Marin Transit contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance. In the event of any conflicts or inconsistencies between the Regulations and this DBE Program with respect to U.S. DOT-assisted contracts, the Regulations shall prevail.

B. Objectives (Section 26.1)

The objectives of this Program are the following:

1. To ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts;
2. To remove barriers to DBE participation in the bidding, award and administration of Marin Transit contracts;
3. To assist DBEs to develop and compete successfully outside of the Program;
4. To ensure that the Program is narrowly tailored in accordance with 49 CFR Part 26;
5. To ensure that only DBEs meeting the eligibility requirements are permitted to participate as DBEs;
6. To identify business enterprises that are eligible as DBEs to provide Marin Transit with required materials, equipment, supplies and services; and to develop a good rapport with the owners, managers and sales representatives of those enterprises;
7. To develop communication programs and procedures that will acquaint prospective DBEs with Marin Transit’s contract procedures, activities, and requirements and allow DBEs to provide Marin Transit with feedback on existing barriers to participation and effective procedures to eliminate those barriers.
8. To administer the Program in close coordination with various managers and staff within Marin Transit to facilitate successful implementation of this Program.
9. Continuously research and make available to DBEs any resources and/or tools that may increase the possibility of participation, such as bonding or insurance assistance

programs, technological tools, education resources, and contractor match-making opportunities

C. Definitions (Section 26.5)

Any terms used in this Program that are defined in 49 CFR § 26.5 or elsewhere in the Regulations shall have the meaning set forth in the Regulations. Some of the most common terms are defined below:

1) “Commercially Useful Function”

A DBE (or SBE) performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved.

2) “Disadvantaged Business Enterprise (DBE)”

A DBE is a for-profit, small business concern: 1) that is at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, in which fifty-one percent (51%) of the stock is owned by one or more socially and economically disadvantaged individuals; and 2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

3) “Good Faith Effort”

This means the steps set forth by this Policy that are to be undertaken by a bidder to document that it has or has not obtained enough participation to meet the specific contract goal(s) required by the District for use of DBE or SBE firms.

4) “Race-Neutral”

A procedure or program that is used to assist all small businesses. For the purposes of this Program, race-neutral includes ethnic and gender neutrality.

5) “Race-Conscious”

A measure or program that is specifically focused on assisting only DBEs, including women-owned DBEs.

6) “Personal Net Worth”

The net value of the assets of an individual remaining after total liabilities are deducted. An individual’s personal net worth does not include the individual’s ownership interest in an applicant or participating DBE firm, or the individual’s equity in his or her primary place of residence. An individual’s personal net worth includes only his or her own share of community property with the individual’s spouse.

7) “Small Business Element”

Actions within the DBE program applied to encourage the utilization and participation of small business enterprises.

8) “Small Business Enterprise”

With respect to firms participating as DBEs in U.S. DOT assisted contracts, a small business enterprise (SBE) is an existing small business, as defined by Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121), whose average annual gross receipts for the previous three (3) years does not exceed the amount pursuant to 49 CFR § 26.65(b) (~~\$26.2930.72~~ million as of ~~Dec. 14, 2020~~March 1, 2024).

9) “Socially and Economically Disadvantaged Individuals”

Any individual who is a citizen or lawfully admitted resident of the United States of the following groups, members of which are rebuttably presumed to be socially and economically-disadvantaged:

- 1) African American (including persons having origins in any of the Black racial groups of Africa). This term has the same meaning as the term is used in 49 CFR Part 26;
- 2) Hispanic American (including persons of Central or South American, Cuban, Dominican, Mexican, Puerto Rican, or other Spanish or Portuguese culture or origin, regardless of race);
- 3) Native American (includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians);
- 4) Asian-Pacific American (which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kirbati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- 5) Subcontinent Asian American (including persons whose origins are from Bangladesh, Bhutan, India, the Maldives Islands, Nepal, Pakistan, or Sri Lanka);
- 6) A Woman; or
- 7) A member of any additional group that is designated as socially- and economically-disadvantaged by the Small Business Administration, at such time as the SBA designation becomes effective.

Additionally, any individual can demonstrate, by a preponderance of evidence, that he or she is socially and economically disadvantaged on a case-by-case basis. Marin Transit will follow the guidelines in 49 CFR Part 26, Appendix E for this determination. An individual cannot be

presumed or determined on a case-by-case basis to be economically-disadvantaged if he or she has a personal net worth exceeding \$1.32 Million (excluding the individual's ownership interests in the small business concern and his or her primary residence).

D. Prohibited Discrimination (Section 26.7)

Marin Transit shall not exclude persons from participation in, deny benefits to, or otherwise discriminate against any persons in connection with the award and performance of any contract governed by 49 CFR Part 26 on the basis of race, color, sex or national origin.

Marin Transit shall not use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of this Program with respect to individuals of a particular race, color, sex, or national origin, either directly or through contractual or other arrangements.

E. Record Keeping Requirements (Section 26.11)

Marin Transit will continue to report DBE participation and overall goal setting methods to FTA and Caltrans on behalf of FHWA as directed. Statistical data will be maintained as prescribed on a semi-annual basis to provide reports to U.S. DOT administrations reflecting the DBE participation in Marin Transit's federally assisted procurement activities on the following schedule:

1. DBE participation from October 1 through March 31 (submitted June 1)
2. DBE participation from April 1 through September 30 (submitted December 1)

The DBELO will regularly collect, review and track prime and subcontractor contract commitments, awards and payment including:

1. Prime and subcontractor awards and commitments (submitted by the successful contractor at time of bid)
2. DBE awards and commitments (submitted by the successful contractor at time of bid)
3. Payments to prime contractors, progress payments and final payment at the close of contract
4. Payments to DBE contractors, subcontractors and suppliers

These reports will provide DBE participation information on Marin Transit's race-neutral contracts, race-conscious contracts, if any, and combined DBE participation on all federally assisted procurement activities.

Marin Transit may perform interim audits of contract payments to DBEs to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the report of proposed DBE participation. The DBELO will continue to provide the reports regarding

DBE participation and annual overall goals required by the Regulations to FTA and Caltrans on behalf of FHWA, as required.

F. Bidders List (Section 26.11c)

Marin Transit will maintain a Bidders List and collect information regarding all DBE and non-DBE firms that bid and quote on U.S. DOT-assisted contracts. The Bidders List may be used to help calculate Marin Transit’s overall DBE goal. Marin Transit’s Bonfire procurement systems will also maintain a vendor database, which facilitates outreach, tracks all potential bidders, tracks plan-holders and tracks all primes awarded a contract. Marin Transit will submit its bidders list to the U.S. DOT no later than December 1st of the following fiscal year in which the relevant contract was awarded.

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The bidders list will include the following information about the prime contractor and all subcontractors who provided a bid: the firm name, firm address, firm’s status as a DBE or non-DBE, number of years in business, annual gross receipts, scope of work to be performed on the contract, and dollar amount of that work. The bidders list will also include a North American Industry Classification System (NAICS) code applicable to each scope of work proposed by the firm in its bid Marin Transit must receive this information before making a recommendation to the Board of Directors for award of contract. If the information is not received within the time specified, the bidder/proposer will be deemed non-responsive.

Data gathering will be conducted by requiring firms bidding on contracts with or without subcontracting opportunities to submit a form entitled, Prime Contractor and Subcontractor/Subconsultant/ Supplier Report, provided in Exhibit B-2. In the case of firms bidding on contracts without subcontracting opportunities, data gathering may also be conducted by requesting firms to submit additional information. The DBELO will maintain the confidentiality of any proprietary information in accordance with applicable California law.

G. Federal Financial Assistance Agreement Assurances (Section 26.13a)

Marin Transit has signed the FTA Master Agreement that includes the following assurances, applicable to all DOT-assisted contracts and their administration:

As a recipient of federal funds, Marin Transit shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The

recipient's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and / or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

H. Contract Assurance and Required Contract Provisions (Section 26.13b)

Each financial assistance agreement Marin Transit signs with FTA or Caltrans on behalf of FTA will include a nondiscrimination assurance from Marin Transit. The District's U.S. DOT-assisted procurements will include, as appropriate, the model contract provisions set forth in the current edition of Marin Transit's Federal Solicitation and Contract Templates, available from the DBELO. The DBELO shall have the discretion to modify the provisions for particular contracts as needed, in consultation with Legal Counsel. These required contract provisions consist of:

- Marin Transit's DBE Program policy.
- A nondiscrimination assurance from the contractor and each subcontract the prime contractor signs with a subcontractor. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract that may result in the termination of this contract or such other remedy as recipient deems appropriate, which may include, but is not limited to, withholding monthly progress payments; assessing sanctions; liquidated damages; and/or disqualifying the contractor from future bidding as non-responsible. This may include, but is not limited to, withholding monthly progress payments; assessing sanctions; liquidated damages; and/or disqualifying the contractor from future bidding as non-responsible.
- A statement that encourages prime contractors to use financial institutions owned and controlled by socially and economically-disadvantaged individuals in the community, per 49 CFR Part 26.27.
- Per 49 CFR 26.29, a clause that requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than seven days for construction

and ten days for consultants/professional service contracts from the date the prime receives its payment from Marin Transit. This clause also requires the prompt return of retainage payments from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed

- The website address for the California Unified Certification Program DBE directory identifying all firms eligible to participate as DBEs in Marin Transit's program.
- The DBE participation goal (where applicable).
- A section that provides the DBE certification standards.
- A section that provides how DBE participation is counted toward the goal.
- A section on reporting requirements, including a provision ensuring that DBE participation is credited toward overall or contract goals only when payments are actually made to DBE firms.
- A section on administrative remedies to ensure compliance with the DBE program.

III. Administrative Requirement

A. DBE Program Updates (Section 26.21)

Because Marin Transit receives FTA planning, capital and/or operating assistance and awards prime contracts (excluding transit vehicle purchases), the cumulative total value of which can exceed \$250,000 in a federal fiscal year, Marin Transit will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. Marin Transit will provide to U.S. DOT updates representing significant changes in the program and implement the completed updated DBE program upon the approval of FTA.

B. Dissemination of Policy Statement (Section 26.23)

The DBELO shall issue a signed and dated Policy Statement for Marin Transit and to the business community, including DBEs and non-DBEs that perform work on U.S. DOT-assisted contracts for Marin Transit. The Policy Statement shall be disseminated as follows:

1. Through email to Managers and buying staff; and
2. Through Marin Transit's website and upon request from the interested public, including the business community.

To ensure that potential bidders are aware of the DBE policy, Marin Transit makes reference to this policy in its contract specifications and advertisements for all U.S. DOT-assisted contracts.

C. Duties of DBE Liaison Officer (Section 26.25)

Pursuant to 49 CFR § 26.25 (www.fhwa.dot.gov/HEP/49cfr26.HTM), the Program shall be administered by the DBE Liaison Officer (“DBELO”), who shall be appointed by and have direct, independent access to the General Manager of Marin Transit. The DBELO will be the primary person responsible for implementing all aspects of this Program and will work closely with other departments and consultants of Marin Transit to ensure the DBE program’s success. The DBELO’s specific duties and responsibilities are attached as Exhibit A including an Organization Chart, and incorporated herein.

D. DBE Financial Institutions (Section 26.27)

It is the policy of Marin Transit to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on U.S. DOT-assisted contracts to make use of these institutions.

The DBELO will explore the extent of services offered by any banks and other financial institutions that qualify as DBEs in Marin County, and determine areas in which Marin Transit may reasonably utilize their services. Marin Transit shall also encourage its prime contractors to use the services of DBE financial institutions and places a clause in each federally assisted prime contract, per 49 CFR 26.27 as referenced in section II-H.

The Federal Reserve Board compiles data on financial institutions that participate in the Treasury’s Minority Bank Deposit Program. The Federal Reserve maintains a list of these financial institutions that includes the identification of minority and gender status along with location, viewable at: <https://www.fdic.gov/regulations/resources/minority/mdi.html>

Marin Transit will review the listing periodically to determine whether any such financial institutions are available within the Marin Transit community. As of 2020, there are no minority-owned banks with offices located in Marin County. In considering a new operating bank account, staff places a priority on the importance of proximity to ensure that contractors do not have to travel out of Marin County to deposit large amounts of cash fares.

The DBELO updated the list of minority-owned financial institutions offering services in the San Francisco Bay Area based on The Federal Reserve Bank website data from May 2020:

- Bank of the Orient (Offices in San Francisco)

- California Pacific Bank and Gateway Bank, F.S.B (Offices in San Francisco)
- Mission Bank (Offices in San Francisco)

E. Prompt Payment Mechanisms (Section 26.29)

Marin Transit will ensure prompt payment of subcontractors on each federally-assisted prime contract. Marin Transit includes a clause in all federally assisted contracts that requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the date the prime receives its payment from Marin Transit or within a shorter time period if required by state or local law.

This clause also requires the prompt return of retainage payments. Marin Transit will hold retainage from the prime contractors and provide for prompt and regular incremental acceptances of portions of the contract, pay retainage to prime contractors based on the acceptances, and include a contract clause obligating the prime contractor and subcontractors to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after payment to the prime contractor.

As referenced in Section 26.37 below, if Marin Transit determines that the prime contractor has failed to comply with the prompt payment provisions, Marin Transit will give written notice to the prime contractor that if the default is not remedied within 30 days from notice, the contract may be terminated in whole or in part.

F. DBE Database (Section 26.31)

The DBE Database is a consolidated and automated directory that identifies firms that have been certified as DBEs by the California Unified Certification Program (CUCP). The DBE Database is jointly maintained and updated by the CUCP certifying member agencies in coordination with the California Department of Transportation (Caltrans), and the CUCP DBE Database Manager. The DBE Database is available at Caltrans' website, <https://dot.ca.gov/programs/civil-rights/dbe-search>, and shall be distributed to contractors and made available to the public upon request. Marin Transit will use the DBE Database as a primary resource in developing overall goals and contract-specific goals, and in conducting outreach and other activities to promote DBE participation in U.S. DOT supported contracts.

The DBE Database includes the firm's name, address, telephone number, and types of work, utilizing the North American Industry Classification System (NAICS) codes for which the firm is certified as a DBE. Additionally, the DBE Database may include, whenever possible, the date the firm was established, the legal structure of the firm, the percentage owned by disadvantaged individuals, capacity, previous work experience and a contact person. The DBE Database shall

not in any way prequalify the identified DBE firms with respect to licensing, bondability, competence, or financial responsibility.

G. Over-Concentration (Section 26.33)

If the DBELO determines that DBE participation is so over-concentrated in certain types of work or contracting opportunities assisted by FTA or FHWA that it unduly burdens the participation of non-DBEs in that type of work, the DBELO will develop appropriate measures to address the over-concentration. The DBELO will seek approval of such measures from FTA or Caltrans on behalf of FHWA and, at that time, the measures will become a part of this Program. Currently, Marin Transit is unaware of any types of work that have a burdensome over-concentration of DBE participation.

H. Business Development Programs (Section 26.35)

Marin Transit may establish or participate in a DBE business development program to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE Program. Marin Transit may establish or participate in a mentor-protégé program in which another DBE or non-DBE firm is the principal source of business development assistance. If Marin Transit determines such a program is beneficial, a proposed program will be developed and submitted to the U.S. DOT operating administrations for approval, after which it will become a part of this DBE Program. Guidelines outlined in Appendices C and D of 49 CFR Part 26 will be utilized in setting up the formal agreements and programs.

Marin Transit is a member of the Business Outreach Committee (BOC) that represents the nine county Bay Area transportation agencies. Through the BOC, Marin Transit’s purchasing and project management staff are available for and communicate with small business representatives to encourage participation. Marin Transit staff will provide information on how to do business with Marin Transit, technical assistance on specified contracts, and other topics of interest to small business concerns. Marin Transit also utilizes the services and publications of Norcal Procurement Technical Assistance Center (PTAC) and refers DBEs to the DBE Supportive Services Northern Region Program. Marin Transit includes a link to the DBE Supportive Services Program www.norcalptac.org/DBE on its website. Marin Transit will refer current and newly certified DBEs needing assistance to sign up for Norcal PTAC services at www.norcalptac.org/dbe.

Marin Transit participates extensively in CalACT, and California Transit Association, and will advertise contractor opportunities with Marin Transit through those venues for large procurements. See also section IV-C, Public Participation and Outreach Efforts, below.

I. Monitoring and Enforcement Mechanisms (Section 26.37)

Marin Transit will monitor compliance of its contractors on federally assisted contracts with the requirements of the DBE Regulations and the DBE Program. Marin Transit may impose such contract remedies as are available under federal, state, and local law and regulations for non-compliance. Such remedies may include, but are not limited to, withholding of progress payments and contract retentions, imposition of liquidated damages, and termination of the contract in whole or in part.

Marin Transit will maintain a running tally of payments actually made to DBE firms and may require prime contractors and DBE subcontractors and suppliers to provide appropriate documentation to verify such payments. Marin Transit will monitor actual DBE participation and will include a written certification that Marin Transit has reviewed contracting records and monitored work sites in California for this purpose. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs.

Marin Transit may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the report of proposed DBE participation. Monitoring may be conducted in conjunction with monitoring of contract performance for other purposes (close out revisions for a contract).

The contractor shall maintain records of all DBE participation in the performance of the contract, including subcontracts entered into with certified DBEs and all materials purchased from certified DBEs. It is the contractor's responsibility to maintain records and documents for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Marin Transit or U.S. DOT. This reporting requirement is also extended to any certified DBE subcontractor.

J. Small Business Participation (Section 26.39)

In accordance with the requirements of 49 CFR Part 26, Section 26.39, Marin Transit has established a Small Business Element to ensure that DBEs and non-DBE small businesses have the maximum ability to participate on federally-sponsored projects. Details of the SBE program are included in Exhibit C and incorporated herein. Marin Transit's SBE program does not replace or act as a substitute for critical elements of the Marin Transit DBE program, including use of DBE contract goals (if appropriate), good faith efforts evaluations or monitoring DBE participation.

IV. Goals, Good Faith Efforts and Counting DBE Participation

A. No Quotas or Set-Asides (Section 26.43)

Marin Transit does not, and will not, use quotas or set-asides in the administration of this Program.

B. Goal-Setting (Section 26.45)

The Board of Directors shall establish an overall goal for the participation of DBEs in all budgeted contracts utilizing U.S. DOT/FTA financial assistance. The overall goal shall be expressed as a percentage of the total amount of U.S. DOT funds Marin Transit anticipates expending in the three forthcoming federal fiscal years.

Marin Transit intends to meet its goal to the maximum extent feasible through the race-neutral measures described in section IV-F, below. Where race-neutral measures are inadequate to meet the overall goal, Marin Transit may use race-conscious measures for particular contracts with subcontracting opportunities.

The overall goal will be established in accordance with the 2-step process as specified in 49 CFR Section 26.45 (c)-(d):

- **Step One:** Determine the base figure of number of ready, willing and able DBEs relative to the number of all businesses who are ready, willing and able to participate in the local market area; and
- **Step Two:** Adjust the base-figure percentage from Step One so that it reflects as accurately as possible the DBE participation that Marin Transit would expect based on past participation of DBEs on projects.

The following represents the tasks necessary to complete Step One:

1. **Projecting U.S. DOT-Assisted Contract Expenditures for Fiscal Years.** In consultation with the appropriate Marin Transit managers and staff responsible for contracting activities, the DBELO will conduct a thorough analysis of the projected number, types of work and dollar amounts of federally-assisted contracting opportunities for the three-year reporting period.
2. **Establishing a Base Figure.** Marin Transit will develop a base figure for the relative availability of DBEs by determining the number of ready, willing, and able DBEs relative to the number of all businesses ready, willing, and able to participate in its U.S. DOT-assisted contracts.

- a. **Analyze All Available Businesses in Marin Transit's Local Market Area.** The DBELO will determine the total available businesses in its market area by conducting a thorough analysis of the area in which Marin Transit will solicit participation from contractors, subcontractors, consultants, subconsultants, manufacturers, and suppliers for the federal fiscal year, including a description of geographical boundaries of its local market area and the NAICS codes for the types of work to be contracted. The DBELO will consider a variety of sources including, but not limited to, the U.S. Census Bureau's County Business Patterns Database, Marin Transit's Bidders List, and relevant disparity studies.
- b. **Analyze Available DBEs in Marin Transit's Local Market Area.** The DBELO will conduct a similar analysis to determine the total DBEs that are available to participate in the projected contracts for the fiscal year. This analysis will include a description of the available DBEs relative to the geographical boundaries of its local market area and the NAICS codes for the types of work to be contracted. Marin Transit will consider a variety of sources including, but not limited to, the CUCP DBE Database, its Bidders List, and any relevant disparity studies.
- c. **Calculate the Base Figure.** The DBELO will compare the available DBEs in its local market area for the fiscal year to the available businesses in its local market area for the fiscal year. The calculation may include a weighting factor according to the contract expenditure patterns analyzed.

The following represents the task necessary to complete Step Two:

3. **Adjusting the Base Figure.** Marin Transit will adjust the base figure based on demonstrable evidence indicating that the availability of DBEs for U.S. DOT-assisted contracts for the fiscal year may be higher or lower than the base figure indicates, including analyzing DBE participation in Marin Transit's current or past contracts. Additional information may include any available and relevant disparity studies or any relevant results of similar U.S. DOT recipients' efforts to contract with DBEs.
4. **Projection of Percentage of Overall Goal to Be Achieved Through Race-Neutral and Race Conscious Measures.** Marin Transit proposes to meet 100% of its goals using race-neutral methods. If there is a need to use race conscious or contract specific goals, the DBELO shall analyze the progress toward achieving the annual overall goal and increase or reduce the use of contract-specific goals as described in section IV-F, below.

C. Public Participation and Outreach Efforts (Sections 26.45 (g))

Marin Transit manages its public participation and outreach efforts to seek public input for setting overall DBE participation goals and to increase public awareness of Marin Transit's Diversity Program for Contracts to assist in meeting those goals. Additional efforts are described in section III-H, Business Development Programs, above.

- **Goal Methodology Outreach:** Prior to finalizing its triennial DBE Goal Methodology, Marin Transit will consult with U.S. DOT, other U.S. DOT grantees, minority, women's and general contractor groups, community organizations, or other officials or 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 Marin Transit's efforts to establish a level playing field for the participation of DBEs. Marin Transit will also utilize information and feedback obtained through mailings from regional agencies, such as the Metropolitan Transportation Commission.
- **Overall Goal Analysis Report.** Unless otherwise directed, the DBELO will prepare an Overall Goal Analysis Report for DBE participation in FTA-assisted contracts upon completion of the two-step analysis and after consultation described above. Each report shall document the analysis and methodology in arriving at the proposed goal and shall include a projection of the portion of the goal to be achieved through race-neutral and race-conscious measures.
- **Publication of the Proposed Overall DBE Goal.** Pursuant to 49 CFR § 26.45(g), Marin Transit will publish the proposed overall DBE goal on its website, www.marintransit.org. Every three years or more often if the District adjusts the overall goal, Marin Transit will publish a notice announcing its proposed overall goal. This notice will inform the public that Marin Transit's Overall DBE Goal Methodology is available for comment on the agency's website, www.marintransit.org, for a period of thirty (30) days prior to submitting the goal to FTA by August 1st. This notice will state that Marin Transit and FTA will accept comments on the proposed goal for thirty (30) days from the date of the notice with instructions on how to submit comments.

Upon receipt of any public comments, Marin Transit's DBELO will prepare a summary report analyzing the public comments and recommending any modifications to the overall DBE goal or methodology and will provide it to the General Manager for review and submission to the Board of Directors for adoption.

- **Approval of the Overall DBE Goal.** Following review of the DBE Report, Marin Transit's Board of Directors shall approve an overall DBE goal for DBE participation that shall include a projection of portions of that goal that can be achieved through race-neutral and race-conscious measures. It will also consider authorizing the submission of an Overall Goal Analysis Report by the submission date established by the Federal Transit Administration. The goal will then be published on the agency's website: www.marintransit.org/purchasing.

D. Failing to Meet Overall Goals (Section 26.47)

If the awards and commitments shown on Marin Transit's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the DBELO will analyze in detail the reasons for the difference between the overall goal and awards and commitments and prepare a Shortfall Analysis in accordance with 49 CFR Section 26.27(c). The analysis shall include specific steps and milestones to correct the problems identified and to meet overall goals for future fiscal years. Marin Transit will retain the shortfall analysis and corrective actions for three years and make them available to FTA on request for their review.

E. Responsibilities Regarding Transit Vehicle Purchases (Section §26.49)

To be authorized to bid or propose on FTA-assisted transit vehicle procurements, each transit vehicle manufacturer must certify that it has complied with applicable FTA DBE requirements. Whenever Marin Transit solicits new bids to purchase transit vehicles or to remanufacture vehicles, the District will rely on FTA's certified list of Transit Vehicle Manufacturers. As an alternative, Marin Transit will seek bids from qualified manufacturers that have submitted a DBE goal methodology that FTA has approved or has not disapproved. If Marin Transit intends to purchase transit vehicles that are not FTA certified, Marin Transit will include that purchase in calculating or updating its overall DBE goal or set a project-specific DBE goal as appropriate.

As required in Section 26.49 (a) (4), within 30 days of ~~making a vehicle purchase~~ [becoming contractually required to procure a transit vehicles](#), Marin Transit will submit the name of the successful bidder and the [federal share of the contractual commitment at that time](#). ~~total dollar value of the contract as prescribed in the grant agreement.~~

F. Achieving the Annual Overall Goal (Section 26.51)

Marin Transit shall achieve the overall goals for DBE participation through a combination of race-neutral/gender-neutral measures and contract goals for particular contracts with subcontracting opportunities.

1. **Race-Neutral/Gender-Neutral Methods.** Marin Transit intends to use race-neutral/gender-neutral methods to the maximum extent feasible to achieve its annual overall goals. Marin Transit will consider as race-neutral/gender-neutral any DBE participation that is obtained on contracts that have no specific DBE goal, or where prime contractors use a strictly competitive bidding process that did not consider the DBE's status as a DBE in awarding a subcontract. In addition, Marin Transit will use the following measures as appropriate:
 - a. Configure large contracts into smaller contracts, when feasible, when to do so would make contracts more accessible to small businesses and would not impose significant additional cost, delay, or risk to Marin Transit;
 - b. Identify components of the work that represent subcontracting opportunities and identifying the availability of DBE subcontractors. Contractors will be encouraged to consider small businesses for components of the work for which there is a known supply of ready, willing, and able small businesses, including DBEs, in preparing their bids;
 - c. Assist in overcoming limitations in bonding and financing;
 - d. Provide technical assistance in orienting small businesses to public contract procedures, use of the Internet, and facilitating introductions to Marin Transit's and other U.S. DOT recipients' contracting activities;
 - e. Provide outreach and communication programs on contract procedures and contract opportunities to ensure the inclusion of DBEs that includes facilitating small business events that may be coordinated with other U.S. DOT grantees, federal agencies, or local organizations. These events will include procedures explaining how to do business with Marin Transit and explore best business practices that may be used to market small businesses at Marin Transit;
 - f. Ensure the distribution of the DBE Database to the widest feasible universe of potential prime contractors;
 - g. Provide business development assistance;
 - h. Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses; and
 - i. Pursuant to Section 49 CFR 26.39, Establish a race-neutral small business enterprise (SBE) element as part of its DBE program to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation in procurements as prime contractors or subcontractors. Details of the SBE element are included in Exhibit C below and incorporated herein.

2. **Contract-Specific Goals.** The Board of Directors shall recommend a race-neutral contract-specific DBE participation goal on particular prime contracts with subcontracting opportunities to the extent that Marin Transit cannot achieve its annual overall goal with race-neutral methods. Contract-specific goals are suggested goals and will not be required.

Race-conscious goals shall only be established based on evidence from a local disparity study as referenced in a 2005 Ninth circuit legal opinion that affects federal recipients in California. In 2006, the FTA published a notice that stated that in a race-neutral program, (e.g., the annual overall DBE goal has been approved with no portion of it projected to be attained by using race- and gender-conscious means) the federal recipient does not set contract goals on any of its U.S. DOT-assisted contracts for which DBE subcontracting possibilities exist. Recipients having an exclusively race-neutral program are not required to establish contract goals to meet any portion of their overall goal.

While achievement of the goal will not be required, the Board of Directors shall establish a contract-specific goal based upon a recommendation from the General Manager as substantiated by information furnished by the DBE DBELO. The contract-specific goal shall apply to the percentage participation of DBEs in the total contract work and be set forth in the Special Provisions of the contract specifications. Marin Transit is not required to establish a contract-specific goal for every prime contract with subcontracting opportunities. For each contract involving subcontracting opportunities, Marin Transit will consider the factors outlined below to determine whether to establish a suggested contract-specific goal for the particular contract and, if so, what the percentage goal shall be:

- a. The projected portion of Marin Transit's overall goal that will be met by establishing contract-specific goals;
- b. The progress toward achieving Marin Transit's overall goal;
- c. The full range of activities in the proposed contract;
- d. The availability of DBEs as prime contractors or subcontractors in the types of work involved in the performance of the proposed contract;
- e. The unique conditions of the project that might affect the ability of the prime contractor to coordinate, utilize or incorporate subcontractors or suppliers into the project. (Projects consisting of only one or two subtrades may not be appropriate for a contract-specific goal as establishing a goal could result in restrictive bidding.);

- f. The effect that the contract-specific goal might have on the time of completion; and
- g. Any other relevant criteria.

G. Good Faith Efforts Procedures (Section 26.53(a)(b)(c))

The obligation of the bidder/proposer is to make good faith efforts, which the bidder/proposer can demonstrate by either meeting the DBE goal or by documenting good faith efforts. In those instances where a contract-specific DBE goal is included in the procurement/solicitation, Marin Transit will award the contract only to a bidder that has either: 1) met the contract goal with verified, countable DBE participation; or 2) the bidder has documented that it has made adequate good faith efforts to meet the DBE contract goal. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to its bid submission.

To demonstrate a good faith effort, the bidder/proposer must submit Good Faith Effort Documentation Form, provided in Exhibit B-3. Bidder that fails to demonstrate that it achieved the DBE participation goal and fails to demonstrate that it made sufficient good faith efforts to do so shall not be deemed “responsive” and, therefore, shall be ineligible for award of the contract.

The types of actions that Marin Transit would consider evidence of Good Faith Efforts include the following:

- 1) Pre-Bid Meeting Attendance.
- 2) The bidder’s own solicitations to obtain DBE involvement in general circulation media, trade association publications, minority-focused media or other reasonable and available means within a sufficient time to allow DBEs to respond to the solicitation.
- 3) Written notification from the bidder encouraging participation in the proposed contract.
- 4) Efforts made to identify specific portions of the work that might be performed by DBEs.
- 5) Efforts to assist interested DBEs in obtaining bonding, lines of credit, insurance or any necessary equipment, supplies, materials, etc.

Good Faith Effort Evaluation Process:

- a. **Evaluation of Bids or Proposals:** After the bid opening, or submission deadline for proposals, the DBELO shall evaluate all bids/proposals to determine whether the bidders/proposers submitted all the information required by 49 CFR § 26.53(b). The responsible bidder with the lowest apparent bid price, or the most highly ranked proposer, who also meets the contract-specific DBE goal or demonstrates sufficient good faith efforts shall be recommended for the contract award. In the event that the bidder with the lowest monetary bid price

fails to meet the contract-specific goal or fails to demonstrate sufficient good faith efforts, or is otherwise unresponsive or not responsible, the DBELO shall evaluate the bidder with the next lowest bid price. Should the DBELO determine that additional information is needed to evaluate a bidder's or proposer's submission with regard to the DBE requirements, the DBELO shall request said bidder or proposer to submit the required information or may contact the listed DBEs directly.

- b. **Evaluation of DBE Certification Status:** Marin Transit shall require that any DBEs listed by bidders for participation in the contract be certified DBEs as of the time of bid opening. The DBELO shall review the Bidder's DBE Report to confirm each DBE firm's certification status. Marin Transit shall accept current certifications by any recipients of U.S. DOT funds acceptable to Marin Transit in accordance with 49 CFR Part 26.
- c. **Determination of Amount of DBE Participation:** The DBELO shall review the total dollar value of the work to be performed by DBEs and the total contract bid price reported on the Prime Contractor and Subcontractor /Subconsultant/ Supplier Report for accuracy and shall compare it to the contract-specific goal established for the contract.
- d. **Determination of Good Faith Efforts:** If the amount of DBE participation does not meet the contract-specific goal, the DBELO shall review the good faith efforts form submitted by the bidder, provided in Exhibit B-3. Failure to submit the Good Faith Efforts form will render the proposal "nonresponsive." The DBELO shall determine whether the bidder has performed the quality, quantity and intensity of efforts that demonstrates a reasonably active and aggressive attempt to meet the contract-specific goal in accordance with 49 CFR Part 26, Appendix A.
- e. **Bidder's Right to Administrative Reconsideration:** The DBELO will notify the bidder in writing in the event that the DBELO determines that the apparent low bidder has not met the contract-specific goal and has not demonstrated good faith efforts. The notification shall include the reasons for the determination and that the bidder has the right to submit further written documentation or appear before the review committee for reconsideration prior to the time that staff present a recommendation for award of contract to the Board of Directors or the General Manager, depending on the size of the contract.

Within five (5) business days of being informed by Marin Transit that it is not responsive/responsible because it has not met the contract-specific goal or has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidder should make this request in writing to the following official: Adam Elsibai, DBELO, 711 Grand Avenue, Suite 110, San Rafael, CA 94901, telephone number (415) 226-0872. The Bidder's request will then be forwarded to a reconsideration official who has not played any role in the original determination that the Bidder did not document sufficient good faith efforts.

The Bidder will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The Bidder will have the opportunity to meet in person with the assigned reconsideration official to discuss the issue. The reconsideration official shall provide Marin Transit with a written decision on reconsideration, explaining the basis for its determination. If the administrative reconsideration finds that the bidder has not met the contract goal or demonstrated good faith efforts, the DBELO will deem said bidder not responsive and evaluate the bidder submitting the next lowest bid. The DBELO will send the bidder a written decision on its reconsideration, explaining the decision. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

- f. **Recommendation for Award:** Following the determination of the lowest responsive and responsible bidder, the DBELO shall prepare a report on the lowest responsive and responsible bidder's compliance with the DBE requirements for review by the General Manager and for presentation to the Board of Directors, if applicable, at the time the contract award is considered. If the Board or the General Manager disagrees with the recommendation, it shall reject all bids or refer the matter back to staff for further evaluation and recommendation. The decision of the Board of Directors or the General Manager on the award of contract, if such a decision is made, shall be final and binding on all parties subject to compliance with Marin Transit's bid protest procedures.

H. Counting DBE Participation (Sections 26.55)

Only the work actually performed by a DBE will be counted towards the DBE goal. The cost of supplies and materials obtained by the DBE or equipment leased (except from the prime

contractor or its affiliate) may also be counted. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.

Expenditures may only be counted if the DBE is performing a commercially useful function. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own work force.

If materials or supplies are obtained from a DBE manufacturer, 100 percent (100%) of the cost will be counted. If the materials and supplies are purchased from a DBE regular dealer, 60 percent (60%) of the cost will be counted. DBE achievement will not be counted toward the overall goal until the DBE has been paid. If contract-specific goals are set, the DBELO will track the participation of DBEs in contract-specific goal contracts separately from the participation of DBEs that are considered race-neutral. Additionally, the DBELO will not count that portion of a DBE's participation that is achieved after the certification of the DBE has been removed during the performance of a contract.

A DBE subcontractor may not be terminated (or an approved substitute DBE firm) without prior written Marin Transit consent. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

V. CERTIFICATION STANDARDS (Subpart D and Appendix E)

A. California Unified Certification Program (Section 26.81)

Marin Transit uses California Unified Certification Program ("CUCP") to develop overall and project level DBE goals and to identify available DBE businesses by skill area. The CUCP makes all DBE certification decisions on behalf of U.S. DOT recipients in the state. Marin Transit is a non-certifying agency. Marin Transit relies upon the CUCP for the certification of DBE firms and ensures that only firms certified as eligible DBEs participate in the Program. Should Marin Transit decide to change its non-certifying status and elect to become a certifying agency, Marin Transit will apply the standards of Subpart D and Appendix E of the Regulations.

B. Procedures for Certification Decisions (Section 26.83)

Marin Transit relies on CUCP DBE certification program and does not make certification decisions or recertify. The California UCP follows the certification standards of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. A copy of the CUCP certification procedures and/or the CUCP program is available at <https://dot.ca.gov/programs/civil-rights/dbe-certification-information>

VI. COMPLIANCE AND ENFORCEMENT (SUBPART F)

Marin Transit will enforce contract compliance with the DBE requirements, in accordance with 49 CFR Section

A. Responsibilities for Use of Information, Confidentiality, Cooperation, and Intimidation or Retaliation (Section 26.109)

Aside from any provisions of Federal or state law, Marin Transit will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. Should Marin Transit take on the role of a DBE-certifying agency, it will not release applications for DBE certification and supporting information. Marin Transit will transmit this information to FTA in any certification appeal proceeding or to any other state to which the firm has applied for certification.

Marin Transit will keep the identity of complainants confidential, at their request. Marin Transit will advise the complainant for the purpose of waiving the privilege if confidentiality will hinder the investigation, proceeding, or hearing or result in a denial of appropriate administrative due process to other parties. Marin Transit will advise complainants that failure to waive the privilege may result in closure of the investigation or dismissal of the proceeding or hearing.

Marin Transit will cooperate fully and promptly with USDOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Marin Transit will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by 49 CFR §26 or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the federal DBE regulations.

VII. Exhibit A

DBE Liaison Officer's DBELO Duties and Responsibilities (Section 26.25)

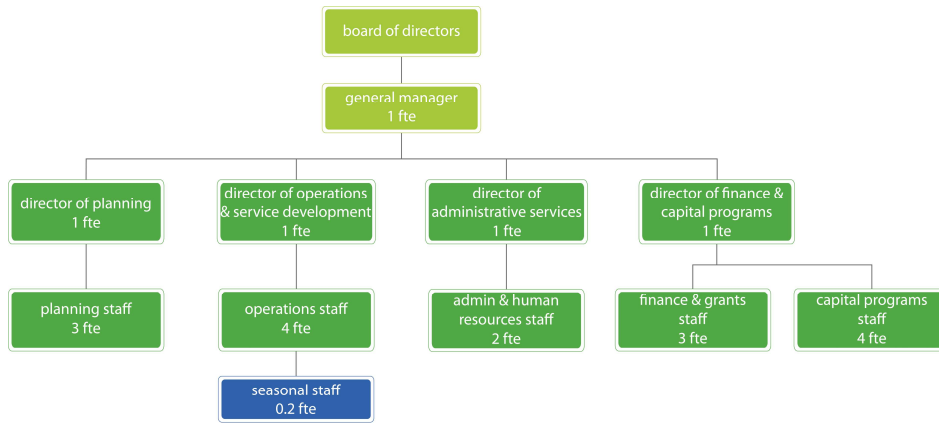
1. Analyzing and assessing the available resources and evidence for the establishment, achievement, and further improvement of annual overall DBE goals for U.S. DOT-assisted contracts each fiscal year;
2. Developing, monitoring, and evaluating the Diversity Program for Contracts, and preparing supplemental written procedures and guidelines to implement the Program;
3. If Marin Transit becomes a certifying member of the CUCP, maintaining and updating the DBE Database in accordance with 49 CFR § 26.31;
4. Maintaining and updating the Bidders List in accordance with 49 CFR § 26.11;
5. Conducting race-neutral and gender-neutral measures to facilitate the participation of small business concerns, including DBEs, through outreach and other community programs, training and business development programs, restructuring contracting opportunities, informing and assisting with preparing bids, simplifying bonding, surety and insurance requirements or other race-neutral means;
6. Participating in the contract bid and award process, including recommending specific contract goals where appropriate, reviewing contract specifications, attending pre-bid conferences and evaluating bids for contractor responsiveness, responsibility, and good faith efforts;
7. Analyzes Marin Transit's progress toward attainment and identifies ways to improve progress;
8. Monitoring specific contract performance, actual DBE participation, contract payments, and purchase requisitions;
9. Monitoring overall DBE participation, adjusting overall goals and means of achievement, assessing areas of over-concentration of DBE participation, and reporting to the General Manager, Marin Transit Board of Directors, FTA, and Caltrans on behalf of FTA and FHWA, as needed;
10. If Marin Transit becomes a certifying member of the CUCP, determining all certification actions including initial certifications, recertifications, denials, and removals;

11. Participating in the statewide Unified Certification Program in accordance with 49 CFR § 26.81, and CUCP MOA;
12. Assisting Marin Transit's Managers and Staff in the review committee for the evaluation of submittals;
13. Participating in regional outreach activities (may be supported by direct designee);
14. Participating in other transit organizations on common issues pertaining to diversity programs for contracts (may be supported by direct designee);
15. Maintaining all appropriate records and documentation of the Program; and,
16. Develop and submitting a revision of the DBE Program to FTA whenever there are substantive changes to content or agency staffing, organization, or leadership that pertain to the implementation of this Program.

VIII. Exhibit B

1. Marin Transit Organization Chart

Note that Marin Transit's DBELO is the Director of Administrative Services.



2. PRIME CONSULTANT AND SUBCONTRACTOR/SUBCONSULTANT/SUPPLIER REPORT

To be completed by Prime Contractor and submitted as part of bid/proposal.

NAME OF PROJECT/PROPOSAL										PROJECT/PROPOSAL NUMBER			
PROPOSER BUSINESS NAME AND ADDRESS													
NAME OF PERSON SUBMITTING BID					SIGNATURE OF PROPOSER*					DATE			
CONTACT PERSON NAME					CONTACT PHONE NUMBER				CONTACT EMAIL				
IMPORTANT: 1) Identify all DBE and/or SBE firms being claimed for credit. 2) List names of all DBE and/or SBE subcontractors and their respective items of work. 3) Attach a copy of the proof of DBE and/or SBE certification for each DBE/SBE subcontractor listed on this form. 4) Attach "Intent to Perform" letter signed by the subcontractor. Please provide information on ALL firms (subcontractors/subconsultants/suppliers) that provided Bidder a bid, quote, or proposal to perform work, provide labor, render services or provide supplies in connection with this contract WHETHER BID WAS ACCEPTED OR NOT . You shall provide this information for all sub-bidders regardless of tier for both DBEs and non-DBEs alike. Include all bid acceptance(s) AND rejection(s). If no subcontractors/subconsultants/suppliers will be used, mark "N/A" and sign the form.													
LIST BUSINESS FIRMS (List Name, Address, and Contact Person (if not the same as above))	Phone Number	Email Address	Age of Firm	Item of Work, Service or Materials Supplied	NAICS Code for each work item**	Annual Gross Receipts of Firm	DBE/SBE Participation				Award Amount	Percentage of Contract Participation	
							Certified DBE (Y/N)***	Certified SBE (Y/N)***	Certifying Agency	Type of DBE****			
A. PRIME Contractor													
B. Subcontractor/Vendor/Joint Venture													
TOTAL											\$0	0.00%	

* Signature is required to be deemed responsive
 ** NAICS Code: North American Industry Classification System Code. Codes can be found at <http://www.census.gov/naics>.
 *** If yes, please also provide certification number or California Unified Certification Program Firm ID number: <https://californiaucp.dbsystem.com/>
 **** Type of DBE: (1) Black Americans (2) Hispanic Americans (3) Native Americans (4) Asian-Pacific Americans (5) Subcontinent Asian Americans (6) Women (7) Other (designated by the Small Business Administration)
 ***** Do not indicate more than one "Yes" for alternative subcontractors for the same work. Do not indicate TBD for "Bid Quote Accepted."
 - DBEs must be certified by Caltrans or an agency participating in the California Unified Certification Program. Visit the Caltrans website at <http://dot.ca.gov/hq/bep/ucp.htm> for a list of participating agencies.
 - SBEs must be certified by the California Department of General Services (<http://www.procure.dgs.ca.gov/default.htm>)
 - Important: Attach the proof of certification for each DBE/SBE firm used toward meeting the DBE/SBE goal.
 - This information will be used to create and maintain a federally-required Bidders List, regardless of DBE/SBE participation.
 - Use additional sheets as necessary.

3. GOOD FAITH EFFORTS DOCUMENTATION

I, _____, _____ of
 (name) (title)

_____, certify that our company made the following
 (Bidder/Proposer)

Good Faith Efforts to meet the DBE goal on Marin Transit RFP No. _____

Attach Additional Sheets as Necessary. Include any Additional Efforts

- A company representative attended the pre-bid meeting: YES _____ NO _____

- A newspaper/online advertising log: (Attach copies of advertisements):

Newspaper/Other Publication	Type of Publication (Minority/General/Trade)	Dates of Advertisement

- Selected portions of the work to be performed by DBEs

Work Categories	Subcontractor/ Supplier	Prime Estimated Budget for this Item	Additional Comments

- Made efforts to assist interested DBEs in obtaining bonding, lines of credit, insurance or any necessary equipment, supplies, materials, etc. (List any specific offers made by your company)

- Solicited the following DBEs (add additional lines if necessary)

Attachment A

Date Contacted	Name of DBE Firm	Contact Person	Phone #	Work Categories

• Followed up with initial contacts

Date Contacted	Name of DBE Firm	Bidding/Proposing (Yes or No)	Phone #	Additional Comments

• Contacted the following other agencies or organizations in recruitment of DBEs

Date	Organization	Phone #

As shown by the documentation provided to Marin Transit, we feel that we have made good faith efforts to attain the contract DBE goal

Signature: _____ Date: _____

4. SMALL BUSINESS ENTERPRISE AFFIDAVIT OF SIZE

If your business was certified by any of the following, please complete and submit this form with a copy of your certification. For use by Prime Contractors, Subcontractors, Subconsultants, and Suppliers. See Exhibit C, section A1a and b for further information.

- SMBE/SWBE Certification by state other than California, provided that your firm’s average annual gross receipts fall below the SBA industry-specific size cap and in no case exceed \$23.98 million.
- SB Certification by the California DGS, provided that your firm’s average annual gross receipts fall below the SBA industry-specific size cap and in no case exceed \$23.98 million.
- SBA 8(a) Certification by the Small Business Administration provided that your firm’s average annual gross receipts fall below the SBA industry-specific size cap and in no case exceed \$23.98 million.
- SBE/MBE/WBE Certification by any California county or local government-certifying agency or out-of-state government-certifying agency, provided that your firm’s average annual gross receipts fall below the SBA industry-specific size cap and in no case exceed \$23.98 million.

I HEREBY DECLARE AND AFFIRM that I am the _____
(Title) and duly authorized representative of _____ (Name of Firm) whose address is _____ and whose phone number is _____

I HEREBY DECLARE AND AFFIRM that the firm is a Small Business Enterprise (SBE) in accordance with the Marin County Transit District (Marin Transit) standards as defined in its Diversity Program for Contracts. The firm is certified as of the date that Marin Transit receives the bid/proposal for:

_____ (RFP/RFQ Name) and I will provide the certification to document this fact with this enclosure.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING STATEMENTS ARE TRUE AND CORRECT, AND THAT I AM AUTHORIZED, ON BEHALF OF THE ABOVE FIRM, TO MAKE THIS AFFIDAVIT.

(Date) (Affiant) (Title)

IX. Exhibit C:

SMALL BUSINESS ENTERPRISE ELEMENT (Section 26.39)

Marin Transit has established a Small Business Enterprise element (SBE Program) as one of its race-neutral methods of achieving small business participation, including disadvantaged businesses, on particular contracts with subcontracting opportunities. This SBE element will apply to all federally funded Marin Transit contracts where race-neutral and gender-neutral methods are employed. Marin Transit will take all reasonable steps to eliminate obstacles for SBEs to participate as prime contractors or subcontractors in Marin Transit's procurement activities. The agency's business development program will utilize the networking opportunities, resources and educational programs for DBEs that Marin Transit cosponsors with peer transportation agencies in the Bay Area.

A. Definition of Small Business Enterprise

To participate as an eligible small business in programs administered by Marin Transit, a firm must meet both of the following requirements:

1. A firm (including affiliates) must be an existing small business as defined by Small Business Administration (SBA) regulations, 13 CFR Part 121, for the appropriate type(s) of work that a firm performs. The firm must hold one of the acceptable certifications listed in Section B below.
2. Even if a firm meets the above requirement, the firm's (including affiliates') average annual gross receipts over the previous three years cannot exceed the DBE maximum cap of \$23.98 million (or as adjusted for inflation by the Secretary of U.S. DOT). SBA size standards vary by industry, and for certain industries may be higher than the \$23.98 million cap. Affiliates are defined in SBA regulations 13 CFR Part 121.103. Information on SBA size standards is located at: <https://www.sba.gov/document/support-table-size-standards>

For example, the SBA size standard for a general construction contractor is \$39.5 million. If a general construction contractor's average annual gross receipts over the previous three years is \$25 million, it would be ineligible to participate as a small business for Marin Transit purposes as it exceeds \$23.98 million. This is despite the fact that it meets the SBA size standard.

B. Acceptable Comparable Small Business Enterprise Certifications

Marin Transit is a non-certifying agency and will accept the small business enterprise certifications performed by other agencies, provided that the size standards described in Section A1a and A1b above are met.

If a firm is certified in one or more of the following programs and meets Marin Transit size standards, the firm is automatically deemed a small business for Marin Transit purposes. The term "SBE" will be used collectively for qualified SBEs, WBEs, MBEs, and other approved certifications. As indicated below, Marin Transit may require an affidavit of size for each SBE prime contractor or subcontractor. Certifications from self-certification programs are not acceptable. Firms must be certified as of the time of bid submittal.

- 1. Disadvantaged Business Enterprise (DBE) certification** pursuant to U.S. Department of Transportation regulations, 49 CFR Part 26. This includes DBE certifications performed by the CUCP, by the Unified Certification Program of any other state, and by other DBE-certifying transportation agencies.
- 2. State Minority Business Enterprise (SMBE) State Women Business Enterprise (SWBE) certification by the State of California** or by any other state provided that their certification complies with Section A 1 and 2 above. In addition to copies of SMBE/SWBE certifications, bidders certified out-of-state must submit an affidavit of size for each SMBE/SWBE prime contractor or SMBE/SWBE subcontractor at the time of bid submittal.
- 3. Small Business (SB) certification by the California Department of General Services (DGS)** provided that their certification complies with Section A 1 and 2 above. In addition to copies of SB certifications, bidders must submit an affidavit of size for each SB prime contractor or subcontractor at the time of bid submittal.
- 4. Microbusiness (MB) certification by the California Department of General Services for ALL industries.**
- 5. SBA 8(a) by the Small Business Administration provided that their certification complies** with Section A 1 and 2 above. In addition to copies of SBA 8(a) certifications, bidders must submit an affidavit of size for each SBA 8(a) prime contractor or SBA 8(a) subcontractor at the time of bid submittal.
- 6. SBE/MBE/WBE certification from other state, county, or local government-certifying agency** provided that their certification complies with Section A 1 and 2 above. In

addition to copies of certifications, bidders must submit an affidavit of size for each certified prime contractor or subcontractor at the time of bid submittal.

C. Race-Neutral SBE Measures

Marin Transit will continue its efforts to enhance small business participation through outreach and other community programs, training and business development programs, restructuring contracting opportunities, simplifying bonding, surety and insurance requirements or other race-neutral means. The District may also strive to unbundle or split large contracts to ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform and/or establish contract-specific SBE goals where appropriate.

D. Determining and Adopting a Contract-Specific SBE Goal

For federally funded contracts, Marin Transit may establish contract-specific goals on particular prime contracts with subcontracting opportunities as a means of increasing small business (including DBE) participation. The General Manager and DBELO will evaluate the availability of subcontracting opportunities on a contract-by-contract basis.

The factors outlined below will be considered to determine whether a contract-specific goal should be established for a particular contract:

1. The full range of activities in the proposed contract;
2. The availability of SBEs as prime contractors or subcontractors in the types of work involved in the performance of the proposed contract. As part of this analysis, staff will consult the U.S. General Services Administration "System for Award Management" (SAM) Registry for information on the availability of SBEs for various types of work at <https://www.sam.gov/SAM/> or the California General Services department supplier search at <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>;
3. The unique conditions of the project that might affect the ability of the prime contractor to coordinate, utilize, or incorporate subcontractors or suppliers into the project. (Projects consisting of only one or two sub-trades may not be appropriate for a contract-specific goal due to the fact that establishing a goal could result in restrictive bidding.);
4. The effect that the contract-specific goal might have on the time of completion;
5. Any other relevant criteria.

Where a contract-specific SBE goal is established, the bidder or proposer must meet the contract-specific goal or demonstrate good faith efforts. Submittals that fail to document a bidders' solicitation of SBE participation, or good faith efforts to do so, will not be considered "responsive."

Exhibit C-1 SBE GOAL DECLARATION FORM

SBE GOAL DECLARATION FORM

Prime Contractor

Contract/RFP Name

Select one:

____ The bidder/proposer is a certified SBE in accordance with Marin Transit standards. A copy of our certification is enclosed.

____ The bidder/proposer commits to subcontract at least _____% of its Net Bid Price with one or more certified SBEs for a Commercially Useful Function in the performance of the contract.

Note: Please list SBEs in the Prime Contractor and Subcontractor/ Subconsultant/Supplier Report.

The bidder/proposer hereby submits documentation of a verifiable Good Faith Effort.

Signature

Date

Documents to Be Included with Bids or Proposals with SBE Goal

1. SBE Goal Declaration
2. Prime contractor and subcontractor/ subconsultant/supplier report
3. Copies of SBE Certifications
4. SBE Affidavits (as required; see list of acceptable certifications)
5. Good Faith Efforts Documentation



711 Grand Ave, #110
San Rafael, CA 94901
ph: 415.226.0855
marintransit.org

Board of Directors

Brian Colbert
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Town of San Anselmo

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Director
City of San Rafael

Fred Casissa
Alternate
Town of Corte Madera

October 7, 2024

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

Subject: Public Hearing: Clipper 2.0 and Regional Transfer Pilot

Dear Board Members:

Recommendation

Receive public comment and close the public comment period on the Marin County Transit District’s adoption of the Regional Transfer Pilot program.

Summary

Staff is asking your Board to receive public comments and feedback on the proposed Regional Transfer Pilot outlined in Attachment B to this letter. Comment from today’s public hearing will be used to inform your Board’s final consideration of participation in the Pilot on November 12, 2024. If approved, the proposed Pilot would be implemented with the onset of Clipper 2.0, currently anticipated for Spring 2025.

Background

Changes are coming to Clipper, the universal transit card used for contactless fare payments throughout the San Francisco Bay Area, in 2025. This transition is colloquially referred to as the rollout of “Clipper 2.0.” Many of the changes will greatly benefit riders throughout the region such as tap to pay (e.g. Apple Pay, Google Pay) accepted by Clipper readers, new “pay as you go” pass products, and remotely loaded value being immediately available for use. However, for Marin Transit riders, the arrival of Clipper 2.0 is uniquely significant because the agency will get “Clipper independence” for the first time. We are the only agency in the region that is still embedded within another agency – Golden Gate Transit – and becoming an independent operator within the system will make it a much more useful way for our riders to pay. With Clipper 2.0, many of the current issues which undermine Clipper’s utility and attractiveness will be removed.

One key change, which requires approval by your board, is participation in a new Regional Transfer Pilot, which implements a universal discount for all interagency transfers throughout the region for Clipper users. For all transfers to a local transit route, like Marin Transit, a rider will get a free ride; for transfers to a regional route, like SMART or Golden Gate Transit/Ferry, riders will get a



discount. Participation in this pilot program does constitute a minor fare change, which requires a public hearing under the District's [Public Hearing Policy](#) and a Fare Equity Analysis (Attachment C) under the Federal Transit Administration's Title VI policy.

Outreach and Education Efforts

As outlined at your September Board meeting, staff initiated the outreach and education process immediately following the approval of the public hearing, including a campaign to collect feedback from riders about the Clipper transition and Regional Transfer Pilot. A dedicated page was launched on the District's website to provide a single resource for riders to get information about the upcoming changes. This web page included a link redirecting visitors to an online comment form. The webpage and information about how to provide comment outside of attending the public hearing were shared via the District's monthly e-newsletter and social media channels.

In addition, staff began to prepare for an educational campaign for riders using multiple methods of public outreach to ensure rider familiarity with the benefits the new Clipper features will bring to riders. The education campaign has been "soft launched", and efforts will expand when appropriate, pending the final timeline for the Clipper 2.0 transition from the Metropolitan Transportation Commission (MTC).

Staff will continue to document all public outreach efforts and provide a summary of activities to your Board as the project progresses.

Comments Received

To date, staff have received nine comments via the online comment form. Comments received are summarized in Attachment D. Seven comments were from community members redirected from the District's e-newsletter; two were from community members that visited the dedicated webpage directly. Seven of the comments received were related to service reliability, cleanliness, use of flash passes, and programs offered through Marin Access or other transit agencies. All comments or complaints are followed up on via the District's standard comment response process.

Of the comments received related to the Regional Transfer Policy, riders noted that rider educational materials should be made available in both visual and written format and that riders would appreciate reduced fares for transfers to and from SMART. No comments expressed opposition to the Pilot, and generally supported the benefit of this Pilot to riders.

Additional comments that are submitted in the week between the development of this letter and the time of the public hearing on October 7, 2024, including comments received at the public hearing, will be considered prior to asking your Board to adopt a final fare change proposal on November 12, 2024. Once approved, these changes will be implemented with the onset of Clipper 2.0, currently expected in Spring 2025.

Fiscal/Staffing Impact

The proposed Regional Transfer Pilot would likely have a small positive fiscal impact for Marin Transit. MTC will reimburse agencies for each transfer; this reimbursement, while not equal to the cost of a full fare, would be more than the amount currently collected under Marin Transit's existing interoperator transfer agreements. In FY2023/24 there were 50,000 Clipper transfers from Golden Gate and SMART taken on Marin Transit buses. Based on a combination of increased clipper usage and the higher reimbursement, staff estimate roughly \$50,000 per year in additional fare revenue from this program. If



the program were to induce new ridership on Marin Transit services, this would generate additional revenue.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Cathleen".

Cathleen Sullivan
Director of Planning

Attachment A: Clipper 2.0 Update Presentation

Attachment B: Regional Transfer Pilot Agreement

Attachment C: Regional Transfer Pilot Title VI Fare Equity Analysis

Attachment D: Summary of Public Comments Received



Public Hearing: Clipper 2.0 and Regional Discounted Transfer Pilot

Clipper 2.0: Big Changes Coming to Clipper in 2025



- Tap to pay (e.g. credit/debit card and Google/Apple pay) accepted by Clipper readers
- “Pay as you go” passes available
- Value available immediately
- Regional Transfer Pilot
- **Marin Transit changes**
 - Riders no longer need to tag off; removes risk of overpayment
 - Marin Transit products available on Clipper

Regional Transfer Pilot

- **No-Cost and Reduced Cost Interagency Transfer Pilot Program**
- Riders transferring between operators will receive a discount equal to the largest local fare in the Bay Area when paying with Clipper
- On Marin Transit, transfers from other agencies will be free when paying with Clipper
 - Transfers from Golden Gate Transit/Ferry are already free
 - Transfers from SMART currently get a \$1.50 discount
- This technically constitutes a minor fare change, which requires a public hearing under our Public Hearing Policy and a Fare Equity Analysis under Title VI
 - The Fare Equity Analysis found no disparate impact nor disproportionate burden

Outreach Efforts & Comments Received

- Info about how to provide comment published via Marin Transit e-newsletter 9/10/24 & 10/1/24, and available at marintransit.org/clipper
- Nine comments received
- Seven comments addressed issues such as service reliability and cleanliness
- Two comments addressed items related to the regional transfer pilot
 - Rider educational materials should be available in visual & written format
 - Support for reduced fares for transfers to/from SMART

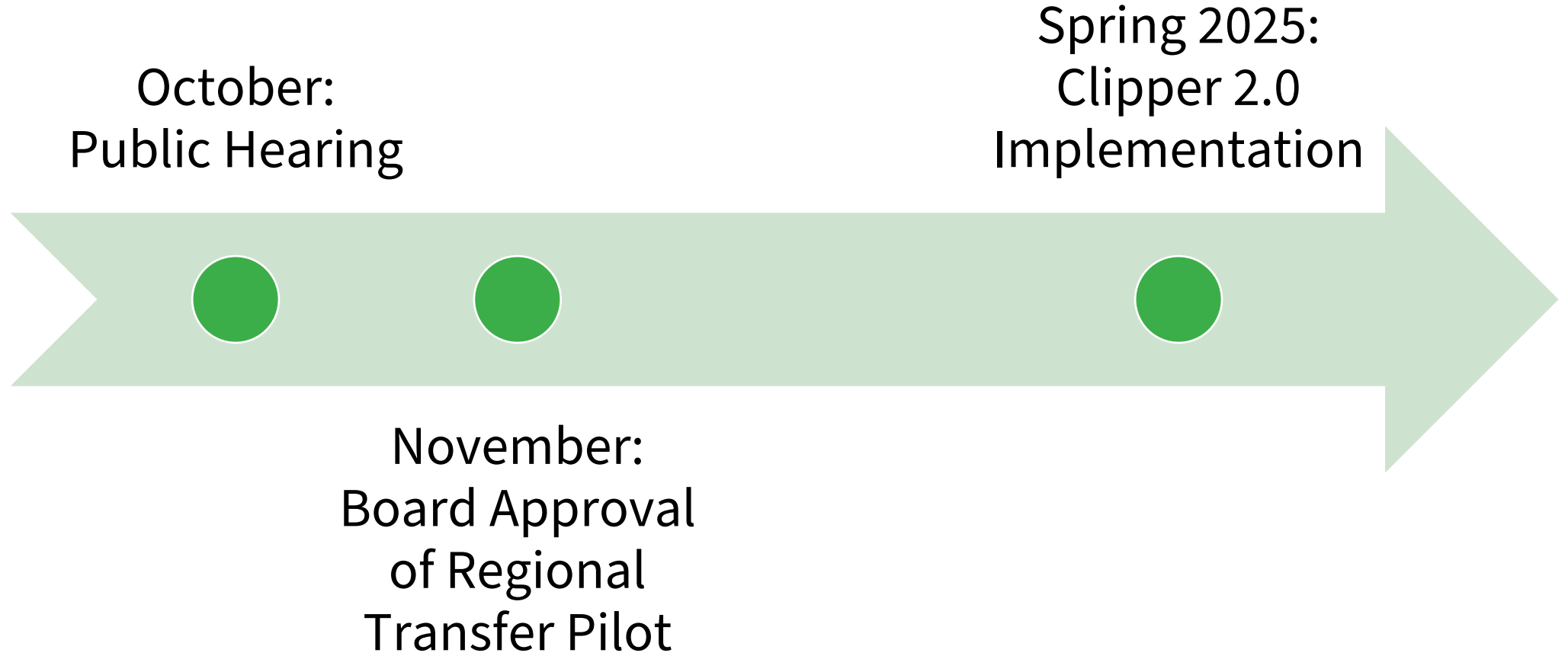
Public Hearing Participation Instructions

- The meeting is being simultaneously interpreted and broadcasted in Spanish.
 - Virtual attendees should click on 'Interpretation' in the meeting controls and select the Spanish language channel.
 - In Person attendees should request a headset for translation; be sure to return the headset to the desk near the door.
- In-person comments will be heard before virtual comments.
- All commenters will have two minutes to speak.
- If you are joining via Zoom and would like to comment, use the 'raise hand' icon located on your screen. If you are participating by phone call, please press *9 to raise your hand. When it is your turn to speak, your name will be called, and you will be prompted to unmute your device. You will then have 2 minutes to speak.



PUBLIC HEARING

Clipper 2.0 Timeline



Thank you

CONTACT

Asher Butnik

Senior Planner

abutnik@marintransit.org



**NO-COST AND REDUCED COST INTERAGENCY TRANSFER PILOT PROGRAM
PARTICIPATION MEMORADUM OF UNDERSTANDING**

This No-Cost and Reduced Cost Interagency Transfer Pilot Program Participation Memorandum of Understanding (the “MOU”) is entered into as of the ____ day of _____, 2024 (the “Effective Date”), by and among the Metropolitan Transportation Commission (“MTC”) and the following transit operators participating in the No-Cost and Reduced Cost Interagency Transfer (referred to herein individually as an “Operator” or collectively as the “Operators”):

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

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

**ARTICLE I
No-Cost and Reduced Cost Interagency Transfer Pilot Program**

1. The Bay Area Transit Fare Coordination & Integration Study & Business Case (FCIS), completed in September 2021, developed goals for a regional fare system that will improve the passenger experience and promote higher ridership across the region’s 22 different transit operators that participate in the Clipper® fare payment system. The FCIS found that implementing no-cost and reduced cost transfers would drive an increase of 27,000 daily trips.
2. On November 15, 2021, the Fare Integration Task Force, a special committee of the Clipper Executive Board, consisting of transit operators, MTC, and county transportation agencies, adopted a Bay Area Transit Fare Policy Vision Statement which called for “no-cost and reduced cost transfers for transit users transferring between different transit agencies beginning in 2024, coinciding with the rollout of the Next Generation Clipper® system/Clipper® 2.”
3. On March 27, 2023, the Fare Integration Task Force endorsed a No-Cost and Reduced Cost Interagency Transfer Pilot Program (“Pilot Program”), which would provide free and reduced-price transfers beginning with the launch of the Clipper® 2 account-based system in 2024 and continuing for at least 18 months, with an automatic extension to a total of 24 months if sufficient funding is available.
4. The Pilot Program would provide a discount equivalent to the single-ride Clipper fare for amounts up to the region’s highest local bus/light rail transit fare, currently \$2.50. When making a trip on fixed-route transit that requires transferring between participating Operators, riders would pay the full fare on the first Operator used. Any transfer to another Operator within two hours of the first boarding is free up to a per-transfer limit equal to the region’s

- highest local transit fare (currently \$2.50). Should the highest local bus/light rail transit fare increase above \$2.50 during the Pilot Program, the amount of the discount offered will increase to match the new highest local transit fare.
5. To ensure equitable benefits for paratransit users, the Pilot Program may be extended to a subset of cross-jurisdictional paratransit trips, to be determined by MTC and Operator staff at the earliest opportunity, which may occur after the Pilot Program has commenced.
 6. The Pilot Program is designed with a goal of strengthening, standardizing, and clarifying transfer discounts between Operators.
 7. The Pilot Program is expected to generate new trips for Operators.
 8. The Pilot Program is designed to mitigate negative impacts to Operator revenues.
 9. Project staff will continue to engage with Operators and executives to share Pilot Program findings, project updates, and to collect feedback from Operators about the program.
 10. MTC and project staff will proactively seek input from Operators prior to the conclusion of the 24 month pilot period in order to inform decision making by MTC and Operators regarding the continuation of the Pilot Program beyond the pilot period.

ARTICLE II Transfer Rule Details

The Pilot Program would implement the following transfer rules for riders using Clipper on fixed-route transit:

1. For the purposes of the Pilot Program, an inter-agency transfer occurs when a rider boards a transit vehicle and then subsequently boards another transit vehicle operated by a different Operator within a two-hour (120 minute) period at a minimum (180 minutes if trips begin on Golden Gate Transit, SMART, or Sonoma County Transit).
2. When making an inter-agency transfer, full-fare Adult customers using Clipper will receive a fare discount in an amount that is the lesser of two values: (a) the value of the single-ride Clipper fare for each trip(s) taken after the first Operator, or (b) the value of a single-ride Clipper fare for the region's highest local transit fare, currently \$2.50 at the time of the execution of this agreement.
3. Clipper customers using discount fare categories (Senior, Youth, Clipper START, Disabled/Regional Transit Connection (RTC)) would be subject to a discount limit proportional to the fare charged. For example, a rider transferring to a service on which that rider is entitled to a 50% Senior discount would receive a free transfer for amounts up to \$1.25.
4. For customers taking trips with three or more Operators, discounts would be applied on each additional operator used during the 120-minute window (180 minutes on GG Transit, Sonoma County Transit, and WETA) as described in Article II. 1-3 above, so that the customer only pays the equivalent of one full fare during that period.
5. For customers transferring to or from the SFMTA's Cable Car service, no transfer discount will be offered.

6. The discount is applied to the fare paid *after* making the transfer and cannot result in a negative fare for that segment.

ARTICLE III Operator Responsibilities

Each Operator agrees to:

1. Participate in the Pilot Program for a minimum of 18 months, and for up to 24 months if sufficient funding is available to extend the Pilot Program.
2. Provide in-kind staff and administrative support needed to successfully deliver and administer the Pilot Program at the Operator, including marketing.
3. Facilitate the payment of an upfront allocation and up to two supplemental payments to offset fare revenue impacts to the Operator by MTC as described in Article IV.
4. Partner with MTC, other Operators, and/or their designated third-party consultants for the Pilot Program to organize evaluation and research activities such as surveys or similar research methods over the course of the Pilot.
5. Ensure compliance with any Operator obligations under the Federal Transit Administration's Title VI Circular and/or the Operator's own Title VI policies.
6. Work with MTC, other Operators, and/or their designated third-party consultants to identify additional funds (if needed) to extend the Pilot Program to at least 24 months.
7. Subject to Pilot Program findings, work with MTC, other Operators, and/or their designated third-party consultants to develop a funding model that can support continuation of the policies described in Article II on a permanent basis while continuing to maintain and expand transit service to customers.

ARTICLE IV MTC Responsibilities

MTC agrees to:

1. Administer the Pilot Program for a minimum of 18 months, and for up to 24 months if sufficient funding is available to extend the Pilot Program.
2. Provide in-kind staff and administrative support needed to successfully deliver and administer the Pilot Program, including customer support, financial management, fare rule implementation, public information, communications, marketing, and technology support/operations.
3. Prior to the launch of the Pilot Program, offset foregone fare revenue by making an upfront allocation to each Operator based on the Operator's share of FY 2018-19 Transit Fare Revenues as reported to State Controller's Office (SCO), amounting to a total of \$11 million across all Operators.

4. Prior to the launch of the program, work in partnership with Operators to support compliance with the Federal Transit Administration's Title VI Circular and/or the Operator's own Title VI policies
5. Provide regular updates to the Fare Integration Task Force on the status of the Pilot Program.
6. No later than 12 months following program launch, conduct an evaluation of the Pilot Program, including its effects on travel behavior, revenue, and customer experience. The evaluation will include an assessment of funding available to extend the Pilot Program beyond 18 months.
7. Work with Operators and/or their designated third-party consultants to identify additional funds (if needed) to extend the program to at least 24 months.
8. Provide each Operator with supplemental funds to offset foregone fare revenue, based on an estimate of each Operator's "adjusted foregone fare revenue" as defined in subsection 9. MTC will allocate supplemental payments up to two times during the Pilot Program, amounting to a total of at least \$11 million. The first supplemental payment will occur 18 months after program launch. The second supplemental payment will occur at the conclusion of the Pilot Program or no later than 24 months after program launch, whichever is sooner.
9. Estimate "adjusted foregone fare revenue" for fixed-route services based on the number of actual inter-agency transfer trips in Clipper transaction data. Each Operator is responsible for the first \$0.50 discount of gross fare on each transfer, adjusted commensurately to discounted fare categories. The remaining foregone fare revenue will be adjusted to deduct an estimate of the increase in fare revenue generated by the Pilot Program. For each Operator, the percent increase in transfer trips, in excess of the growth of non-transfer trips, will be considered evidence of new trips generated by the Pilot Program. The percent of transfer trips and non-transfer trips in FY 2023-24 will be considered as the baseline. Supplemental data may be factored into the baseline or Pilot Program data for reasonable adjustments as needed on a case-by-case basis. If it is determined by an Operator that changes in a specific paratransit fare are required due to the Pilot Program's changes to fixed-route fares, Operators will also be reimbursed at the same rate for foregone paratransit fare revenue, where applicable.
10. Subject to Pilot Program findings, work with Operators and/or their designated third-party consultants to develop a funding model that can support continuation of this policy on a permanent basis while continuing to maintain and expand transit service to customers.

ARTICLE V Indemnification

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

commissioners, officers, agents or employees) from any and all claims or liability resulting from any action or inaction on the part of such Operator relating to its responsibilities under or in connection with this MOU.

- C. MTC Indemnification of Operators. Notwithstanding the provisions of Subsection A above, MTC shall indemnify, hold harmless, and defend each Operator (including any of its directors, commissioners, officers, agents or employees) from any and all claims or liability resulting from any action or inaction on the part of MTC under or in connection with this MOU.

ARTICLE VI

Term

The term of the MOU shall begin upon the Effective Date and continue until June 30, 2027, unless terminated by written agreement of the Parties. The Pilot Program will launch concurrently with the launch of the Next Generation Clipper system. The 18-24 month Pilot Program period will commence when the Next Generation Clipper system launches.

ARTICLE VII

Changed Circumstances

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

ARTICLE VIII

Legal Representation and Common Interest

The Parties recognize a mutuality of interest, and a need for joint cooperation in legal matters relating to the No-Cost and Reduced Cost Interagency Transfer Pilot Program. In furtherance of this common interest, any communications among Parties and counsel for any of the Parties shall be confidential and protected from disclosure to any third party by each and every privilege – including, but not limited to, the attorney-client privilege, the attorney work product privilege, and the pooled information privilege – notwithstanding the dissemination of the communications and work product among Parties by the counsel that made the information available in the first instance. If information covered by the privileges is requested by a third party pursuant to a subpoena or other discovery request, then counsel receiving the request shall notify in a timely fashion the counsel who disclosed the information so that the privileges against disclosure may be asserted.

Should any Party withdraw from or otherwise terminate its participation in the MOU, such withdrawal or termination shall not impair the privileges that protect any information that has been shared prior to such action. Any Party that withdraws or terminates its participation in the No-Cost and Reduced Cost Interagency Transfer Pilot Program shall promptly return all privileged materials that the Party has received.

**ARTICLE VIII
Confidential Information**

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

SIGNATURES ON SUBSEQUENT PAGES

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

Metropolitan Transportation Commission

Name: Andrew B. Fremier

Title: Executive Director

Date: _____

DRAFT

Alameda-Contra Costa Transit District

Approved as to form:

Name: Michael A. Hursh
Title: General Manager

Jill A. Sprague, General Counsel

Date: _____

DRAFT

**Golden Gate Bridge, Highway and
Transportation District**

Approved as to form:

Name: Denis J. Mulligan
Title: General Manager

Kimon Manolius, General Counsel

Date: _____

DRAFT

San Francisco Bay Area Rapid Transit District

Approved as to form:

Name: Robert M. Powers

Title: General Manager

Date: _____

Jeana Zelan, Interim General Counsel

DRAFT

**City and County of San Francisco
Municipal Transportation Agency**

Approved as to form:
David Chiu, City Attorney

Name: Jeffrey Tumlin
Title: Director of Transportation

Lilian Levy, Deputy City Attorney

Date: _____

DRAFT

San Mateo County Transit District

Approved as to form:

Name: April Chan
Title: General Manager/CEO

Joan L. Cassman, General Counsel

Date: _____

DRAFT

Santa Clara Valley Transportation Authority

Approved as to form:

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

Victor Pappalardo, Deputy General Counsel

Date: _____

DRAFT

Peninsula Corridor Joint Powers Board

Approved as to form:

Name: Michelle Bouchard

Title: Executive Director

Date: _____

James Harrison, General Counsel

DRAFT

Central Contra Costa Transit Authority

Approved as to form:

Name: William Churchill

Title: General Manager

Julie Sherman, General Counsel

Date: _____

DRAFT

**City of Fairfield
FAST**

Approved as to form:

Name: David Gassaway
Title: City Manager

David Lim, City Attorney

Date: _____

DRAFT

City of Petaluma

Approved as to form:

Name: Peggy Flynn
Title: City Manager

Eric W. Danly, City Attorney

Date: _____

DRAFT

Eastern Contra Costa Transit Authority

Approved as to form:

Name: Rashidi Barnes
Title: Chief Executive Officer

Eli Flushman, General Counsel

Date: _____

DRAFT

Livermore/Amador Valley Transit Authority

Approved as to form:

Name: Christy Wegener
Title: Executive Director

Michael N. Conneran, General Counsel

Date: _____

DRAFT

Marin County Transit District

Approved as to form:

Name: Nancy E. Whelan
Title: General Manager

Kerry Gerchow, County Counsel

Date: _____

DRAFT

Napa Valley Transportation Authority

Approved as to form:

Name: Kate Miller
Title: Executive Director

Osman Mufti, General Counsel

Date: _____

DRAFT

Solano County Transit

Approved as to form:

Name: Beth Kranda
Title: Executive Director

Bernadette Shilts Curry, County Counsel

Date: _____

DRAFT

City of Santa Rosa

Approved as to form:

Name: Maraskeshia Smith

Title: City Manager

Date: _____

Samantha W. Zutler, Interim City Attorney

DRAFT

Sonoma-Marin Area Rail Transit District

Approved as to form:

Name: Eddy Cumins
Title: General Manager

Thomas Lyons, General Counsel

Date: _____

DRAFT

City of Vacaville
Vacaville City Coach

Approved as to form:

Name: Brian McLean
Title: Director of Public Works

Melinda C. H. Stewart, City Attorney

Date: _____

DRAFT

Western Contra Costa Transit Authority

Approved as to form:

Name: Robert Thompson

Title: General Manager

Date: _____

Michael N. Conneran, General Counsel

DRAFT

**San Francisco Bay Area Water Emergency
Transportation Authority**

Approved as to form:

Name: Seamus Murphy
Title: Executive Director

Steve Miller, General Counsel

Date: _____

DRAFT

Sonoma County Transit

Approved as to form:

Name: Bryan Albee
Title: Transit Systems Manager

Jeremy Fonseca, General Counsel

Date: _____

DRAFT

City of Union City

Approved as to form:

Name: Joan Malloy
Title: City Manager

Kristopher J. Kokotaylo, City Attorney

Date: _____

DRAFT

Regional Transfer Pilot Fare Equity Analysis

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Introduction

This report is intended to serve as the fare equity analysis for the Marin County Transit District (Marin Transit) as it considers whether to enter into a Memorandum of Understanding to participate in the Bay Area No-Cost and Reduced Cost Interagency Transfer Pilot Program (Regional Transfer Pilot). As a federal grant recipient, Marin Transit is required to maintain and provide to the Federal Transit Administration (FTA) information on its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination by recipients of federal financial assistance. The FTA further requires that some recipients of FTA financial assistance, including Marin Transit, conduct a Fare Equity Analysis on all fare changes to assess the impacts of those changes on low-income and minority populations.

Marin Transit is currently considering whether to participate in the Regional Transfer Pilot, which would provide riders with a discount of up to the highest local fare in the region (currently \$2.50) for all interagency transfers in the Bay Area when using Clipper. The proposed change would reduce fares for some Marin Transit riders, which constitutes a fare change requiring a Fare Equity Analysis under the FTA's Title VI regulations. **The following analysis concludes that participation in the Regional Transfer Pilot would create neither a disparate impact based on race nor a disproportionate burden on low-income individuals for Marin Transit riders.**

Title VI Policies

In October 2012, the FTA released Circular 4702.1B (Circular), which provides guidelines for compliance with Title VI. Under the Circular, transit operators are required to study proposed fare changes and "major service changes" before the changes are adopted to ensure that they do not have a discriminatory effect based on race, color, national origin or low-income status of affected populations. As a first step, public transit providers must adopt their own "Major Service Change," "Disparate Impact," and "Disproportionate Burden" policies. Marin Transit's Board of Directors originally adopted these policies in April 2014, and adopted the most recent update to these policies in April 2023. The adopted Disparate Impact and Disproportionate Burden policies, which apply to Fare Equity Analyses, are described below.

Disparate Impact Policy

The Disparate Impact Policy establishes a threshold for determining whether proposed fare or major service changes have a disproportionately adverse effect on minority populations relative to non-minority populations on the basis of race, ethnicity or national origin. Per the [Marin Transit Policy for Establishing Disparate Impact or Disproportionate Burden](#):

Fare or major service change proposals are determined to have a Disparate Impact on minority populations if, cumulatively, the benefits of the changes accrue to minority populations 20% less than to non-minority populations, or the adverse effects of the changes accrue to minority populations 20% more than to non-minority populations.

In summary, the Disparate Impact threshold is 20%.

Disproportionate Burden

The Disproportionate Burden Policy establishes a threshold for determining whether proposed fare or major service changes have a disproportionately adverse effect on low-income populations relative to non-low-income populations. Per the [Marin Transit Policy for Establishing Disparate Impact or Disproportionate Burden](#):

Fare or major service change proposals are determined to have a Disproportionate Burden on low-income populations if, cumulatively, the benefits of the changes accrue to low-income populations 20% less than to non-low-income populations, or the adverse effects of the changes accrue to low-income populations 20% more than to non-low-income populations.

In summary, the Disproportionate Burden threshold is 20%. The policy also includes the following definition of low-income: “For the purposes of this policy, definition of low-income should adhere to regional definition of low-income, which is 200% of the Federal Poverty Guidelines at time of writing per MTC Clipper START policy.”

Public Outreach

These policies were initially developed in 2013 as part of the District’s Title VI plan. In April 2013, the Marin Transit Board of Directors considered proposed analysis tools and methods for the Disparate Impact Policy and Disproportionate Burden policy. As part of this process, the Board set a public hearing and initiated a 45-day public comment period. These policies were revised and presented for Board consideration at their June meeting.

Additionally, Marin Transit held four public meetings in advance of the public hearing. The meetings were held in various areas across the County. To encourage participation, Staff sent out media announcements and distributed posters in Spanish and English. The policies were made available and presented at the public meetings. Following the public meetings and hearing, the policies were then updated to reflect public input prior to approval by the Marin Transit Board of Directors.

In 2023, an administrative update was made to extract the Disparate Impact and Disproportionate Burden policies from the Title VI plan as two new stand-alone policies with official policy numbers for ease of reference and to ensure these appear within the official policy framework of the agency. The update was presented to and approved by the Marin Transit Board of Director’s in April 2023. During the Board meeting, members of the Board and members of the public had an opportunity to provide feedback and request clarification on the policies.

Regional Transfer Pilot Description

The No-Cost and Reduced Cost Interagency Transfer Pilot Program (Regional Transit Pilot) was created and negotiated by the Metropolitan Transportation Commission (MTC), the regional transportation planning agency for the Bay Area. The pilot program is intended to increase regional transit ridership by reducing the fare riders pay when transferring between agencies. The program would be implemented via Clipper, the Bay Area’s universal electronic payment card for transit fares. If approved, the program would go into effect upon the implementation of Clipper 2.0, which is

currently anticipated in early 2025. The Memorandum of Understanding (MOU) describes the details of the rider's experience under the pilot program:

The Pilot Program would provide a discount equivalent to the single-ride Clipper fare for amounts up to the region's highest local bus/light rail transit fare, currently \$2.50. When making a trip on fixed-route transit that requires transferring between participating Operators, riders would pay the full fare on the first Operator used. Any transfer to another Operator within two hours of the first boarding is free up to a per-transfer limit equal to the region's highest local transit fare (currently \$2.50). Should the highest local bus/light rail transit fare increase above \$2.50 during the Pilot Program, the amount of the discount offered will increase to match the new highest local transit fare.

As a local operator, transfer rides on Marin Transit under the Regional Transfer Pilot would be free. The MOU would commit Marin Transit to the pilot period of 18-24 months (depending on funding availability). However, this Fare Equity Analysis uses the conservative approach of analyzing the fare change as a permanent fare policy change, which ensures the analysis captures the maximum potential impact and burden on minority and low-income riders. This approach also allows Marin Transit to extend or permanently adopt the fare policy described above, if MTC were to extend the pilot or make the program permanent, without conducting another Fare Equity Analysis.

The impact of the Regional Transfer Pilot on Marin Transit riders would be minimal. Marin Transit's service area only touches the service areas of two other transit operators, Golden Gate Bridge Highway and Transportation District (GGBHTD) and Sonoma-Marín Area Rail Transit (SMART). Marin Transit has existing transfer agreements with both agencies. The existing agreement with GGBHTD already provides for free transfers from GGBHTD services – Golden Gate Transit and Golden Gate Ferry – to Marin Transit, via both Clipper and cash payments; the Regional Transfer Pilot would not change fares for these riders. The existing agreement with SMART provides for a \$1.50 discount when transferring from SMART to Marin Transit via Clipper (SMART does not accept cash fares and Marin Transit cannot accept fares via the SMART app). Marin Transit's adult Clipper fare is \$1.80; adult riders currently transferring from SMART to Marin Transit pay \$0.30 for their trip on Marin Transit. Under the Regional Transfer Pilot, that trip would be free.

For a full breakdown of Marin Transit fares currently and under the proposed Regional Transfer Pilot, see Table 1 in the Equity Analysis section below.

Equity Analysis

The Regional Transfer Pilot is a fare reduction, and the purpose of this analysis is to examine whether the benefits of that reduction disproportionately accrue to non-minority and/or non-low-income riders. To answer the question, this report uses an average fare analysis methodology, described further in the Impact Assessment section below. Table 1 below breaks down every possible fare type on Marin Transit services, the existing and proposed fare for each type, the annual ridership for each fare type, and the percentage of minority and low-income riders for each fare type. Using this data,

Table 2 and Table 3 calculate the average fare paid by minority, non-minority, low-income, and non-low-income riders, both currently and under the proposed Regional Transfer Pilot.

Table 1: Breakdown of Current and Proposed Fare Types, Fares, and Usage

Fare Type	Existing Fare	Proposed Fare	% Change	Annual Ridership	% Total Ridership	% Minority	% Non-Minority	% Low-Income	% Non-Low-Income
Cash - ADA	\$1.00	\$1.00	0%	30,705	1%	44%	56%	69%	31%
Cash - Adult	\$2.00	\$2.00	0%	563,207	20%	81%	19%	51%	49%
Cash - Senior	\$1.00	\$1.00	0%	154,817	5%	54%	46%	55%	45%
Cash - Youth	\$1.00	\$1.00	0%	147,376	5%	72%	28%	47%	53%
Clipper - ADA (RTC)	\$1.00	\$1.00	0%	11,145	0%	30%	70%	100%	0%
Clipper - ADA (RTC) - Transfer	\$0.00	\$0.00	0%	4,275	0%	0%	100%	100%	0%
Clipper - Adult	\$1.80	\$1.80	0%	179,838	6%	62%	38%	34%	66%
Clipper - Adult - Transfer	\$0.00	\$0.00	0%	63,912	2%	67%	33%	41%	59%
Clipper - Low Income (START)	\$1.00	\$1.00	0%	5,746	0%	81%	19%	100%	0%
Clipper - Low Income (START) - Transfer	\$0.00	\$0.00	0%	3,223	0%	85%	15%	100%	0%
Clipper - Senior	\$1.00	\$1.00	0%	22,036	1%	43%	57%	48%	52%
Clipper - Senior - Transfer	\$0.00	\$0.00	0%	10,078	0%	52%	48%	51%	49%
Clipper - SMART Transfer	\$0.30	\$0.00	-100%	7,339	0%	30%	70%	25%	75%
Clipper - Youth	\$1.00	\$1.00	0%	8,099	0%	69%	31%	30%	70%
Clipper - Youth - Transfer	\$0.00	\$0.00	0%	1,163	0%	78%	22%	19%	81%
COM Pass	\$0.00	\$0.00	0%	160,171	6%	66%	34%	54%	46%
Comp - Child	\$0.00	\$0.00	0%	46,380	2%	73%	27%	49%	51%
Comp - Clipper Error	\$0.00	\$0.00	0%	5,596	0%	59%	41%	40%	60%
Comp - Employee	\$0.00	\$0.00	0%	1,802	0%	35%	65%	52%	48%
Comp - Homeward Bound	\$0.00	\$0.00	0%	61,326	2%	80%	20%	100%	0%
Comp - Other	\$0.00	\$0.00	0%	106,584	4%	73%	27%	49%	51%
Comp - Promo	\$0.00	\$0.00	0%	31,518	1%	73%	27%	49%	51%
Day Pass - Adult	\$1.96	\$1.96	0%	1,404	0%	75%	25%	48%	52%
Day Pass - Senior ADA	\$0.68	\$0.68	0%	1,732	0%	46%	54%	59%	41%

Fare Type	Existing Fare	Proposed Fare	% Change	Annual Ridership	% Total Ridership	% Minority	% Non-Minority	% Low-Income	% Non-Low-Income
Day Pass - Youth	\$1.46	\$1.46	0%	23	0%	100%	0%	0%	100%
MAFA Pass	\$0.00	\$0.00	0%	14,039	0%	50%	50%	100%	0%
Monthly Pass - Adult	\$0.68	\$0.68	0%	240,670	9%	75%	25%	48%	52%
Monthly Pass - Senior ADA	\$0.35	\$0.35	0%	110,908	4%	46%	54%	59%	41%
Transfer - ADA	\$0.00	\$0.00	0%	9,150	0%	42%	58%	78%	22%
Transfer - Adult	\$0.00	\$0.00	0%	221,255	8%	85%	15%	58%	42%
Transfer - Other	\$0.00	\$0.00	0%	34,677	1%	80%	20%	59%	41%
Transfer - Senior	\$0.00	\$0.00	0%	57,804	2%	62%	38%	75%	25%
Transfer - Youth	\$0.00	\$0.00	0%	25,157	1%	59%	41%	39%	61%
Underpayment	\$1.50	\$1.50	0%	62,461	2%	73%	27%	49%	51%
Youth Pass - Full Price	\$0.15	\$0.15	0%	33,966	1%	86%	14%	0%	100%
Youth Pass - Reduced Price	\$0.00	\$0.00	0%	384,152	14%	95%	5%	100%	0%
Total				2,823,735		74%	26%	59%	41%

Notes:

Annual Ridership represents Fiscal Year 2023/24.

The following fare types were not tracked in the rider survey: Comp – Other, Comp – Promo, and Underpayment. Therefore, they assume the survey-wide minority and low-income percentages.

This analysis conservatively assumes a \$0 fare for Underpayment fares; actual fares for this fare type vary.

The fares listed for pass products (i.e. Monthly Passes, Day Passes, and Youth Pass – Full Price) represent estimated average fares based on the cost of the pass and average ridership per pass. Individual users’ average fares will vary.

Table 2: Calculation of Average Fares and Proposed Fare Change for Minority and Non-Minority Riders

Fare Type	Minority Riders	Non-Minority Riders	Minority Fares Before Change	Minority Fares After Change	Non-Minority Fares Before Change	Non-Minority Fares After Change
Cash - ADA	13,662	17,043	\$13,662	\$13,662	\$17,043	\$17,043
Cash - Adult	455,999	107,208	\$911,997	\$911,997	\$214,417	\$214,417
Cash - Senior	84,302	70,515	\$84,302	\$84,302	\$70,515	\$70,515
Cash - Youth	105,694	41,682	\$105,694	\$105,694	\$41,682	\$41,682
Clipper - ADA (RTC)	3,304	7,841	\$3,304	\$3,304	\$7,841	\$7,841
Clipper - ADA (RTC) - Transfer	0	4,275	\$0	\$0	\$0	\$0
Clipper - Adult	111,519	68,319	\$200,734	\$200,734	\$122,974	\$122,974
Clipper - Adult - Transfer	42,608	21,304	\$0	\$0	\$0	\$0
Clipper - Low Income (START)	4,654	1,092	\$4,654	\$4,654	\$1,092	\$1,092
Clipper - Low Income (START) - Transfer	2,741	482	\$0	\$0	\$0	\$0
Clipper - Senior	9,425	12,611	\$9,425	\$9,425	\$12,611	\$12,611
Clipper - Senior - Transfer	5,275	4,803	\$0	\$0	\$0	\$0
Clipper - SMART Transfer	2,202	5,137	\$661	\$0	\$1,541	\$0
Clipper - Youth	5,610	2,490	\$5,610	\$5,610	\$2,490	\$2,490
Clipper - Youth - Transfer	905	257	\$0	\$0	\$0	\$0
COM Pass	106,086	54,085	\$0	\$0	\$0	\$0
Comp - Child	33,987	12,393	\$0	\$0	\$0	\$0
Comp - Clipper Error	3,317	2,279	\$0	\$0	\$0	\$0
Comp - Employee	635	1,167	\$0	\$0	\$0	\$0
Comp - Homeward Bound	49,361	11,965	\$0	\$0	\$0	\$0
Comp - Other	78,104	28,480	\$0	\$0	\$0	\$0
Comp - Promo	23,096	8,422	\$0	\$0	\$0	\$0
Day Pass - Adult	1,053	351	\$2,064	\$2,064	\$689	\$689
Day Pass - Senior ADA	800	932	\$541	\$541	\$630	\$630

Fare Type	Minority Riders	Non-Minority Riders	Minority Fares Before Change	Minority Fares After Change	Non-Minority Fares Before Change	Non-Minority Fares After Change
Day Pass - Youth	23	0	\$34	\$34	\$0	\$0
MAFA Pass	7,020	7,020	\$0	\$0	\$0	\$0
Monthly Pass - Adult	180,464	60,206	\$122,148	\$122,148	\$40,751	\$40,751
Monthly Pass - Senior ADA	51,200	59,708	\$17,757	\$17,757	\$20,708	\$20,708
Transfer - ADA	3,841	5,309	\$0	\$0	\$0	\$0
Transfer - Adult	187,492	33,763	\$0	\$0	\$0	\$0
Transfer - Other	27,699	6,978	\$0	\$0	\$0	\$0
Transfer - Senior	36,050	21,754	\$0	\$0	\$0	\$0
Transfer - Youth	14,801	10,356	\$0	\$0	\$0	\$0
Underpayment	45,771	16,690	\$68,657	\$68,657	\$25,035	\$25,035
Youth Pass - Full Price	29,131	4,835	\$4,460	\$4,460	\$740	\$740
Youth Pass - Reduced Price	364,413	19,740	\$0	\$0	\$0	\$0
Total	2,092,241	731,494	\$1,555,703	\$1,555,042	\$580,759	\$579,218
Average Fare			\$0.74	\$0.74	\$0.79	\$0.79

Table 3: Calculation of Average Fares and Proposed Fare Change for Low-Income and Non-Low-Income Riders

Fare Type	Low-Income Riders	Non-Low-Income Riders	Low-Income Fares Before Change	Low-Income Fares After Change	Non-Low-Income Fares Before Change	Non-Low-Income Fares After Change
Cash - ADA	21,102	9,603	\$21,102	\$21,102	\$9,603	\$9,603
Cash - Adult	287,092	276,115	\$574,185	\$574,185	\$552,229	\$552,229
Cash - Senior	84,755	70,062	\$84,755	\$84,755	\$70,062	\$70,062
Cash - Youth	69,069	78,307	\$69,069	\$69,069	\$78,307	\$78,307
Clipper - ADA (RTC)	11,145	0	\$11,145	\$11,145	\$0	\$0
Clipper - ADA (RTC) - Transfer	4,275	0	\$0	\$0	\$0	\$0
Clipper - Adult	61,663	118,175	\$110,993	\$110,993	\$212,716	\$212,716
Clipper - Adult - Transfer	26,383	37,529	\$0	\$0	\$0	\$0
Clipper - Low Income (START)	5,746	0	\$5,746	\$5,746	\$0	\$0
Clipper - Low Income (START) - Transfer	3,223	0	\$0	\$0	\$0	\$0
Clipper - Senior	10,522	11,514	\$10,522	\$10,522	\$11,514	\$11,514
Clipper - Senior - Transfer	5,188	4,890	\$0	\$0	\$0	\$0
Clipper - SMART Transfer	1,835	5,504	\$550	\$0	\$1,651	\$0
Clipper - Youth	2,427	5,673	\$2,427	\$2,427	\$5,673	\$5,673
Clipper - Youth - Transfer	226	937	\$0	\$0	\$0	\$0
COM Pass	86,801	73,370	\$0	\$0	\$0	\$0
Comp - Child	22,916	23,464	\$0	\$0	\$0	\$0
Comp - Clipper Error	2,230	3,366	\$0	\$0	\$0	\$0
Comp - Employee	938	864	\$0	\$0	\$0	\$0
Comp - Homeward Bound	61,326	0	\$0	\$0	\$0	\$0
Comp - Other	52,661	53,923	\$0	\$0	\$0	\$0
Comp - Promo	15,572	15,946	\$0	\$0	\$0	\$0
Day Pass - Adult	678	726	\$1,330	\$1,330	\$1,423	\$1,423

Fare Type	Low-Income Riders	Non-Low-Income Riders	Low-Income Fares Before Change	Low-Income Fares After Change	Non-Low-Income Fares Before Change	Non-Low-Income Fares After Change
Day Pass - Senior ADA	1,022	710	\$691	\$691	\$480	\$480
Day Pass - Youth	0	23	\$0	\$0	\$34	\$34
MAFA Pass	14,039	0	\$0	\$0	\$0	\$0
Monthly Pass - Adult	116,300	124,370	\$78,718	\$78,718	\$84,181	\$84,181
Monthly Pass - Senior ADA	65,429	45,479	\$22,692	\$22,692	\$15,773	\$15,773
Transfer - ADA	7,123	2,027	\$0	\$0	\$0	\$0
Transfer - Adult	128,794	92,461	\$0	\$0	\$0	\$0
Transfer - Other	20,465	14,212	\$0	\$0	\$0	\$0
Transfer - Senior	43,143	14,661	\$0	\$0	\$0	\$0
Transfer - Youth	9,898	15,259	\$0	\$0	\$0	\$0
Underpayment	30,861	31,600	\$46,291	\$46,291	\$47,400	\$47,400
Youth Pass - Full Price	0	33,966	\$0	\$0	\$5,200	\$5,200
Youth Pass - Reduced Price	384,152	0	\$0	\$0	\$0	\$0
Total	1,658,999	1,164,736	\$1,040,217	\$1,039,667	\$1,096,245	\$1,094,593
Average Fare			\$0.63	\$0.63	\$0.94	\$0.94

Data Sources

The data in the above tables come from three sources: Marin Transit’s fare data, the Marin Transit on-board rider survey, and the SMART on-board rider survey. The fare data was used to determine the number of passenger trips using each fare type. The on-board rider surveys were used to determine the percentage of riders that are minority and low-income¹ for each fare type. The SMART on-board rider survey was used for the Clipper – SMART Transfer fare type, because the Marin Transit on-board rider survey was conducted in spring 2017, before SMART was in operation. All other fare types use the Marin Transit on-board rider survey.

The SMART on-board survey was conducted in 2018, and the agency has since reduced their fares. This fare reduction has likely altered the demographics of SMART’s riders, and therefore the demographics of SMART riders who transfer to Marin Transit. By using the demographics from the 2018 survey, this analysis conservatively assumes that a relatively lower percentage of minority and low-income riders will experience the benefits of the proposed fare reduction associated with the Regional Transfer Pilot.

Impact Assessment

The purpose of this impact assessment is to determine whether the benefits of the fare reduction associated with the Regional Transfer Pilot would disproportionately benefit non-minority or non-low-income riders. To answer that question, this assessment looks at the average fare paid by minority, non-minority, low-income, and non-low-income riders, as calculated in the tables above. Table 4 below takes those average fares, calculates the percent change under the proposal, and then examines whether the difference in percent changes between minority and non-minority riders, or between low-income and non-low-income riders, represents a disparate impact or disproportionate burden.

Table 4: Average Fare Change and Impact Analysis

	Minority Riders	Non-Minority Riders	Low-Income Riders	Non-Low-Income Riders
Current Average Fare	\$0.7436	\$0.7939	\$0.6270	\$0.9412
Average Fare Under Proposed Change	\$0.7432	\$0.7918	\$0.6267	\$0.9398
% Change in Average Fare	-0.04%	-0.27%	-0.05%	-0.15%
Difference in Percent Change Between Minority/Low-Income and Non-Minority/Non-Low-Income Riders	0.22%		0.10%	
Disparate Impact/Disproportionate Burden Threshold	20%		20%	
Results	No Disparate Impact		No Disproportionate Burden	

¹ Some fare types are income qualified (such as Clipper START and the reduced-price youth pass). For these fare types, the on-board rider survey was only used to determine the percentage of minority riders.

As demonstrated in Table 4, the differences in benefit to non-minority and non-low-income riders under the proposed Regional Transfer Pilot fare change fall well below Marin Transit's established disparate impact and disproportionate burden thresholds. Therefore, the proposed fare change would result in neither a disparate impact on minority riders nor a disproportionate burden on low-income riders.

Regional Transfer Pilot Public Outreach & Timeline

As stated in Marin Transit's [Public Hearing Policy](#), all fare changes require a public hearing. At the Board of Directors meeting on September 9, 2024, the Board will consider holding a public hearing on the Regional Transfer Pilot proposal on October 7, 2024. Following the public hearing, the Board is expected to consider adoption of the proposal in November 2024.

Attachment D: Summary of Public Comments

Date:	09/09/2024
Source:	Online form via September E-Newsletter
Rider Type:	Fixed Route
Zip Code:	94925
Fare Payment Method:	Clipper
Comment:	Bus 228 east bound afternoons often doesn't stop by Archie Williams HS and simply drives past the waiting kids. The kids need bus transportation. On Friday, Sept 6, there were no buses on the 228 route and no one informed riders. Despite contacting Marin Transit Customer Service multiple times, I've never received an update or acknowledgement of the problems with this route. Do I need to take another form of action? Thank you.

Date:	09/09/2024
Source:	Online form via September E-Newsletter
Rider Type:	Fixed Route
Zip Code:	94903
Fare Payment Method:	Clipper
Comment:	Helpful for regional travel; make sure that there are visual (pictures, video) and written directions between GGT/SMART and Marin Transit and vice-versa. Helpful for folks to understand the fare policies.

Date:	09/09/2024
Source:	Online form via September E-Newsletter
Rider Type:	Fixed Route
Zip Code:	94901
Fare Payment Method:	Monthly Pass
Comment:	Clean the buses. Sometimes, they smell like sewers, and early in the morning are very dirty. Make sure the rounds, especially in the morning, start on time. When a bus is late, our jobs are put in jeopardy. When the bus are cancelled, you put me and my family on risk. Be respectful to passengers.

Date:	09/09/2024
Source:	Online form via September E-Newsletter

Rider Type:	Does not use Marin Transit or Marin Access
Zip Code:	94960
Fare Payment Method:	Clipper
Comment:	I take SMART from Healdsburg to San Rafael. You used to have a much easier shuttle system from the Civic Center station to Terra Linda local businesses. The new system is more expensive and has never worked for me. Hopefully you can come up with alternatives for shuttles from SMART to local businesses.

Date:	09/10/2024
Source:	Online form via September E-Newsletter
Rider Type:	Fixed Route & Marin Access
Zip Code:	94901
Fare Payment Method:	Cash
Comment:	hi, i have a senior discount but even this adds up when on a fixed income. public transit is my only means of transportation and i use it 3 to 5 times a week, including transit to sf. any suggestions ?

Date:	09/11/2024
Source:	Online form via September E-Newsletter
Rider Type:	Fixed Route
Zip Code:	94901
Fare Payment Method:	College of Marin (COM) Flash Pass
Comment:	1) Should make the flash pass loadable to the Clipper Account (so one can use the phone app as well as HOPEFULLY integrate with SMART system a flash pass) 2) Is it permissible to use my flash pass when I am NOT going to and from school? Like to the Farmer's Market on the weekend? (There is no guidance from College of Marin on this, I know this comes out of student fees but....) 3) COM/Marin Transit should negotiate SMART fares as part of flash pass 4) It's not directly related but a 'crazy making' part of your routine. 8 AM classes are very full. The 22 bus at 7:30 AM (From Transit Center) is a "Small" or "Half size" bus. I am often told I CAN NOT BOARD THE BUS because there is "TOO FULL" and if I do not catch the earlier bus (7 AM - not accessible with night classes as well), I have to take a \$18.00 Lyft defeating the cost savings of taking the bus. Please check

	you passenger counts and schedule a FULL SIZE bus to COM at 7:30 AM (Southbound from SRTC)
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Date:	09/12/2024
Source:	Online form via MCTD Website
Rider Type:	Fixed Route
Zip Code:	94947
Fare Payment Method:	Clipper
Comment:	Hello! From what I understand, there will be free transfers from other transit options, like SMART, onto Marin Transit. I appreciate this added incentive to increase ridership! On the flip side, I was wondering if it would be possible to provide free/reduced transfers from Marin Transit onto SMART. One of the most common reasons I take the 49 bus is to transfer onto Golden Gate Transit, but I could also see myself using Marin Transit more often in order to get to a SMART station. Of course, I understand that this might not be immediately feasible, but perhaps this can be considered for the long-term. Thank you for providing a survey to collect feedback!

Date:	09/14/2024
Source:	Online form via September E-Newsletter
Rider Type:	Fixed Route
Zip Code:	94960
Fare Payment Method:	Clipper
Comment:	Why is the bus 23 late in the mornings now that school has started? I try to get to work on time traveling from the hub in San Anselmo going to San Rafael. The bus is consistently late. The 22 is also often delayed coming back to San Anselmo. Could you help with this problem? I rely on the bus to get to work. The delays can be stressful and I would like your help resolving this problem.

Date:	09/16/2024
Source:	Online form via MCTD Website
Rider Type:	Marin Access
Zip Code:	94947
Fare Payment Method:	Voucher

Comment:	I love the Catch-a-ride program. I don't drive anymore and this program helps me a lot. I can do my errands, go to medical/dental appointments and classes and have more of a social life. The Catch-a ride program also helps me maintain my independence because I don't have to depend on my friends to get things done or go places. I use Uber. I found the taxi service was more expensive and occasionally got backed up due to driver shortage. Uber is almost always available and wait periods are short.
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711 Grand Ave, #110
San Rafael, CA 94901
ph: 415.226.0855
marintransit.org

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October 7, 2024

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

Subject: Public Engagement Update and Fare Free Days

Dear Board Members:

Recommendation

Receive an update on the District's Public Engagement Efforts and authorize six new fare free days or periods through August 2025.

Summary

Marin Transit takes an expansive approach to public engagement and seeks to engage with and address the needs of the wide range of stakeholders across the County. In June 2023, staff brought an update to your Board outlining updates to public engagement strategies and an overview of 2023 Engagement campaigns. This letter and the attached presentation provide an update on lessons learned from 2023 efforts, a summary of efforts underway and planned for 2024, and a recommendation to authorize the observance of 2 continuing and six new fare free days or periods through August 2025.

Background

Public engagement efforts are guided by the Public Participation Plan (PPP) developed as part of the District's Title VI Plan. The PPP creates a framework for engagement activities and details numerous communication strategies and tactics to offer early and continuous opportunities for the public to participate and influence decision-making. Staff seek to engage a wide range of stakeholders, particularly those that may have historically been left out of the decision-making process. Public engagement is viewed as an opportunity to share information with and learn about the needs of the public.

Marin Transit's goals for public engagement are to:

- **Educate and Inform** – Marin Transit seeks to facilitate broad community awareness of public transportation options that are available in Marin County.
- **Encourage Broad Participation** – Marin Transit seeks to encourage participation from all members of the community, to provide a range of opportunities to provide input, and to use a variety of methods to access different audiences and “meet people where they are at.”



- **Ensure Engagement Activities are Inclusive and Accessible for All** – Marin Transit seeks to create an inclusive environment throughout the engagement process and to ensure that all activities are accessible to all.
- **Evaluate the Effectiveness and Impact of Engagement Activities** – Marin Transit seeks to engage in efforts to evaluate the effectiveness and impact of engagement activities.

Staff continue to utilize strategies that have proven to be fruitful in the past, while at the same time developing and testing new and enhanced strategies for directly engaging riders and using digital communication to further our reach in the community. As needed, Marin Transit also engages consultants and contractors to support development and implementation of engagement efforts.

FY24 Efforts

In FY24, staffing changes resulted in a slower increase in public engagement activities than anticipated. In November, a new staff person was onboarded and assisted with growing our efforts and developing operational procedures to public engagement. Table 1 summarizes public engagement efforts completed in FY24 by audience and engagement type.

Table 1: Summary of Public Engagement Activities for FY24

Engagement Type	Fixed Route	Marin Access	Total
Navigating Transit Presentation	0	17	17
Community Event	9	7	16
Satellite Hours	0	0	0
Focus Groups	3	1	4
In Person Outreach (at Transit Hubs or via Ride Alongs)	3	0	3
Electronic Communications (e-newsletters or social media campaigns)	6	0	6
		Total	46

Best Practices and Lessons Learned

Over the past year, staff supporting public engagement activities have documented efforts and taken note of best practices and lessons learned. Highlights are noted below.

- Establishing quarterly targets and monthly maximums for the quantity of public engagement activities by type will ensure staff have capacity to support all requests for presentations or presence at community events.
- Expanded efforts to understand the needs of the audience for each event in advance allows staff to tailor messaging and content to ensure engagement efforts are successful and useful for participants.
- Partnering with marketing and communications teams from other Marin and Sonoma agencies such as SMART, Golden Gate Transit, Petaluma Transit, Transportation Authority of Marin, and



Sonoma County Transportation Authority has allowed for coordinated marketing efforts and the ability to share resources.

- Social media has historically been an underutilized resource for the District’s public engagement efforts. Engaging community members via social media channels on a regular basis with enticing graphics has expanded our ability to communicate directly with riders. Nextdoor has been a platform that has garnered a sizeable amount of engagement with riders and potential riders across the County.
- External support for development of graphics has allowed staff to expand use of social media and rider educational materials onboard MCTD vehicles.

FY25 Engagment Campaigns

Staff organize engagement activities into “campaigns” which fall into broad categories including: General Public Outreach, Rider Engagement and Education, Service Changes, Promotional, and Input into Plans and Projects. For each campaign, staff defines the goals, the target audiences, the messaging, and the specific strategies and activities staff will undertake to reach the desired audience and get the desired feedback or other desired outcome.

Table 2 details major public engagement campaigns currently underway or planned for 2024. This list is not exhaustive and is continuously evolving as new opportunities arise.

Table 2: Planned Public Engagement Activities for FY25

Campaign	Campaign Category	Timeframe
General Public Outreach	General Public Outreach	Ongoing
Marin Access General Outreach	Rider Engagement and Education	Ongoing
Free Youth for Summer	Promotional	May - September
August Service Changes	Service Changes	June - August
Fare Free at the Fair	Promotional	June - July
January Service Changes	Service Changes	Fall / Winter
Short Range Transit Plan	Input into Plans and Projects	Winter / Spring
Clipper 2.0	Rider Engagement and Education	Spring
Catch-A-Ride Pilot Program Updates	Rider Engagement and Education	Spring
Corridors Project	Input into Plans and Projects	TBD
Electric Bus Charging and Maintenance Facility	Input into Plans and Projects	TBD

Staff conduct outreach and seek input on a range of topics shown here, but getting feedback related to our core mission of providing public transit service is of particular importance. Staff are intentional



about collecting ongoing input from riders about our services and feeding that input directly into service development and service changes, as well as fare policy changes.

Fare Free Promotions

Fare free promotions provide an opportunity to highlight special days when transit is aligned with related environmental and congestion reduction goals or supports other civic goals. On these days, free fares may incentivize new riders to take transit or serve to thank our current riders by giving them a break on fares. Free fare days can also help speed bus boarding at heavily attended events such as the County Fair.

In August 2021, following extensive analysis of the District’s fare programs, your Board authorized staff to develop and implement Countywide fare promotional and pilot programs to offer near-term fare assistance to low-income families, students, and seniors. The goal of these programs was to maximize social equity and improve the rider experience. Marin Transit staff worked closely with community and agency partners to cross-promote transit services during the promotional periods. Following the promotions and pilot programs, staff analysis found that the FY22 and early FY23 fare promotions were relatively low cost and had a larger equity impact than ridership impact. Following the analysis, staff continued to explore options for fare promotions that minimized associated staff time.

Based on the evaluation of free fares during the County Fair and the Youth Ride Free during the summer months, your Board approved continuation of the Youth Ride Free promotion in FY23 and for staff to continue to explore options for future low-income fare promotions. At this time, staff seeks approval from your Board to expand upon and continue existing fare free promotions as detailed in the table below. Staff will leverage partnerships with North Bay transit agencies, local community partners, and regional partners to publicize the fare free promotions and report on ridership impacts on an annual basis.

Table 3: Continuing and Proposed New Fare Free Promotions

Promotion	Date	Applies To	New Promotion
Clean Air Day	Wednesday October 2, 2024	Local Bus Service	✓
Election Day	Tuesday November 5, 2024	Local Bus Service	✓
Rosa Parks Day	Tuesday February 4, 2025	Local Bus Service	✓
Earth Day	Tuesday April 22, 2025	Local Bus Service	✓
Bike to Work Day	Thursday May 15, 2025	Local Bus Service	✓
Marin County Fair	Wednesday July 2 – Sunday July 6, 2025	Local Bus Service	
Youth Ride Free	June - August	Local Bus Service	
ADA Anniversary	Saturday July 26, 2025	Local Bus Service and Paratransit	✓

The fiscal impact of these proposed fare free promotions is outlined below in Table 5.



Fiscal/Staffing Impact

Public engagement efforts have various costs associated with graphic design and printing of rider facing collateral, lost fare revenue associated with fare free campaigns, cost related to promotional items / swag, and staff time dedicated to completing and reporting out on these efforts. Table 4 summarizes total projected costs in 2024 for the six new fare free promotions. Funding for engagement activities, staffing and materials is included in the annual budget.

Table 4: Fiscal Impact of Proposed New Fare Free Promotions

Cost	Detail	Estimated Cost in 2024
Lost Fare Revenue	Projected based on average daily ridership for all recommended fare free days/periods	\$60,000
Administrative Costs	Costs include graphic design, printing, promotional items / swag, sponsorships, and staff time	\$3,000
Total		\$63,000

Respectfully Submitted,

Joanna Huitt
Senior Mobility Planner

Raymundo Vidaure, Jr.
Community Engagement Coordinator

Attachment A: Public Engagement Update Presentation



Public Engagement Update and Fare Free Days

Agenda

- 01** Public Engagement Overview
- 02** FY24 Efforts & Lessons Learned
- 03** FY25 Campaigns
- 04** Fare Free Promotions
- 05** Recommendation & Next Steps

Public Engagement Goals



Educate & Inform



Encourage Broad Participation



Ensure Inclusivity & Accessibility



Evaluate Effectiveness & Impact

Public Engagement Strategies

- Board of Directors
- Public Hearings
- Advisory Committees
- Partner Agencies
- Customer Service
- Direct Rider Engagement
- MCTD Website
- Digital Communication
- Printed Materials



Who We Engage

- General Public
 - Groups warranting specialized attention
 - Youth and Students
 - Older Adults and People with Disabilities
 - Community members with limited incomes and limited English proficiency
 - Equity Priority Communities
 - West Marin
 - Community Partners
 - Peer Agencies
 - Local Governments



FY24 Efforts

Engagement Type	Fixed Route	Marin Access	Total
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Community Event	9	7	16
Satellite Hours	0	0	0
Focus Groups	3	1	4
In Person Outreach	3	0	3
Electronic Communications	6	0	6
		Total	46

Lessons Learned in FY24

- Establish quarterly targets + maximums
- Tailor messaging & content to audience
- Partnerships are key to leveraging resources
- Social media is a useful tool to engage with community members and riders
- Graphic support is useful

FY25 Campaigns

Campaign	Campaign Category	Timeframe
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Marin Access General Outreach	Rider Engagement and Education	Ongoing
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Fare Free Promotions

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Clean Air Day	Wednesday October 2, 2024	Local Bus Service	✓
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ADA Anniversary	Saturday July 26, 2025	Local Bus Service and Paratransit	✓

Fiscal Impact of Proposed New Fare Free Promotions

Cost	Detail	Estimated Cost in 2024
Lost Fare Revenue	Projected based on average daily ridership for all recommended fare free days/periods	\$60,000
Administrative Costs	Costs include graphic design, printing, promotional items / swag, sponsorships, and staff time	\$3,000
Total		\$63,000

Recommendation

Authorize staff to implement 6 new promotions & continue 2 existing promotions to:

- Thank our riders
- Encourage increased ridership
- Maximize social equity
- Align with environmental and congestion reduction goals
- Support other civic goals

Thank you

CONTACT

Joanna Huitt

Senior Mobility Planner

jhuitt@marintransit.org

Raymundo Vidaure, Jr.

Community Engagement Coordinator

rvidaure@marintransit.org