

1. 1:00 P.M. Transit Authority Board Meeting Agenda Packet

Documents:

[AUGUST 25, 2022 MEETING AGENDA PACKET.PDF](#)

- 1.I. 1:00 PM Transit Authority Board Special Meeting Agenda Packet

Documents:

[AUGUST 25, 2022 SPECIAL MEETING AGENDA PACKET.PDF](#)

- 1.II. Transit Authority Board Special Meeting Minutes

Documents:

[AUGUST SPECIAL MINUTES FROM 082522.PDF](#)

STANISLAUS REGIONAL TRANSIT AUTHORITY

**BOARD OF DIRECTORS MEETING
1111 I STREET, SUITE 308
STANCOG POLICY BOARD ROOM
THURSDAY, AUGUST 25, 2022
1:00 P.M.**

Important Notice Regarding COVID-19

In accordance with the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq) as amended by Assembly Bill 361 (AB 361), members of the Stanislaus Regional Transit Authority (StanRTA) Board and staff will be participating in this meeting via teleconference or in-person at 1111 I Street, Suite 308. Members of the public may participate in the meeting in-person or electronically using the meeting link below. If participating via Zoom, please use the “raise hand” or “chat” feature to be recognized to speak. *In person public attendance is permitted for a limited capacity and is first-come first-serve.*

The following options are available to members of the public to listen, observe and participate in real time in this meeting and provide comments to the Board of Directors during the meeting:

1. You are strongly encouraged to listen to the Board Meeting by joining the meeting from your computer or tablet.

Please register in advance for the Stanislaus Regional Transit Authority Board Meeting at:

<https://us06web.zoom.us/j/87856038476?pwd=dkdEUIMyR1dXUDBWZFIRNyt2S2VKZz09>

2. If you wish to make a comment on a specific agenda item, please wait for the Chair or Moderator to recognize you and you will be called on during the meeting.

If you are participating via telephone only you will still need to register on Zoom using the link above. You can submit your comments via email to info@stanrta.org or by calling 209-477-7011 by 3:00 pm on August 24, 2022.

Written Comments will be shared with Board Members and placed into the record at the meeting. Every effort will be made to read comments received during the meeting into the record, but some comments may not be read due to time limitations.

Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

Board Agendas and Minutes: Board agendas, minutes and copies of items to be considered by the Stanislaus Regional Transit Authority Board of Directors are available at least 72 hours prior to the meeting on the Authority's website www.stanrta.org and at the Authority office located at 912 11th Street, Modesto, CA during normal business hours. The documents are also available on the StanCOG website at www.stancog.org.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection at the address listed above during normal business hours. These documents are also available on the StanCOG website, subject to staff's ability to post the documents before the meeting.

Reasonable Accommodations: This Agenda shall be made available upon request in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Stephanie Fields at (209) 477-7011 during regular business hours at least 72 hours prior to the time of the meeting to enable the Stanislaus Regional Transit Authority to make reasonable arrangements to ensure accessibility to this meeting.

Notice Regarding Non-English Speakers: Stanislaus Regional Transit Authority Board meetings are conducted in English. Anyone wishing to address the Board of Directors is advised to have an interpreter or to contact Stephanie Fields at (209) 477-7011 during regular business hours at least 72 hours prior to the time of the meeting so that the Stanislaus Regional Transit Authority can provide an interpreter.

Aviso con Respecto a Personas que no Hablan el Idioma de Inglés: Las reuniones de la Mesa Directiva del Consejo de Gobiernos de Stanislaus son conducidas en Inglés. Cualquier persona que desea dirigirse a la Mesa Directiva se le aconseja que traiga su propio intérprete o llame a Stephanie Fields al (209) 477-7011 durante horas de oficina regulares o a lo menos 72 horas antes de la reunión, para proporcionarle con un intérprete.

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENTS

Members of the public may address the Board on any item not on the agenda. Comments shall be limited to three minutes unless the Chair of the Board sets a different time limit. The Board cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code.

5. CONSENT CALENDAR

- A. Motion to Approve the Stanislaus Regional Transit Authority Meeting Minutes of June 23, 2022
- B. Motion to Adopt Resolution 2022-071 Approving an Agreement with Modesto Junior College for the Student Bus Program and Authorize the CEO to Execute the Same

6. DISCUSSION/ACTION ITEMS

- A. Operations Update from Transdev
- B. Motion to Adopt Resolution 2022-072 Approving an Agreement with Stantec Consulting to Develop a Zero Emission Bus Rollout and Facilities Plan and Authorize the CEO to Execute the Same
- C. Motion to Adopt Resolution 2022-073 Approving the Purchase of 15 Heavy Duty Buses from Gillig LLC and Authorize the CEO to Execute All Necessary Documents
- D. Comprehensive Operational Analysis Update

7. INFORMATION ITEMS

8. CEO REPORT

9. DIRECTOR REPORTS

10. ADJOURNMENT

Next Regularly Scheduled Stanislaus Regional Transit Authority Meeting:
Thursday, September 22, 2022 at 1:00 p.m.

STANISLAUS REGIONAL TRANSIT AUTHORITY
BOARD OF DIRECTORS MEETING

Minutes of June 23, 2022
(Thursday) 1:00 p.m.

Important Notice Regarding COVID-19

In the interest of maintaining appropriate social distancing measures, members of the public were provided the opportunity to participate in the meeting electronically and had the right to observe and offer public comment in real time during the meeting.

DIRECTORS PRESENT: Jenny Kenoyer, Chris Ricci (City of Modesto);
Chance Condit (Stanislaus County);
Carla Strong, Steven Morrow (Citizen Members)

DIRECTORS ABSENT: Terry Withrow (Stanislaus County);
Richard O'Brien (Representing the smaller cities other than Modesto)

STAFF PRESENT: Adam Barth (CEO), Monica Streeter (General Counsel),
Leticia Ortiz, Angela Swanson, Stephanie Fields,
Megan Distaso, Sherry Bonora, Darla Moen, Dero In,
Lucien Musso, Nicole Hensley

ALSO PRESENT: Jennipher Marquez, Debbie Trujillo, Jason Helton,
Nick Jensen, Toan Tran, Rosa Garcia-White,
Clarissa Hernlund, Isaac Ross, Gary Machado, John Andoh,
Dominique Romo

1. CALL TO ORDER

Chair Kenoyer opened the meeting at 1:01pm

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL.

4. PUBLIC COMMENTS

Members of the public may address the Board on any item not on the agenda. Comments shall be limited to three minutes unless the Chair of the Board sets a different time limit. The Board cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code.

A member of the public reported that drivers on the Dial-a-Ride Service have been on their phones while driving and have been seen texting instead of paying attention. He also noted that drivers have been swerving as they drive down the road as well.

A second member of the public stated that stopping the Escalon Service would be detrimental for Escalon passengers. He would like a review of the decision to discontinue the agreement between the Agency and Escalon for Transit Services. He stated that finding a new contractor would be more difficult than expected and would have a negative impact on Escalon passengers' quality of life.

5. CONSENT

A. Motion to Approve the Stanislaus Regional Transit Authority Meeting Minutes of June 23, 2022

B. Motion to Accept the Caltrans Internal Audits Office Pre-Award Audit

C. Motion to Adopt Resolution 2022-068 Approving the Service Guidelines as required by Title VI

***By Motion, (Director Condit/Director Morrow), and a 5-0 vote, the Stanislaus Regional Transit Authority Board approved Items 5A, 5B, and 5C of the Consent Calendar**

6. DISCUSSION/ACTION ITEMS

A. Motion to Accept and File the 2022 On-Board Survey Final Report

Angela Swanson stated that the onboard survey is required to be performed on a triennial basis for all large Transit Agencies that receive Federal Funding. The Agency performed onboard surveys on various routes throughout Stanislaus County. This survey is considered to be statistically valid with more than 430 surveys performed. Ms. Swanson stated that Survey Monkey was used as the survey tool to compile data in an organized fashion. Various information was collected such as annual income, knowledge of customer service based transit technology, satisfaction with the bus system at it's current state and rider wants and needs from their transit provider. Ms. Swanson stated that the survey was a success and achieved the goals that were set in place. Director Morrow commented that he was not aware that the former StART Routes may not show up on the current tracker app. Adam Barth responded that both route feeds are on the Transit App for reference. Director Condit stated that the survey is a helpful tool to maximize efforts and service for our resident riders.

***By Motion (Director Ricci/Director Condit), and a 5-0 Vote, the Stanislaus Regional Transit Authority Board Approved to Accept and File the 2022 On-Board Survey Final Report**

B. Comprehensive Operational Analysis Service
Alternative Update

Adam Barth stated that the Comprehensive Operational Analysis Existing Conditions report has been completed. This report has reviewed all of the routes and provides information regarding the current system, on time performance and other issues of concern. Mr. Barth stated that this report also contains cell data which outlines where, when and how people travel around Stanislaus County. Mr. Barth detailed various goals of the COA which include but are not limited to increase ridership, effective use of Demand Response service options and to integrate old StaRT and MAX routes into a cohesive network. He stated that the Agency intends to expand StaRT route Service to run on Sundays, increase ridership on fixed -routes by Improving ease of use and to maintain a safety net for paratransit users. Mr. Barth stated that eight of the twenty six current routes do not meet service guidelines. The COA will aid in correcting shortcomings by evaluating and implementing strategic improvements. Mr. Barth shared the timeline for upcoming Agency events that include public outreach to include the public in the possible changes that are to be standard procedure once approved. Director Condit expressed gratitude to StanRTA for making the effort to reach out to the rural communities.

C. Motion to Adopt Resolution 2022-069 Approving the 2022 Title VI Program and Authorize the Chief Executive Officer to File the Program and Triennial Update with FTA

Angela Swanson stated the Title VI Plan is required for our Federal Funding. The plan is designed to comprehensively document our various areas of activity to ensure that Transit resources, amenities and facilities are equally distributed among riders regardless of race, nation of origin or color.

***By motion, (Director Morrow, Director Strong), and a 5-0 Vote, the Stanislaus Regional Transit Authority Board of Directors Approved the 2022-069 Approving the 2022 Title VI Program and Authorize the Chief Executive Officer to File the Program and Triennial Update with FTA**

7. INFORMATION ITEMS

A. Key Performance Indicators

8. CEO REPORT

Mr. Barth brought to the Board's attention that the Agency has been in operation for one year and that there have many achievements such as rebranding to "The S". He also stated that almost all of the bus stop signs have been replaced with new StanRTA signs. New Fare media has been received and will be ready to get into circulation when charging for fares resumes in August 2022. Mr. Barth stated that the Transit Center Project is in Phase Two and has an estimated completion date of December 2022.

9. DIRECTOR REPORTS

Director Morrow stated that the bus system performance has been improving. He also wanted to express his gratitude for being appointed to the position of Director for the Agency. Director Ricci stated that traffic enforcement in Modesto is not sufficient for the volume of drivers in the City. He believes that public transit is an excellent option to reduce traffic congestion and DUI related accidents.

Adjournment: Meeting adjourned at 1:55 PM

**Next Regularly Scheduled Stanislaus Regional Transit Authority Meeting:
Thursday, August 25, 2022 at 1:00 p.m.**

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: August 25, 2022
TO: Board of Directors
FROM: Adam Barth, CEO
RE: Agreement with Modesto Junior College

Agenda Item: [5B]

Background:

The StanRTA was assigned an agreement between the City of Modesto, Stanislaus County and Modesto Junior College (MJC) to provide rides for MJC students at no cost, in exchange for a flat annual fee from MJC. The agreement provides access to the fixed and commuter routes for all MJC students that show a valid MJC student identification card (ID) with the applicable semester sticker.

Discussion:

Most cities with a college or university see a large percentage of bus ridership from students. Students are more likely to utilize the bus due to their economic status, a growing reluctance to own or drive a personal vehicle, and their focus on a sustainable environment. In many places, transit agencies and colleges have worked together to develop an easy way for students to access the bus system by allowing access to the bus with a student ID card. A student pass program is popular and is a known best practice throughout the country.

Since the MJC Buss Pass program started in 2017, it has been successfully providing rides to MJC students. Though, with the Covid pandemic, MJC started offering more virtual classes and ridership from MJC students dropped significantly. MJC will start some in-person classes in fall 2022 which should entice more student ridership. However, with the current reduced ridership, MJC requested a reduction in their annual fee but wanted to continue the program. This new agreement reduces the annual fee but also allows for an increase to the fee as ridership increases over time.

The ridership between January 2022 and June 2022 is shown below:

January	February	March	April	May	June	Total
3,013	3,782	3,556	3,886	3,582	3,792	21,611

The StanRTA will be working with MJC staff to better promote the program over the next year. MJC is committed to marketing the program directly to students via their social media platforms, signage on campus and emails. In addition, StanRTA staff will be attending *Welcome Day* on September 1st on MJC's campus to promote the program along with promoting on our social media platforms.

Fiscal Impact:

The total revenue for FY22/23 from this agreement with MJC is \$125,000. This was reduced from the prior agreement which was \$220,000/year. As ridership increase from MJC students, the agreement provides for increases in the annual payment. The chart below shows the ridership levels and associated annual fee.

Average Monthly Ridership	Annual Payment
7,499 or less	\$125,000
7,500 – 9,999	\$180,000
10,000 or greater	\$240,000

Recommendation:

It is recommended that the Board of Directors:

Adopt Resolution 2022-071 approving the agreement with Modesto Junior College to provide a student bus pass program and authorizing the Chief Executive Officer to execute the agreement.

STANISLAUS REGIONAL TRANSIT AUTHORITY

RESOLUTION 2022-071

RESOLUTION APPROVING AN AGREEMENT WITH MODESTO JUNIOR COLLEGE FOR THE STUDENT BUSS PROGRAM

WHEREAS, the Stanislaus Regional Transit Authority (“Authority”) is a joint powers agency whose members are the City of Modesto and the County of Stanislaus, and which was created to consolidate transit services countywide with the exception of the City of Turlock; and

WHEREAS, the Authority was assigned an agreement between the City of Modesto, Stanislaus County and Modesto Junior College (MJC) to provide rides to MJC students at no cost in exchange for a flat annual fee from MJC; and

WHEREAS, the Authority and MJC desire to enter into a new agreement for the bus pass program; and

WHEREAS, a student bus pass program is popular and is a known best practice throughout the country; and

WHEREAS, since the MJC bus pass program started in 2017, it has successfully provided rides to MJC students; and

WHEREAS, with COVID-19, MJC offered more virtual classes and ridership from MJC students dropped significantly. MJC will offer in-person classes in fall of 2022 which should entice more student ridership; and

WHEREAS, the MJC bus pass program agreement allows for increases to the annual fee as ridership increases; and

WHEREAS, the Authority and MJC will actively market the program to students via social media platforms, signage on campus, email and in-person events.

NOW, THEREFORE, BE IT RESOLVED, the Authority Board of Directors hereby approves the Agreement with Modesto Junior College for the Bus Pass Program and authorizes the Chief Executive Officer to execute the same.

BE IT FURTHER RESOLVED that the Chief Executive Officer is authorized to make administrative changes, as needed, to ensure that the program is implemented in the most efficient and cost-effective manner possible.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Regional Transit Authority, on the 25th day of August 2022. A motion was made and seconded to adopt the foregoing Resolution. The Motion was carried and the Resolution was adopted.

MEETING DATE: **August 25, 2022**

JENNY KENOYER, CHAIR

ATTEST:

ADAM BARTH, CHIEF EXECUTIVE OFFICER

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: August 25, 2022
TO: Board of Directors
FROM: Adam Barth, Chief Executive Officer
RE: Zero-Emission Bus Rollout and Facilities Plan

Agenda Item: [6B]

Background:

The California Air Resources Board (CARB) adopted the Innovative Clean Transit (ICT) regulation in December of 2018 and it became effective October 1, 2019. Title 13 California Code of Regulations §2023 (13 CCR § 2023.1 through 2023.11) requires all public transit agencies to gradually transition their bus fleets to zero-emission technologies. The ICT regulation applies to all transit agencies that own, operate, or lease buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. It covers standard, articulated, over-the-road, double decker, and cutaway buses. The ICT regulation requires a percentage of new bus purchases to be zero-emission buses (ZEB). The ZEB percentage increases gradually with time. The ZEB purchase requirements begin in 2023 for large transit agencies (200 buses or more) and 2026 for small transit agencies. Starting 2029, 100 percent of all transit agencies' new bus purchases must be ZEBs, with a goal of complete transition to ZEBs by 2040. The Authority qualifies as a small transit agency.

Each transit agency must adopt and submit to the CARB a Zero Emission Bus Rollout Plan describing how the agency will transition to a zero-emission fleet.

Per ICT Regulation a ZEB Rollout Plan must meet the following requirements:

- A. A goal of full transition to zero-emission buses by 2040 with careful planning that avoids early retirement of conventional internal combustion engine buses.
- B. Identification of the types of zero-emission bus technologies a transit agency is planning to deploy, such as battery electric or hydrogen fuel cell electric bus.
- C. A schedule for construction of facilities and infrastructure modifications or upgrades, including charging, fueling, and maintenance facilities, to deploy and maintain zero-emission buses. This schedule must specify the general location of each facility, type of infrastructure, service capacity of infrastructure, and a timeline for construction.

- D. A schedule for zero-emission and conventional internal combustion engine buses purchases and lease options. This schedule for bus purchases must identify the bus types, fuel types, and number of buses.
- E. A schedule for conversion of conventional internal combustion engine buses to zero-emission buses, if any. This schedule for bus conversion must identify number of buses, bus types, the propulsion systems being removed and converted.
- F. A description on how a transit agency plans to deploy zero-emission buses in disadvantaged communities as listed in the latest version of “CalEnviroScreen”.
- G. A training plan and schedule for zero-emission bus operators and maintenance and repair staff.
- H. Identification of potential funding sources.
- I. Start-up and Scale-up Challenges.

On September 7, 2021, the California Department of Transportation (Caltrans) announced the call for projects for the fiscal year (FY) 2022-23 Sustainable Transportation Planning Grant. The Sustainable Transportation Planning Grant Program was created to support the California Caltrans Mission to provide a safe and reliable transportation network that serves all people and respects the environment. A statewide total of 131 grant applications were received with requests totaling approximately \$42.5 million for Sustainable Communities Competitive and Strategic Partnerships Grants. Of these applications, 67 were selected for grant awards, totaling approximately \$22.2 million. On April 4, 2022, Caltrans awarded the Authority with \$212,472 for the Stanislaus Regional Transit Authority Electrification Plan project.

Discussion:

On June 2, 2022, the Authority issued a Request for Proposals (RFP) for a consultant to develop a comprehensive ZEB Rollout and Facilities Plan for the Authority. On July 7, 2022, the Authority received three proposals in which each vendor submitted a technical and cost proposal. The following figures below show the total amount proposed by each vendor for the contract term of six (6) months:

Vendor	Amount Proposed
AECOM Technical Services, Inc.	\$149,862
Black & Veatch Management Consulting, LLC	\$329,000
Stantec Consulting Services Inc.	\$155,610

Proposals received in response to the RFP were reviewed and evaluated by staff of the Authority. The Authority staff evaluated each proposal based off of capability and experience, plan of action, and cost proposal. The capability and experience portion included a comprehensive explanation of the firm’s ability to perform the scope of work. The plan of action consisted of a schedule and all activities that will be performed and completed within the next six (6) months. Lastly, the cost proposal included the costs proposed for developing the ZEB Rollout and Facilities Plan.

Stantec Consulting Services Inc. provided adequate information for the evaluation staff which ranked them higher compared to the other proposers. Stantec Consulting Services Inc. provided

detailed information on battery electric buses and hydrogen fuel cell electric buses. Compared to the other proposers, Stantec Consulting Services Inc. provided detailed information on hydrogen fuel cell electric buses while proposers did not provide similar information. For the technical proposal, Stantec Consulting Services Inc. scored higher in all categories. For the cost proposal, the lowest total cost proposal received the maximum number of points available for the cost proposal factor, and each other proposal received points based on the ratio of its total cost to the lowest total cost. Stantec Consulting Services Inc. received one point less than the maximum points available for the cost proposal. After the evaluation of each proposal, Authority staff determined that the proposal submitted by Stantec Consulting Services Inc. to be the most advantageous to the Authority, as they received the highest score.

Score Summary			
Scoring Criteria	AECOM	Black & Veatch	Stantec
Capability and Experience	90/90	83/90	90/90
Plan of Action	70/90	70/90	90/90
Cost Proposal	120/120	54/120	117/120
Total	280/300	207/300	297/300

Stantec Consulting Services, Inc. has been serving the transit industry for more than 60 years. The public agency sector makes up more than 50% of their annual revenue and the majority of its staff work on public sector projects. In California, it employs 1,500 professionals working in twenty (24) offices. The Los Angeles office team has extensive experience working with transit agencies develop ZEB rollout plans, charging infrastructure design, modifications to facilities, gas detection design, and fueling system design.

Stantec Consulting Services, Inc. has worked on more than forty (40) zero-emission bus and vehicles projects in North America. It has help agencies through a ZEB transition plan, route and energy analysis, implementation of charging infrastructure, design of hydrogen fueling stations, and facility design to accommodate ZEBs.

The study findings will support this plan by identifying a comprehensive and sustainable plan for the Authority that complies with the regulation. The analysis will also consider the operational and financial impacts of:

- A. A full fleet and facility conversion.
- B. The feasibility of a new maintenance facility.
- C. Examine the difference in the capital and operating costs of new battery electric bus technology versus a fossil-fuel powered bus vs hydrogen fuel cell bus.
- D. The capital cost of associated ZEB infrastructure.
- E. The capital cost of rehabilitation or purchase of interim non-ZEB vehicles and infrastructure.

F. The overall operating cost impacts.

Operating cost impacts should consider an exhaustive list of affected items including labor, employee training, fuel and maintenance costs, and the impacts on revenue streams and farebox recovery ratio. Of special significance is the need for a rigorous analysis of fleet scheduling/operations with the various range limitations of ZEB buses. Additionally, the financial analysis will consider lifetime/lifecycle costs, payback periods, net present values (NPV), and time sensitivity. An alternative site analysis will need to be conducted for the operations/maintenance facility. The current maintenance facility is leased from the City of Modesto. The addition of required infrastructure to support ZEB operations and space needs may be better utilized at a new facility to be constructed and owned by the Authority.

Stantec Consulting Services Inc. will develop the plan, conduct outreach, and perform additional tasks needed to fulfill the Sustainable Communities Competitive and Strategic Partnerships grant requirements. The Authority will provide project oversight and will work with the consultant to ensure objectives are met.

The Authority staff recommend the award for the ZEB Rollout and Facilities Plan to Stantec Consulting Services, Inc. Stantec Consulting Services, Inc. was selected based on its strong proposal, including its strong knowledge of both battery electric buses and hydrogen fuel cell electric buses.

The Stantec Consulting Services, Inc. proposal meets all the Authority's requirements including the experience, schedule, and cost. Staff recommends approval of the agreement with Stantec Consulting Services, Inc.

Fiscal Impact:

The total base cost of the agreement is \$155,610 plus an additional twenty-five percent (25%) contingency in the amount of \$38,903, for a not to exceed amount of \$194,513. Funds for ZEB Rollout and Facilities Plan were included in the 2022-2023 Budget.

Recommendation:

It is recommended that the Board of Directors:

Adopt Resolution 2022-072 approving the agreement with Stantec Consulting Services, Inc. to develop the Zero Emission Bus Rollout and Facilities Plan, for a not to exceed amount of \$194,513 and authorizing the Chief Executive Officer to execute the agreement.

**STANISLAUS REGIONAL TRANSIT AUTHORITY
RESOLUTION NO. 2022- 072**

RESOLUTION APPROVING THE AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. TO DEVELOP THE ZERO EMISSION BUS ROLLOUT AND FACILITIES PLAN, FOR A NOT TO EXCEED AMOUNT OF \$194,513 AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE THE AGREEMENT

WHEREAS, California Air Resources Board (CARB) adopted the Innovative Clean Transit (ICT) regulation in December of 2018 and it became effective October 1, 2019; and

WHEREAS, the ICT regulation applies to all transit agencies that own, operate, or lease buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds; and

WHEREAS, the ICT regulation requires a percentage of new bus purchases to be zero-emission buses (ZEB); and

WHEREAS, starting 2029, 100 percent of all transit agencies' new bus purchases must be ZEBs, with a goal of complete transition to ZEBs by 2040; and

WHEREAS, each transit agency must adopt and submit to the CARB a Zero Emission Bus Rollout Plan describing how the agency will transition to a zero-emission fleet; and

WHEREAS, the Authority is required to comply with the ICT regulation; and

WHEREAS, the Authority issued a Request for Proposals (RFP) for a consultant to develop a comprehensive ZEB Rollout and Facilities Plan for the Authority; and

WHEREAS, proposals received in response to the RFP were reviewed and evaluated by staff of the Authority; and

WHEREAS, the Authority determined that the proposal submitted by Stantec Consulting Services Inc. to be the most advantageous to the Authority receiving the

highest score; and

WHEREAS, the Authority recommends the award for the ZEB Rollout and

Facilities Plan to Stantec Consulting Services, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Stanislaus Regional Transit Authority that it hereby accepts the proposal and approves the award for the development of the ZEB Rollout and Facilities Plan to Stantec Consulting Services, Inc. for a not to exceed amount of \$194,513.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Chief Executive Officer is hereby authorized to execute an agreement with Stantec Consulting Services, Inc and any associated documents and to make administrative adjustments as necessary to effectuate the purposes of the agreement in a timely and efficient manner.

The foregoing resolution was introduced at a regular meeting of the Board of Directors of the Stanislaus Regional Transit Authority held on the 25th day of August, 2022. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

JENNY KENOYER, CHAIR

ATTEST

ADAM BARTH, CHIEF EXECUTIVE OFFICER

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: August 25, 2022
TO: Board of Directors
FROM: Adam Barth, Chief Executive Officer
RE: Purchase 15 Heavy Duty Buses

Agenda Item: [6C]

Background:

The Transit Asset Management (TAM) plan for the Authority was approved by the Board of Directors which authorized the bus replacement schedule according to a specific set of criteria. In accordance with the Federal Transit Administration (FTA), the TAM is a set of strategic and systemic processes and practices for managing performance, risks, and costs of transit assets across the entirety of their lifecycle in order to deliver service reliably, safely, and cost effectively. The TAM plan is a business model that prioritizes funding based on the condition of transit assets. Optimal prioritization of assets will keep transit systems in compliance with the State of Good Repair¹ (SGR) benchmarks as determined by the FTA.

The condition rating for vehicles are expressed in terms of percentage of assets that are at or beyond the useful life benchmark (ULB) based on FTA Circular 9030.1E². The ULB is defined as the expected lifecycle of a capital asset for the unique operating conditions including but not limited to: service frequency, weather, and geography. The ULB criteria are user defined, so staff has taken into account the historical maintenance records, manufacturer guidelines, and the default ULB derived from the FTA.

The Authority recognizes an asset as being in the state of good repair, if the following standards are met:

1. The asset must be in a condition sufficient for the asset to operate at full level of performance.
2. The asset must be able to perform its manufactured design function.
3. The use of the asset in its current condition does not pose an identified unacceptable safety risk and/or deny accessibility.

¹ Federal Transit Administration, State of Good Repair - <https://www.transit.dot.gov/regulations-and-guidance/asset-management/state-good-repair>

² FTA Circular C9030.1E - https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FINAL_FTA_circular9030.1E.pdf

4. The assets lifecycle investment needs have not been met or recovered. Revenue vehicles are used in providing public transportation to the Authority. The Authority owns 130 vehicles which provide service to the community.

Discussion:

The bus fleet currently has fifteen buses ranging from model years 2003 to 2009 that have exceeded their ULB of 12 years and are ready for replacement. It is not cost effective to continue maintaining and operating them on a daily basis.

The Authority intends to replace these vehicles through a piggybank contract. FTA recipients are allowed to acquire contract options through assignment by another FTA recipient. This practice is known as “piggybacking.” A recipient that obtains contractual rights through assignment may use these rights after determining:

1. That the original contract price remains fair and reasonable;
2. That the original contract provisions comply with all applicable Federal requirements; and
3. That the assigning recipient originally procured quantities necessary for their needs (i.e., they did not procure unreasonably large quantities).

Before proceeding with the assignment, the recipient seeking the assignment must review the original contract to be sure that the quantities the assigning recipient acquired, together with the quantities the acquiring recipient seeks, do not exceed the amounts available under the assigning recipient’s contract. Recipients using assigned contract rights are separately responsible for ensuring that the contractor complies with FTA’s Buy America requirements for the assigned quantities.

The Washington State Department of Enterprise Services issued a competitive solicitation to establish and award a Master Contract, for eligible purchasers to purchase heavy duty transit buses. The competitive solicitation was for newly built transit buses used for fixed route and commuter service. Heavy duty transit buses purchased under the competitive solicitation were available in several bus lengths. The Competitive Solicitation No. 06719-01 was issued on March 4, 2020. Proposals for the solicitation was due on June 1, 2020. Upon review of the submitted proposals, it was determined that Gillig LLC was the responsible and responsive bidder. An agreement was awarded to Gillig LLC by the Washington State Department of Enterprise Services.

The contract entered into by the Washington State Department of Enterprise Services complies with all FTA requirements and provides a competitive price for the buses. The final price of each bus is \$652,411 for the eleven (11) Gillig 35ft low floor buses and \$657,508 for the four (4) Gillig 40ft low floor buses. The prices are reasonable based on prior purchases.

The Authority has determined that all applicable requirements have been met with the procurement conducted by the Washington State Department of Enterprise Services as described above. The FTA requires that a piggybacking checklist be completed for any procurement which uses this method. The checklist was completed.

The life span for the new buses will be a minimum of twelve-years. The low floor buses do not have stairs, which allows passengers to step directly from the sidewalk onto the floor of the bus.

They also use ramps instead of elevator lifts to quickly board wheelchair users. The buses will meet all federal and state requirements. The thirty-five to forty feet long Gillig bus will provide seating capacity that can meet more demands for service than smaller buses.

Innovative Clean Transit Regulation

The California Air Resources Board's (CARB) Innovative Clean Transit (ICT) regulation³ requires all public transit agencies to gradually transition to a 100-percent zero-emission bus fleet and encourages them to provide innovative first and last-mile connectivity and improved mobility for transit riders. It was adopted in December 2018 to replace the Fleet Rule for Transit Agencies. This regulation also provides various exemptions and compliance options to provide safeguards and flexibility for transit agencies through this transition.

California needs to promote transformative innovation in the transportation sector, and support demand for increasingly lower-carbon intensity fuels to achieve its mid-and long-term GHG targets, protect public health and address environmental impacts of climate change. California also needs to continue to reduce NO_x and other criteria pollutants to meet federally enforceable State Implementation Plan commitments.

The ICT regulation is also aligned with other State policies, including, the Sustainable Communities and Climate Protection Program (SB 375), and SB 350. SB 375 creates initiatives for increased development of transit-oriented communities, better-connected transportation, and active transportation. SB 350 provides an opportunity of transportation electrification including wide use of zero-emission buses (ZEB). Under SB 350 the California Public Utilities Commission is collaborating with California Air Resources Board and California Energy Commission to implement requirements set forth by SB 350 to support widespread transportation electrification.

Specifically, the Authority is required to do the following:

1. Develop a ZEB rollout plan that defines the purchase and infrastructure buildout, financial planning and workforce training by June 30, 2023. That plan is currently under development for the Authority.
2. Starting January 1, 2026, 25 percent of annual new bus purchases would be required to be zero emission. This increases to 100 percent in 2029.

The requirements of the ICT and our current circumstances warrant review to appropriately evaluate the implications of purchasing more ZEB vehicles now or wait until later.

The ICT requires a ZEB rollout plan as described above. That ZEB rollout plan has not been completed for the Authority, though the Authority is in the process of procuring a consultant firm to complete the plan. The ZEB rollout plan must include how the Authority will finance and construct the infrastructure for ZEB. There are a few issues to consider when considering the purchase of ZEB's:

1. A battery electric bus is around \$200-300k more than a diesel bus.
2. The Authority has found that battery electric buses only get about 100 miles on cold days. Most routes vary between 150-200 miles. Since the Authority must plan the

³ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2018/ict2018/ictuid.pdf>

system for days when it's the coldest, the fleet size must increase to accommodate more buses to be swapped out during the middle of the day to fully operate service.

3. In addition to the higher cost of the bus, additional infrastructure must be added to charge the buses. Each charger is about \$100,000 to purchase and install, per bus.
4. In discussions with the Modesto Irrigation District (MID), the infrastructure is not in place to supply the BMF with the electricity needed to charge that many buses. The cost to bring in that much power was estimated by MID to be around \$5,000,000, which would be a cost required by the Authority to fund.
5. The current ZEB's that the Authority operates have some issues that have created operational concerns. These include:
 - a. Losing power in the middle of the intersections causing safety concerns
 - b. Dramatic decreases in range during cold weather days due to power consumption to heat the interior of the bus. Manufacturers have offered to install diesel powered generators on ZEB's to provide enough heat for the interior, while not diminishing the ZEB battery range. This would not violate the CARB ICT regulation but is not a viable option if the goal is to reduce emissions.
 - c. Poor manufacturing of the bus that creates a louder than normal interior riding experience. Plainly speaking, the bus rattles worse than a diesel-powered bus.
6. The infrastructure needed would be funded by the Authority and placed at the BMF which is not owned by the Authority. The Authority would be improving the site with Authority funds but would not have any ownership of the infrastructure.
7. The BMF is at capacity and not able to accommodate more vehicles. Additional battery electric vehicles would require more space for bus parking and charging equipment.

The estimated increased costs for purchasing battery electric vs diesel powered vehicles is described below.

	Battery Electric ZEB	Diesel Bus
Cost Per Bus	\$850,000	\$652,411
Additional Buses Needed Due to Range (50% More)	\$425,000	
Chargers Per Bus	\$100,000	
MID Electrical Connections	\$5,000,000	
Total Per bus	\$1,375,000	\$652,411
Total For 15 ZEB / 15 Diesel	\$20,625,000	\$9,786,168

The Authority is seeking additional information on hydrogen fuel cell electric buses and may procure three in the near future. Fuel cell hydrogen buses are a zero-emission bus technology that is allowed under the ICT rule. Unlike buses that run on fossil fuels, a hydrogen fuel cell electric bus is powered by two of earth's most common basic components which are oxygen and hydrogen. A fuel cell combines hydrogen and oxygen to produce electricity, heat, and water. Fuel cells are similar to batteries. Both convert the energy produced by a chemical reaction into usable electric power. The fuel cell provides an advantage as it will continue to produce electricity as long as fuel (hydrogen) is supplied. The pricing we've received so far on the fuel cell hydrogen bus is about \$1.3 million per bus. We are working on a hydrogen fuel

supplier. Once that is solidified, the Authority will propose fuel cell hydrogen buses to be purchased.

At this time, it is recommended that the Authority purchase the diesel-powered buses to replace an aging fleet but push forward with developing a rollout plan to properly consider all issues relating to ZEB deployment to make it successful for the Authority.

Fiscal Impact:

The cost of each bus is approximately \$652,411 for the Gillig 35-foot low floor bus and \$657,508 for the Gillig 40-foot low floor bus. The final cost will be determined after a pre-production meeting and subsequent discussions with the bus manufacturer. A 3% contingency in the amount of \$294,197 (\$19,572/bus for 35 foot and \$19,725/bus for 40 foot) has been reserved for potential changes in bus configuration that might occur during pre-production discussions and the bus manufacturing process. Including contingency, shipment and sales tax, the total cost of the buses will not exceed \$671,983 for each of the 35-foot low floor bus and \$677,233 for the 40-foot low floor bus.

Bus	Quantity	Cost Per Bus
35' Low Floor Gillig Bus	11	\$671,983
40' Low Floor Gillig Bus	4	\$677,233

The funding for these buses come from the Transportation Development Act (TDA) funds. These funds may be used for public transit capital purposes only. None may be used for non-transit purposes or public transit operating expenses. The funds include:

Funding Type	Amount
TDA Funds	\$10,100,750
Total	\$10,100,750

Recommendation:

It is recommended that the Board of Directors:

By resolution 2022-073 approve the purchase of fifteen heavy duty buses from Gillig LLC for a total cost of \$10,100,750, including a 3% contingency in the amount of \$294,197, and authorize the Chief Executive Officer to execute all necessary documents.

STANISLAUS REGIONAL TRANSIT AUTHORITY

RESOLUTION 2022-073

RESOLUTION APPROVING THE PURCHASE OF 15 HEAVY DUTY BUSES FROM GILLIG LLC AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS

WHEREAS, the Stanislaus Regional Transit Authority (“Authority”) is a joint powers agency whose members are the City of Modesto and the County of Stanislaus, and which was created to consolidate transit services countywide with the exception of the City of Turlock; and

WHEREAS, the Authority has approved a Transit Asset Management Plan (TAM) which sets forth a bus replacement schedule according to a specific set of criteria while prioritizing funding based on the condition of transit assets; and

WHEREAS, the optimal prioritization of assets keeps transit systems in compliance with the State of Good Repair (SGR) benchmarks as determined by the Federal Transit Administration (FTA); and

WHEREAS, the condition rating for vehicles are expressed in terms of percentage of assets that are at or beyond the useful life benchmark (ULB) based on FTA Circular 9030.1E; and

WHEREAS, the Authority currently has fifteen buses ranging from model years 2003 to 2009 which have exceeded their ULB of 12 years and are ready for replacement; and

WHEREAS, the California Air Resources Board (CARB) Innovative Clean Transit (ICT) regulation requires all public transit agencies to gradually transition to a 100-percent zero-emission bus fleet and encourages innovative first and last-mile connectivity and improved mobility for transit riders; and

WHEREAS, the ICT regulation is also aligned with other State policies, including the Sustainable Communities and Climate Protection Program (SB 375) and SB 350; and

WHEREAS, the Authority is required to develop a zero-emission bus (ZEB) plan that defines the purchase and infrastructure buildout, financial planning and workforce training by June 30, 2023; and

WHEREAS, starting January 1, 2026, 25 percent of annual new bus purchases will be required to be zero emission and this increases to 100 percent in 2029; and

WHEREAS, the Authority is in the process of completing the ZEB rollout plan; and

WHEREAS, a battery electric bus costs approximately \$200,000 - \$300,000 more than a diesel bus; and

WHEREAS, battery electric buses average approximately 100 miles on cold days and most of the Authority routes are 150 – 200 miles. The discrepancy in range would require the Authority to increase the fleet size to accommodate buses to be swapped out during the middle of the day to fully operate service; and

WHEREAS, electric busses require additional infrastructure for charging with each charger averaging \$100,000 to purchase and install; and

WHEREAS, the local utility provider does not have the infrastructure in place to supply the electricity needed to charge as many buses as would be required; and

WHEREAS, given the additional costs for purchasing battery electric vehicles versus diesel power vehicles and the lack of infrastructure, the Authority has determined it is in its best interest to purchase diesel powered busses to replace an aging fleet while continuing to develop a ZEB rollout plan that considers the issues relating to ZEB deployment; and

WHEREAS, the Authority will replace the busses through a “piggyback” contract which is permissible by the FTA; and

WHEREAS, the Washington State Department of Enterprise Services issued a competitive solicitation and awarded a Master Contract for eligible purchasers to purchase heavy duty transit buses; and

WHEREAS, the competitive solicitation determined Gillig LLC was the responsible and responsive bidder and an agreement was awarded to Gillig LLC by the Washington State Department of Enterprise Services. The agreement complies with all FTA requirements and provides competitive pricing for the busses; and

WHEREAS, the Authority has completed the required FTA piggybacking checklist and has determined the need for eleven Gillig 35-foot low floor buses and four Gillig 40-foot low floor buses; and

WHEREAS, a 3 percent contingency has been reserved for potential changes in bus configuration that might occur during pre-production and the bus manufacturing process; and

WHEREAS, with the contingency, shipment and sales tax, the cost of each Gillig 35-foot low floor bus will not exceed \$671,983 and the cost of each Gillig 40-foot low floor bus will not exceed \$677,233.

NOW, THEREFORE, BE IT RESOLVED, the Authority Board of Directors hereby approves the purchase of eleven 35-foot Low Floor Gillig buses and four 40-foot Low Floor Gillig buses for a total cost not to exceed \$10,100,750 and authorizes the Chief Executive Officer to execute all necessary documents to complete the acquisition.

BE IT FURTHER RESOLVED that the Chief Executive Officer is authorized to make administrative changes, as needed, to ensure that the purchase is implemented in the most efficient and cost-effective manner possible.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Regional Transit Authority, on the 25th day of August 2022. A motion was made and seconded to adopt the foregoing Resolution. The Motion was carried and the Resolution was adopted.

MEETING DATE: **August 25, 2022**

JENNY KENOYER, CHAIR

ATTEST:

ADAM BARTH, CHIEF EXECUTIVE OFFICER

STANISLAUS REGIONAL TRANSIT AUTHORITY

**BOARD OF DIRECTORS MEETING
1111 I STREET, SUITE 308
STANCOG POLICY BOARD ROOM
THURSDAY, AUGUST 25, 2022
1:00 P.M.**

SPECIAL MEETING

Important Notice Regarding COVID-19

In accordance with the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq) as amended by Assembly Bill 361 (AB 361), members of the Stanislaus Regional Transit Authority (StanRTA) Board and staff will be participating in this meeting via teleconference or in-person at 1111 I Street, Suite 308. Members of the public may participate in the meeting in-person or electronically using the meeting link below. If participating via Zoom, please use the “raise hand” or “chat” feature to be recognized to speak. *In person public attendance is permitted for a limited capacity and is first-come first-serve.*

The following options are available to members of the public to listen, observe and participate in real time in this meeting and provide comments to the Board of Directors during the meeting:

1. You are strongly encouraged to listen to the Board Meeting by joining the meeting from your computer or tablet.

Please register in advance for the Stanislaus Regional Transit Authority Board Meeting at:

<https://us06web.zoom.us/j/87856038476?pwd=dkdEUIMyR1dXUDBWZFlrNyt2S2VKZz09>

2. If you wish to make a comment on a specific agenda item, please wait for the Chair or Moderator to recognize you and you will be called on during the meeting.

If you are participating via telephone only you will still need to register on Zoom using the link above. You can submit your comments via email to info@stanrta.org or by calling 209-477-7011 by 3:00 pm on August 24, 2022.

Written Comments will be shared with Board Members and placed into the record at the meeting. Every effort will be made to read comments received during the meeting into the record, but some comments may not be read due to time limitations.

Comments received after an agenda item will be made part of the record if received prior to the end of the meeting.

Board Agendas and Minutes: Board agendas, minutes and copies of items to be considered by the Stanislaus Regional Transit Authority Board of Directors are available at least 72 hours prior to the meeting on the Authority's website www.stanrta.org and at the Authority office located at 912 11th Street, Modesto, CA during normal business hours. The documents are also available on the StanCOG website at www.stancog.org.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection at the address listed above during normal business hours. These documents are also available on the StanCOG website, subject to staff's ability to post the documents before the meeting.

Reasonable Accommodations: This Agenda shall be made available upon request in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Stephanie Fields at (209) 477-7011 during regular business hours at least 72 hours prior to the time of the meeting to enable the Stanislaus Regional Transit Authority to make reasonable arrangements to ensure accessibility to this meeting.

Notice Regarding Non-English Speakers: Stanislaus Regional Transit Authority Board meetings are conducted in English. Anyone wishing to address the Board of Directors is advised to have an interpreter or to contact Stephanie Fields at (209) 477-7011 during regular business hours at least 72 hours prior to the time of the meeting so that the Stanislaus Regional Transit Authority can provide an interpreter.

Aviso con Respecto a Personas que no Hablan el Idioma de Inglés: Las reuniones de la Mesa Directiva del Consejo de Gobiernos de Stanislaus son conducidas en Inglés. Cualquier persona que desea dirigirse a la Mesa Directiva se le aconseja que traiga su propio intérprete o llame a Stephanie Fields al (209) 477-7011 durante horas de oficina regulares o a lo menos 72 horas antes de la reunión, para proporcionarle con un intérprete.

NOTICE, CALL AND AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

Members of the public may address the Board on any item not on the agenda. Comments shall be limited to three minutes unless the Chair of the Board sets a different time limit. The Board cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code.

4. CONSENT CALENDAR

- A. Motion to Adopt Resolution 2022-070 Making the Required AB 361 Findings for the Continuation of Teleconference Meetings for the Period August 25, 2022 – September 24, 2022

5. ADJOURNMENT

Ride the



STANISLAUS REGIONAL TRANSIT AUTHORITY

DATE: August 17, 2022
TO: Board of Directors
FROM: Monica Streeter, General Counsel
RE: AB 361 – Continuation of Teleconference Meetings

Agenda Item: [4A]

Background

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency in response to the outbreak of COVID-19, which remains in effect. Throughout the State of Emergency, the Governor issued a series of Executive Orders to reduce the spread of COVID-19.

On March 12, 2020, the Governor issued Executive Order N-25-20 waiving certain requirements of the Ralph M. Brown Act (Brown Act) making it easier for local agencies to hold public meetings via teleconference. On March 17, 2020, the Governor issued Executive Order N-29-20 which superseded a portion of Executive Order N-25-20 and identified the ability of local agencies to continue with teleconferenced meetings provided certain requirements for public participation were met. On June 11, 2021, the Governor issued Executive Order N-08-21 which continued the waiver of the teleconference provisions in the Brown Act through September 30, 2021.

With the expiration of the Executive Orders, the Legislature introduced Assembly Bill 361 (AB 361), which allows the continued use of teleconferencing if specific requirements are met. On September 16, 2021, the Governor signed AB 361 into law. AB 361 amends section 54953 of the Brown Act and allows a local agency to use teleconferencing without complying with certain provisions of the Brown Act under certain circumstances and if certain findings are made.

AB 361 amends Section 54953 of the Government Code to allow a legislative body of a local agency to meet remotely without complying with the teleconference requirements imposed by the Brown Act such as agenda posting at teleconference locations, physical location access by the public, or establishing a quorum within the boundaries of the agency. The agency may do so in any of the following circumstances:

- (A) A legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

- (B) The legislative body holds a meeting during a proclaimed state of emergency, for the purpose of determine by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- (C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Any boards and committees that are required to comply with the Brown Act that holds a meeting under any of the scenarios identified above must continue to post an agenda within the time periods required by the Brown Act and ensure the public is able to address the board or committee directly through teleconference means. If a technological disruption prevents the board or committee from broadcasting the meeting or receiving public comments in real time, the board or committee cannot take further action until the technological function is restored.

If the proclaimed State of Emergency remains in effect, and if any boards or committees wish to continue meeting under the modified rules, then the board and/or committees must adopt a resolution containing the following findings: (1) the State of Emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing. The board and/or committees must reconsider and reconfirm the findings every thirty (30) days.

If consecutive regular meetings fall outside the 30-day window, the Board and/or committees should hold a special meeting to re-authorize the AB 361 findings. If the Board or committee does not adopt a resolution making the findings required under AB 361, or if the authorization lapses, it will be required to comply with the traditional teleconference rules contained in the Brown Act. In that scenario, StanRTA will be required to post an agenda at each teleconference location, teleconference locations will need to be identified on the agenda and accessible to the public, and a quorum of the Board or committee will need to be established within the boundaries of the agency.

Discussion

AB 361 requires every thirty days, the legislative body reconsider the circumstances of the State of Emergency and related findings and determine if meetings of StanRTA legislative bodies, as that term is defined in the Brown Act, will have the option to continue using teleconference means.

To assist in making the findings, the California Department of Public Health and the Centers for Disease Control and Prevention (CDC), caution the new variants are more infectious and leading to increased transmissibility when compared with other COVID-19 variants, even in some vaccinated individuals. As a result, the CDC recommended that all individuals, regardless of vaccination status, wear face coverings in indoor public settings in areas of substantial or high COVID-19 transmission.

It is recommended that the Board, by Resolution, find: (1) the state of emergency continues to directly impact the ability of members to meet safely in person; (2) state and local officials continue to recommend measures to promote social distancing; and (3) as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees.

The stated findings would apply to all regular and special meetings of the StanRTA Board. The circumstances of the state of emergency and the related findings will be reconsidered every thirty (30) days.

Recommendation

By Motion:

Adopt Resolution 2022-070 Making the Required AB 361 Findings for the Continuation of Teleconference Meetings for the StanRTA Board for the Period August 25, 2022 – September 24, 2022.

**STANISLAUS REGIONAL TRANSIT AUTHORITY
RESOLUTION 2022-070**

**RESOLUTION OF THE STANISLAUS REGIONAL TRANSIT AUTHORITY
MAKING THE REQUIRED AB 361 FINDINGS FOR THE CONTINUATION OF
TELECONFERENCE MEETINGS
FOR THE PERIOD AUGUST 25, 2022 – SEPTEMBER 24, 2022**

WHEREAS, the Stanislaus Regional Transit Authority (StanRTA) is a joint powers agency whose members are the City of Modesto and the County of Stanislaus, and which was created to consolidate transit services countywide with the exception of the City of Turlock; and

WHEREAS, all meetings of StanRTA’s legislative bodies are open and public as required by the Ralph M. Brown Act (Government Code §§ 54950 – 54963)(Brown Act) so members of the public may observe, attend, and participate as the StanRTA legislative bodies conduct their business; and

WHEREAS, section 54953(e) of the Brown Act, as amended by AB 361, allows legislative bodies to conduct meetings using teleconferencing without compliance with the provisions of Government Code section 54953(b)(3), subject to certain circumstances and the making of various findings; and

WHEREAS, in order to comply with AB 361, any of the following circumstances must exist: (a) there must be a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (b) the legislative body has determined, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on March 4, 2020, the Governor issued a Proclamation of a State of Emergency in response to the outbreak of COVID-19 and the state of emergency remains in effect; and

WHEREAS, Cal/OSHA adopted emergency regulations, including section 3205, identifying physical distancing, face coverings, increased ventilation and respiratory protection decrease the spread of COVID-19 but are most effective when used in combination; and

WHEREAS, the Centers for Disease Control and Prevention (CDC), recommends that all individuals, regardless of vaccination status, wear face coverings in indoor public settings; and

WHEREAS, an Order of the Health Officer of Stanislaus County acknowledges that close contact to other persons increases the risk of transmission of COVID-19; and

WHEREAS, the CDC has identified the current variants as the dominant strains of COVID-19 in the country, are more infectious and more transmissible when compared with other COVID-19 variants, may cause more severe illness, and fully vaccinated individuals can spread the virus to others resulting in an alarming increase in the rates of COVID-19 cases and hospitalizations, thereby presenting an imminent risk to the health or safety of attendees of meetings of StanRTA legislative bodies; and

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Regional Transit Authority, on the 25th day of August, 2022. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and the Resolution was adopted.

MEETING DATE: **August 25, 2022**

JENNY KENOYER, CHAIR

ATTEST:

ADAM BARTH, CHIEF EXECUTIVE OFFICER

STANISLAUS REGIONAL TRANSIT AUTHORITY
SPECIAL BOARD OF DIRECTORS MEETING

Minutes of August 25, 2022
(Thursday) 1:00 p.m.

Important Notice Regarding COVID-19

In the interest of maintaining appropriate social distancing measures, members of the public were provided the opportunity to participate in the meeting electronically and had the right to observe and offer public comment in real time during the meeting.

DIRECTORS PRESENT: Jenny Kenoyer, Chris Ricci (City of Modesto);
Chance Condit (Stanislaus County);
Carla Strong, Steven Morrow (Citizen Members)
Richard O'Brien (Online - Representing the smaller cities
other
than Modesto)

DIRECTORS ABSENT: Terry Withrow (Stanislaus County)

STAFF PRESENT: Adam Barth (CEO), Monica Streeter (General Counsel),
Leticia Ortiz, Angela Swanson, Stephanie Fields,
Valerie Fabela, Dero In, Roland Fecteau

ALSO PRESENT: Jason Helton, Clarissa Hernlund, Josef Rivera, Ibrahima
Toure

1. CALL TO ORDER

Jenny Kenoyer opened the meeting at 1:00 pm

2. Roll Call

3. PUBLIC COMMENTS - *NONE*

Members of the public may address the Board on any item not on the agenda. Comments shall be limited to three minutes unless the Chair of the Board sets a different time limit. The Board cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code.

4. CONSENT

- A. Motion to Adopt Resolution 2022-070 Making the Required AB 361 Findings for the Continuation of Teleconference Meetings for the Period August 25, 2022 – September 24, 2022

***By Motion, (Director Morrow/ Director Condit), and a 5-1 vote with Director O'Brien voting against, the Stanislaus Regional Transit Authority Board approved Items 4A of the Consent Calendar**

Adjournment: Meeting adjourned at 1:04 PM

**Next Regularly Scheduled Stanislaus Regional Transit Authority Meeting:
Thursday, September 22, 2022 at 1:00 p.m.**